



Home Office

## **Country Information and Guidance**

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

9 June 2015

# Preface

This document provides supporting guidance to Home Office decision makers on handling claims made by nationals/residents of - but is predominantly country of origin information (COI) about - Nigeria. It must be read in conjunction with the subject-specific country information and guidance reports. Public versions of these documents are available at <https://www.gov.uk/government/collections/country-information-and-guidance>

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

## Country Information

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

## Feedback

Our goal is to continuously improve the guidance and information we provide. Therefore, if you would like to comment on this document, please email: [cois@homeoffice.gsi.gov.uk](mailto:cois@homeoffice.gsi.gov.uk).

## Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office's COI material. The IAGCI welcomes feedback on the Home Office's COI material. Information about the IAGCI's work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's website at <http://icinspector.independent.gov.uk/country-information-reviews/>

It is not the function of the IAGCI to endorse any Home Office material, procedures or policy.

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# Contents

<b>Section 1: Guidance</b>	<b>4</b>
1.1 Summary of Issues	4
1.2 Consideration of Issues	4
1.3 Policy Summary	6
<b>Section 2: Information</b>	<b>7</b>
2.1 History	7
2.2 Economy	7
2.3 Geography and demography	8
2.4 Constitution	9
2.5 Political system	9
2.6. Actors of protection	10
2.6.1 Security forces	10
2.6.2 Armed forces	10
2.6.4 Police	11
2.6.20 Human rights violations and impunity	18
2.7 Judiciary	22
2.7.3 Independence	23
2.7.8 Fair trial	24
2.7.11 Sharia courts	26
2.8 Freedom of movement	27
2.9 Corruption	30
2.10 Forged and fraudulently obtained documents	32
2.11 Citizenship and nationality	34
<b>Annex A: Map of Nigeria</b>	<b>37</b>

# Section 1: Guidance

Date Updated: 9 June 2015

## 1.1 Summary of Issues

- ▶ In general are those at risk able to seek effective protection?
- ▶ In general are those at risk able to internally relocate within Nigeria?

[Back to Contents](#)

## 1.2 Consideration of Issues

In general are those at risk able to seek effective protection?

- 1.2.1 The Nigeria Police Force (NPF) is the principal law enforcement agency with a strength of more than 350,000 men and women, covering all 36 Nigerian states and the federal capital territory (FCT), Abuja. It has been reported that over the past decade the quality and professionalism of the police has increased, while civilian oversight of the police has improved significantly, with officers being charged, prosecuted, and dismissed from the force. However, the NPF is generally viewed as an ineffective law enforcement body. It experiences a lack of funding and has deficiencies in a number of areas, including a lack of equipment, communication, technology, personnel, training, and intelligence capability. The Hisbah, in northern states, have enforced sharia law inconsistently and sporadically. It has been reported that Nigerian police officers have engaged in widespread intimidation, arbitrary arrests, bribery, beatings, torture, harassment, extra-judicial killings, and used excessive force to capture criminals and disperse crowds. This has often been done with impunity.
- 1.2.2 There are a number of oversight bodies for the NPF, including the Police Service Commission, and avenues of complaint against the police, but these do not enjoy the confidence of its citizens and are generally ineffective. The government was generally unable to hold the police to account for deaths in custody, and use of deadly force, abuses in general and corruption. The police have reportedly exhibited bias and discriminatory attitudes in their treatment of female victims of violence or have been the perpetrators of violence themselves.
- 1.2.3 In some cases, the army supports police operations, when the police need assistance but was often unable to respond adequately to reports of violence especially against non-state armed groups such as Boko Haram.
- 1.2.4 Nigeria has a criminal justice system, with state and federal courts based on common or customary law systems, which has achieved a degree of independence and professionalism, but political interference, corruption and lack of funding has prevented the judiciary from functioning adequately. The constitution also recognizes sharia courts for civil proceedings but does not state anything explicitly about whether their jurisdiction includes criminal proceedings. Sharia and customary (traditional) courts of appeal function in 18 northern states and the Federal Capital Territory (FCT). In practice, sharia courts in the 12 northern states have authority to hear criminal cases where both the Muslim complainant and the Muslim defendant agree to the venue, and may pass sentences based on the sharia penal code, including hadd offenses and punishments, such as caning, amputation, and death. Non-Muslims have the option to try their cases in the sharia courts if involved in civil disputes with Muslims.
- 1.2.5 While there is an established judicial system across the country affording hearings and rights of appeal within common or customary law (including under Sharia law) the judiciary is susceptible to pressure from the state and the business sector. Additionally,

its effectiveness is undermined by, amongst other things, understaffing, underfunding, lack of motivation, inefficiency, lack of equipment and training of court officials, and corruption.

- 1.2.6 If the person's fear is of ill-treatment/persecution by the state, they are unlikely to be able avail themselves of the protection of the authorities.
- 1.2.7 Where the fear is from non-state agents, decision makers must consider each case on its individual facts. The assessment of whether effective protection is available should be considered in relation to the particular circumstances and profile of the person, and the intention and capabilities of the persecutor. Any past persecution and past lack of effective protection may indicate that effective protection would not be available in the future. The onus is on the applicant to demonstrate that the state is not willing and able to provide protection.

See the country information on [Actors of protection](#) and [Judiciary](#) and the Asylum Instruction on [Assessing Credibility and Refugee Status: instruction, section 8](#)

#### [In general are those at risk able to internally relocate within Nigeria?](#)

- 1.2.8 Relocation to another area of Nigeria is likely to be generally viable depending on the nature of the threat from non-state agents and individual circumstances of the person, and as long as it would not be unduly harsh to expect them to do so. Nigeria is a large country with a population of over 170 million, covering an area of over 900,000 sq km (around four times the size of the UK) in 36 states. Nigerians can freely travel within Nigeria, however, the authorities have restricted freedom of movement in certain areas - principally Borno, Adamawa and Maiduguri - states affected by sectarian violence or terrorist attacks. Freedom of movement is also influenced by Boko Haram's control of parts of the country, particularly restricting women to move around freely or men to travel between towns.
- 1.2.9 Careful consideration must be given to the relevance and reasonableness of internal relocation on a case by case basis taking full account of the individual circumstances of the particular person. Decision makers need to consider the ability of the persecutor to pursue the person to the proposed site of relocation and whether effective protection is available in that area. Decision makers will also need to consider the age, gender, health, level of education, ethnicity, religion, financial circumstances/ability to secure access to a livelihood and/or support network of the person. The security, human rights and socioeconomic conditions in the proposed area of relocation and the person's ability to sustain themselves should also be taken into account.

See the country information on [Geography and demography](#) and [Freedom of movement, Country Information and Guidance: Fear of Boko Haram](#), the Asylum Instructions [Gender Issues in the Asylum Claim](#) and [Assessing Credibility and Refugee Status, section 8](#)

[Back to Contents](#)

## 1.3 Policy Summary

- 1.3.1** In general a person may be able to access state protection against persecution from non-state actors but this will depend on the particular facts of their case and profile of the person. However, given the systemic weaknesses in the state security and judicial systems, effective protection may not be available in all cases or areas, particularly in areas where armed insurgent/terrorist groups are active. Each person's individual circumstances will need to be considered.
- 1.3.2** Internal relocation to another area of Nigeria where the threat is from non-state agents is likely to be generally viable but will depend on the nature and origin of the threat as well as the personal circumstances of the person.

For information on making asylum decisions, see the [Asylum Instruction on Humanitarian Protection](#) and the [Asylum Instruction on Discretionary Leave](#).

[Back to Contents](#)

# Section 2: Information

## 2.1 History

- 2.1.1 For a brief overview of Nigeria's recent history, see the BBC's [Nigeria profile - Timeline](#), updated on 1 April 2015.

## 2.2 Economy

- 2.2.1 A 'Guardian' article, 'Nigeria becomes Africa's largest economy – get the data', dated 7 April 2014, stated:

'Nigeria has overtaken South Africa as the continent's largest economy after it overhauled its gross domestic product data for the first time in more than two decades.

'Official figures for 2013, released by Nigeria's statistics bureau, put the country's GDP at \$503bn (£307bn) – nearly double previous estimates and well ahead of South Africa at around \$350bn.

'The announcement follows a protracted process to "rebase" Nigeria's economic data and include information from sectors such as telecommunications and the film industry. The rebasing exercise has pushed the country's GDP from 42.3tn naira in 2013 to 80.3tn naira (\$509.9bn) – a jump of 89%...Nigeria had not recalculated its GDP since 1990, something which many other governments do every few years. New sectors have been added to the country's output list include e-commerce, telecommunications, music and Nollywood, which is estimated to be worth billions of dollars, or 1.4% of the economy...The data is likely to make Nigeria more attractive to foreign investors, with its economy appearing not only larger but more diverse than previously thought. Economic analysts had forecasted a jump closer to 40-60%...The rebasing exercise [sic] has almost doubled GDP per capita, placing it among middle-income countries. However, at just \$3,000, per capita income is low – and well below South Africa's at \$7,336. Nigerians continue to struggle with poverty, inequality and electricity shortages.

'Yemi Kale of the National Bureau of Statistics said: "While it [GDP] depicts how rich a nation is, this is not necessarily the same as showing how rich the individuals in the nation are, due to the problem of unequal distribution of wealth. Similarly, growth in GDP is not synonymous with job creation.'<sup>1</sup>

- 2.2.2 The United States Central Intelligence Agency (CIA) 'World Factbook' chapter on Nigeria, last updated 18 May 2015, stated:

'Following an April 2014 statistical "rebasing" exercise, Nigeria has emerged as Africa's largest economy, with 2014 GDP estimated at US\$ 479 billion. Oil has been a dominant source of government revenues since the 1970s. Regulatory constraints and security risks have limited new investment in oil and natural gas, and Nigeria's oil production contracted in 2012 and 2013. Nevertheless, the Nigerian economy has continued to grow at a rapid 6-8% per annum (pre-rebasing), driven by growth in agriculture, telecommunications, and services, and the medium-term outlook for Nigeria is good, assuming oil output stabilizes and oil prices remain strong. Fiscal authorities pursued countercyclical policies in 2011-2013, significantly reducing the budget deficit. Monetary policy has also been contractionary. Following the 2008-9 global financial crises, the banking sector was effectively recapitalized and regulation enhanced. Despite its strong fundamentals, oil-rich Nigeria has been hobbled by inadequate power supply, lack of infrastructure, delays in the passage of legislative reforms, an inefficient property

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<sup>1</sup> 'The Guardian', <http://www.theguardian.com/>, 'Nigeria becomes Africa's largest economy – get the data', 7 April 2014, <http://www.theguardian.com/global-development/datablog/2014/apr/07/nigeria-becomes-africa-largest-economy-get-data>, date accessed 6 March 2015

registration system, restrictive trade policies, an inconsistent regulatory environment, a slow and ineffective judicial system, unreliable dispute resolution mechanisms, insecurity, and pervasive corruption. Economic diversification and strong growth have not translated into a significant decline in poverty levels - over 62% of Nigeria's 170 million people live in extreme poverty.’<sup>2</sup>

[Back to Contents](#)

## 2.3 Geography and demography

2.3.1 The total facts about nigeria.com website, accessed on 6 March 2015, provided the following information:

‘Nigeria is the largest country in west Africa, sharing borders [sic] with four other African countries - Chad and Cameroon in the east, Republic of Benin in the west, Niger in the north while it borders with Lake Chad from the northeast.

‘Nigeria is estimated to be...about 923768 sq km (land area) [about four times the size of the UK] and leaving just about 13000 sq KM to water.’<sup>3</sup>

2.3.2 The CIA ‘World Factbook’, last updated 18 May 2015, stated that Nigeria had an estimated population of 177 million people, and had an estimated population growth rate of 2.47 per cent (2014 est). The religious makeup of Nigeria’s population is around 50 per cent Muslim; 40 per cent Christian; and 10 per cent belong to indigenous religions.<sup>4</sup>

2.3.3 The ‘Commonwealth Yearbook 2014’, published in June 2014, stated that English is Nigeria’s official language. Hausa, Yoruba, Igbo are the main native languages and there are 200 other languages and dialects.<sup>5</sup>

2.3.4 The ‘Commonwealth Yearbook 2014’ also stated that:

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

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

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

‘Lagos international airport is 22 km north of Lagos; other main international airports are at Abuja (35 km from the city), Kano and Port Harcourt, and main domestic airports at Benin City, Calabar, Enugu, Jos, Kaduna, Lagos, Maiduguri, Sokoto and Yola.’<sup>6</sup>

[Back to Contents](#)

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<sup>2</sup> CIA, ‘The World Factbook: Nigeria’, last updated 18 May 2015, Economy - overview, <https://www.cia.gov/library/publications/the-world-factbook/geos/ni.html>, date accessed 18 May 2015

<sup>3</sup> Total Facts About Nigeria.com, <http://www.total-facts-about-nigeria.com/>, ‘Interesting Facts About Nigeria’, undated, <http://www.total-facts-about-nigeria.com/Interesting-Facts-About-Nigeria.html>, date accessed 6 March 2015

<sup>4</sup> CIA, ‘The World Factbook: Nigeria’, last updated 18 May 2015, People and Society, <https://www.cia.gov/library/publications/the-world-factbook/geos/ni.html>, date accessed 18 May 2015

<sup>5</sup> commonwealth of nations.org, <http://www.commonwealthofnations.org>, ‘The Commonwealth Yearbook 2014 - Nigeria’, 1 June 2014, [http://www.commonwealthofnations.org/yb-pdfs/nigeria\\_country\\_profile.pdf](http://www.commonwealthofnations.org/yb-pdfs/nigeria_country_profile.pdf), date accessed 23 April 2015

<sup>6</sup> commonwealth of nations.org, <http://www.commonwealthofnations.org>, ‘The Commonwealth Yearbook 2014 - Nigeria’, 1 June 2014, [http://www.commonwealthofnations.org/yb-pdfs/nigeria\\_country\\_profile.pdf](http://www.commonwealthofnations.org/yb-pdfs/nigeria_country_profile.pdf), date accessed 23 April 2015



## 2.4 Constitution

2.4.1 The Commonwealth's webpage on [Nigeriacommonwealth.org](http://Nigeriacommonwealth.org) website, accessed on 13 March 2015, provided the following information:

'The May 1999 constitution, like those of 1979 and 1989, and the draft constitution of 1995, provided for a federal republic with an executive President on the US model. Six new states were created in October 1996, bringing the total to 36. The President is elected every four years by universal adult suffrage and is required to include at least one representative of each of the 36 states in the cabinet. There is a bicameral National Assembly made up of a House of Representatives (with 360 seats) and a Senate (with 109 seats), each elected for four-year terms. The state governors and assemblies are also elected every four years.

'The constitution also guarantees personal freedom and permits the exercise of Sharia law for consenting Muslims.'<sup>7</sup>

Weblink to [Nigerian Constitution](#)

[Back to Contents](#)

## 2.5 Political system

2.5.1 The United States Library of Congress website provided the following information about Nigeria's political system:

'Nigeria is a federal republic with a presidential system. The constitution provides for a separation of powers among the three branches of government. General elections held in February 1999 marked the end of 15 years of military rule and the beginning of civilian rule based on a multiparty democracy...Executive power is vested in the president, who is simultaneously chief of state and head of government. The president is eligible for two four-year terms. The president's Federal Executive Council, or cabinet, includes representatives from all 36 states. The National Assembly, consisting of a 109-member Senate and a 360-member House of Representatives, constitutes the country's legislative branch. Three senators represent each of Nigeria's 36 states, and one additional senator represents the capital city of Abuja. Seats in the House of Representatives are allocated according to population. Therefore, the number of House members from each state differs. Members of the National Assembly are elected to a maximum of two four-year terms. The judicial branch comprises the Supreme Court, the Court of Appeal, the Federal High Court, and, at the state level, high courts, sharia courts, and customary courts. The president appoints members of the Supreme Court subject to confirmation by the Senate...Each of Nigeria's 36 states has an elected governor and a House of Assembly. The governor is elected to a maximum of two four-year terms. The number of delegates to the House of Assembly is based on population (three to four times the number of delegates each state sends to the federal House of Representatives) and therefore varies from state to state within the range of 24 to 40. Nigeria's states are subdivided into 774 local government areas, each of which is governed by a council that is responsible for supplying basic needs. The local government councils, which are regarded as the third tier of government below the federal and state levels, receive monthly subsidies from a national "federation account.'<sup>8</sup>

[Back to Contents](#)

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<sup>7</sup> The Commonwealth, 'Nigeria: Constitution and politics', undated, Constitution, <http://thecommonwealth.org/our-member-countries/nigeria/constitution-politics>, date accessed 13 March 2015

<sup>8</sup> United States Library of Congress Federal Research Division, <http://lcweb2.loc.gov/frd/>, 'Country Profile – Nigeria', July 2008, Government and Politics, <http://lcweb2.loc.gov/frd/cs/profiles/Nigeria.pdf>, date accessed 23 April 2015

## 2.6 Actors of protection

### Security forces

2.6.1 The United States State Department 'Country Reports on Human Rights Practices for 2013', published on 27 February 2014, stated:

'The National Police Force (NPF) reports to the inspector general of police, who is appointed by the president and responsible for law enforcement operations. An assistant inspector general commands each NPF state unit. The constitution prohibits state and local governments from organizing their own police forces, but state governors may direct federal police for local emergency actions. The State Security Service is responsible for internal security and reports to the president through the national security advisor. Due to the police's inability to control societal violence, the government continued to turn to the army in many cases. For example, military, JTF [Joint Task Force], or Special Task Force units were deployed in the Middle Belt in response to indigene-settler violence; in Nassarawa, after local police could not contain outbreaks of ethno-religious violence; and to Bauchi, Borno, Kano, Kaduna, Plateau, and Yobe states on a continuous basis in response to Boko Haram attacks. The military was often unable to respond adequately to reports of violence, however.'<sup>9</sup>

Weblink to [Nigerian Criminal Code](#)

### Armed forces

2.6.2 The [defenceweb.co.za](http://defenceweb.co.za) website, accessed on 18 March 2015, provided the following information:

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

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

'The Nigerian Army is the largest of the three branches of service, with some 100 000 personnel, and is facing the brunt of the country's security challenges, notably the Boko Haram insurgency. A large portion of the Army's budget has been spent on improving military facilities and supporting internal security and foreign peacekeeping deployments. Nigeria has been trying to modernise its Army by making it more professional, more sustainable and more rapidly deployable.'<sup>10</sup>

2.6.3 Jane's Sentinel 'Nigeria Country Risk Assessment' (updated 2 April 2015), noted that:

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<sup>9</sup> United States State Department, <http://www.state.gov/>, 'Country Reports on Human Rights Practices for 2013', Nigeria section, 27 February 2014, Section1d,

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>, date accessed 13 March 2015

<sup>10</sup> Defence Web, <http://www.defenceweb.co.za/>, 'Nigerian Armed Forces', 7 October 2013, State of military forces, [http://www.defenceweb.co.za/index.php?option=com\\_content&view=article&id=32118:nigerian-armed-forces&catid=119:african-militaries&Itemid=255](http://www.defenceweb.co.za/index.php?option=com_content&view=article&id=32118:nigerian-armed-forces&catid=119:african-militaries&Itemid=255), date accessed 18 March 2015

'While relatively small in relation to its own population or by global standards, Nigeria's military is by far the largest force in West Africa and is currently undergoing a transformation process aimed primarily at fostering greater efficiency and professionalism. With a history of coup-making, the military has traditionally been highly politicised. As part of a wider policy move to promote democratic principles, the government has designated broad-spectrum changes for the military, focusing on improving salaries, living and training conditions for military personnel and eliminating corrupt practices. The Nigerian navy and army, in particular, are heavily deployed internally to deal with the parlous security situation in the country. The serviceability of Nigeria's most sophisticated equipment, mainly in the navy and the air force, is very low. However, new acquisitions have been made in recent years.'<sup>11</sup>

[Back to Contents](#)

## Police

2.6.4 The Interpol website, accessed on 24 April 2015, provided the following information, undated, about the Nigerian police:

'The Nigeria Police Force (NPF) is the principal law enforcement agency in Nigeria with a strength of more than 350,000 men and women. NPF is a federal Police force covering all 36 Nigerian states and the federal capital territory, Abuja.

'Mandate:

- Protection of lives and property;
- Prevention, detection and investigation of crime;
- Prosecution of offenders.

Structure:

- Administration and Finance;
  - Operations;
  - Works and logistic;
  - Investigations;
  - Training;
  - Planning, Research and Statistics.'
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2.6.5 The United States State Department 'Country Reports on Human Rights Practices for 2013', published on 27 February 2014, stated:

'The National Police Force (NPF) reports to the inspector general of police, who is appointed by the president and responsible for law enforcement operations. An assistant inspector general commands each NPF state unit. The constitution prohibits state and local governments from organizing their own police forces, but state governors may direct federal police for local emergency actions.'

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2.6.6 The United States State Department Bureau of Diplomatic Security (OSAC) 'Nigeria 2014 Crime and Safety Report: Lagos', dated 9 June 2014, stated:

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<sup>11</sup> Jane's Sentinel Country Risk Assessment: Nigeria, updated on 2 April 2015, <http://jir.janes.com/public/jir/index.shtml>, subscription access only, date accessed 23 April 2015

<sup>12</sup> Interpol, <http://www.interpol.int/>, 'Nigeria: The Nigeria Police Force', undated, <http://www.interpol.int/Member-countries/Africa/Nigeria>, date accessed 24 April 2015

<sup>13</sup> United States State Department, <http://www.state.gov/>, 'Country Reports on Human Rights Practices for 2013', Nigeria section, 27 February 2014, Section 1d, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220146>, date accessed 13 March 2015

‘Despite a visible police presence in large cities, police assistance does not have a wide reach...A serious lack of resources, including communications equipment, vehicles, skilled leadership, and training, continued to undermine the effectiveness of the NPF. NPF [National Police Force] personnel do not patrol residential neighborhoods, and numerous NPF officers assigned nationwide to private security details for either businesses or individuals routinely ignore any requests for assistance not directly associated with their assignments...The NPF, while often well intentioned, lacks training and resources to conduct effective investigations. Usually, victims must maintain close contact to move an investigation forward. Crime laboratories and facilities to process evidence do not exist in Lagos. Local police or neighborhood associations generally do not deter or disrupt burglaries and other crimes and seldom apprehend or detain suspects after the fact.

‘Consequently, most Nigerians do not perceive the NPF as an effective law enforcement body. Criminal groups do not fear arrest or prosecution for their crimes. The occasional capture of criminals (whether perceived or actual) by vigilantes often resulted in lynching or immolation.’<sup>14</sup>

2.6.7 The Human Rights Watch report, “‘Leave Everything to God”: Accountability for Inter-Communal violence in Plateau and Kaduna States, Nigeria’, dated 12 December 2013, stated:

‘This impunity is largely the result of an already broken criminal justice system, including systemic corruption in the Nigeria Police Force, that has been further rendered ineffectual by political pressure to protect the perpetrators of these crimes. In the absence of accountability and effective redress, communities that have suffered violence frequently take the law into their own hands and carry out revenge killings...The failure to conduct or follow through with criminal investigations is a systemic problem within the police force. Human Rights Watch has documented how the police often will not open a criminal investigation without financial inducements from the complainant and will rarely follow through unless the complainant can meet the incessant demands to fund the cost of the investigation. Meanwhile, accused persons with financial resources can sometimes pay off the police to drop the case. Without financial resources or internal or external pressure on the police to follow through on an investigation, the case will rarely go forward. In communal violence cases, this problem is exacerbated by the fact that many of the victims are poor—inter-communal violence rarely occurs in the affluent neighborhoods in these states—and have often lost all their possessions in the violence.’<sup>15</sup>

2.6.8 Regarding the effectiveness of state protection in kidnapping cases, an Assistant Professor from the University of Alberta, in correspondence with the Research Directorate of the Canadian Immigration and Refugee Board in July 2014, noted:

‘According to the Assistant Professor, family members of kidnap victims may not expect "concise" action from the police and do not report kidnapping, particularly if they are "not among the political or economic elite"...The Assistant Professor said that there have been reports of police asking victims that report kidnapping to provide vehicles for transportation, or money to buy fuel for police vehicles...The Assistant Professor expressed the view that the kidnapping of individuals who are not "politically connected

<sup>14</sup> United States State Department Bureau of Diplomatic Security (OSAC), <https://www.osac.gov/>, ‘Nigeria 2014 Crime and Safety Report: Lagos’, 9 June 2014, Police Response, <https://www.osac.gov/Pages/ContentReportDetails.aspx?cid=15799>, date accessed 24 April 2015

<sup>15</sup> Human Rights Watch, <http://www.hrw.org>, “‘Leave Everything to God”: Accountability for Inter-Communal violence in Plateau and Kaduna States, Nigeria’, 12 December 2013, [http://www.hrw.org/sites/default/files/reports/nigeria1213\\_ForUpload.pdf](http://www.hrw.org/sites/default/files/reports/nigeria1213_ForUpload.pdf), date accessed 6 April 2015

may not be a priority" and police actions on kidnapping are, "ad hoc, piecemeal, unsystematic" and "not effective"...<sup>16</sup>

2.6.9 A 'This Day Live' (Nigerian newspaper) article by Chiemelie Ezeobi, 'Nigeria police since 1960', dated 1 October 2014, stated:

'The NPF is divided into the administration, anti-fraud section, central criminal registry, special anti-robbery squad, x-squad, general investigation, special fraud unit, legal section, forensic science laboratory, interpol liaison, homicide, anti-human trafficking, special branch (criminal and special investigation bureau) and the force CID investigation Kaduna annex...While the police may argue that such are never enough, it is still a far cry from what was obtainable in the past when mobilization was at its low ebb.

'Another success story was the disbanding of checkpoints nationwide. The police had hitherto used such checkpoints to harass, intimidate and forcefully obtain money from motorists.

'In fact, many termed such checkpoints as money-spinning machines done with the knowledge and backing of the bosses.

'Remuneration in terms of increase in salary is another success story the police has in its kitty. The force has so evolved that the basic salary for a constable has risen from below minimum wage to N50,000...Apart from that, other welfare packages like housing, montage policy and efficient cooperative society, have been restructured to ensure that every policeman benefits from the scheme which started with the 5000 housing unit in Abuja...Although the number of patrol vehicles can never be enough in the face of the growing population and its needs, the police have upped their game in terms of providing patrol vans, which when again compared to the past is a milestone...To critics, the ills far outweigh the achievements recorded over the years and this is buttressed by the so many negative actions of the police.

'The police have continually been riddled with complaints of extra-judicial killing, detention without trial, corruption, inefficiency regarding maintenance of law and order, excessive and recurrent waves of brutalities, abductions, unwarranted searches and violations of privacy and private family life, extra-bodily injury, intimidation and harassment...Another ill facing the police is corruption and it is believed that this is widespread. Although it is believed that corruption is endemic to the society, many however argue that the police should be above this seeing that they are expected to be moral as law enforcement agents. But on the other hand, you often see undisciplined policemen involving themselves in crime by conspiring with criminals to perpetuate crime, thus exposing them for their lack of integrity.

'Another ill is the perversion of the course of justice by either procuring or supplying false evidence, tampering with exhibit and false accusations to favour their camp...Again, despite the boost in salary, the poor remuneration and general condition of service can be improved upon to ensure that the policemen who are always in the line of fire are taken care off. Another challenge is the issue of lack of maintenance structure as shown by the dilapidated housing units, equipment and rickety patrol vehicles seen on the roads. This has often been blamed on poor resource management.

'One of the major challenges facing the NPF is that of inadequate logistics to procure the much needed arms and ammunition, uniform and other accoutrement, which you often see policemen buying for themselves as against international best practices...Another challenge is the break in communication between the police and the public whom they

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<sup>16</sup> Immigration and Refugee Board of Canada: 'Nigeria: Kidnapping for ransom, including frequency, profile of victims and kidnappers; response by authorities (2013 - July 2014)', [NGA104917.E], 31 July 2014, [http://www.ecoi.net/local\\_link/291494/412024\\_en.html](http://www.ecoi.net/local_link/291494/412024_en.html), date accessed 6 May 2015

are supposed to protect. While the public sees the police as their enemy, the police in turn see them as lower beings they can squash under their foot, it is also saddled with endemic challenges like recruiting and training inefficient and undisciplined personnel who lack expertise in specialised fields and show a low commitment to duty. The challenge of the poor knowledge of law and disregard for human rights can never be understated as it is one of the issues facing the police.

'Undoubtedly, the NPF has truly had a major regeneration since independence, even with the allegations of dishonesty and unwholesome practices.'<sup>17</sup>

2.6.10 A 'Punch' (Nigerian newspaper) article by Jide Ojo, 'Beyond Code of Conduct for Nigerian Police', dated 16 January 2013, stated:

'On Thursday, January 10, 2013, the Nigerian Police authorities launched a new code of conduct for the Force. The policy which the Inspector-General of Police [IGP], Muhammed Abubakar, referred to as an article of faith is meant to instill discipline and ethics in the officers and men of the Force. According to the Deputy Police Public Relations Officer, CSP Frank Mba, "The Code contains standard policing rules as well as contemporary international best practices in law enforcement as available in various United Nations Conventions, the Nigeria constitution, Police Act and Regulations and other domestic statutes. It is intended to be used by police officers in determining what is right and proper in all their actions."

'Furthermore, Mba intoned, "The Code is designed to promote efficiency and effectiveness of Police services by promoting transparency, accountability and a deeper sense of civilian oversight on police activities. It is further intended to promote discipline, professionalism and strict adherence to due process in police activities and operations." The cryptogram dealt with issues such as the primary responsibilities of police officer; performance of duties as a police officer; discretion; use of force; confidentiality; integrity; cooperation with other police officers and agencies and personal professional capabilities... While delivering a keynote address on December 10, 2012 during the International Human Rights Day in Abuja, the Attorney General and Minister of Justice, Mohammed Bello Adoke, (SAN), castigated the Nigerian Police for carrying out extrajudicial killing. According to media reports, Adoke opined that the Federal Government had noted with concern that the police had, through the years, relied on 'Police Force Order 237' to commit extrajudicial killings. The order, he observed, allows the police to shoot any suspect or detainees trying to escape or avoid arrest. Hiding under the cover of Order 237, the Police had perpetrated unlawful killings of 7,195 persons in four years, out of which 2,500 were detainees. The AGF further revealed that plans were afoot by his office to take over from the police the power to prosecute any criminal suspect in the courts because the Force, in his opinion, is peopled by laymen who could not adequately prosecute cases in court... The workload on police operatives is far too heavy. They are prime targets of terrorists, and marauders. While men of the Force may have killed thousands unlawfully so have they lost hundreds in the same manner. Sadly, they are not properly trained, equipped and remunerated. Yet, we summon them at odd hours to come out and confront dare-devil criminals just because they possess some anachronistic weapons. I was shocked to learn that Nigerian Police lack a state of the art forensic laboratory. How then would they solve the tons of criminal cases we rely on them to crack? Nigeria is grossly under-policed due to inadequate manpower and funds.'<sup>18</sup>

<sup>17</sup> 'This Day Live', <http://www.thisdaylive.com/>, 'Nigeria Police Since 1960', Chiemelie Ezeobi, 1 October 2014, <http://www.thisdaylive.com/articles/nigeria-police-since-1960/190287/>, date accessed 27 April 2015

<sup>18</sup> 'Punch', <http://www.punchng.com/>, 'Beyond Code of Conduct for Nigerian Police', Jide Ojo, 16 January 2013, <http://www.punchng.com/opinion/beyond-code-of-conduct-for-nigerian-police/>, date accessed 20 March 2015

2.6.11 With regards to the police code of conduct, a response to an information request, published by the Canadian Immigration and Refugee Board, dated 7 November 2014, stated: 'AI [Amnesty International] expressed concern that the code "does not explicitly state that use of force must be lawful and proportionate as well as necessary"...Country Reports 2013 indicated that "the police did not report any enforcement actions related to the code of conduct" (US 27 Feb. 2014, 33).'

<sup>19</sup>

2.6.12 The same source further noted:

'In correspondence with the Research Directorate, the Executive Director of the CLEEN [Centre for Law Enforcement Education] Foundation, a Nigerian NGO with three regional offices that works to "promote public safety, security, and accessible justice" through its programs, empirical research, and legislative advocacy, in partnership with government and civil society (CLEEN Foundation 30 Apr. 2013, iii), indicated that, over the past decade, the quality, and professionalism of police has "increased" and police oversight has "improved significantly," since the country's return to civilian rule in 1999, noting that officers have been charged, prosecuted, and dismissed from the force (ibid.21 Oct. 2014). In a telephone interview with the Research Directorate, an assistant professor of criminology at the University of Alberta, whose research is focused on resource conflicts, political kidnapping, and the use of force by police in Nigeria, the broader police system is still characterized by a "lack of accountability" (10 Oct. 2014). [...]

'According to the Assistant Professor, corruption, low morale, and lack of capacity make oversight and accountability of police "extremely difficult" (10 Oct. 2014)...Human Rights Watch reports that "most" complaint mechanisms against police lack resources needed to investigate complaints received (Aug. 2010, 87). Similarly, CLEEN Foundation reports that the Nigerian Police Force (NPF) "lacks an effective database on complaints and discipline management" and that the police complaint management system is "generally inaccessible, ineffective, and does not enjoy the confidence of members of the public" (CLEEN 30 Apr. 2013, 12-13)...The Assistant Professor indicated that cases of police misconduct in Nigeria are often not reported (10 Oct. 2014)...According to a 2010 report by Human Rights Watch titled Everyone's in on the Game: Corruption and Human Rights Abuses by the Nigeria Police Force, the public "seldom" uses police complaint mechanisms to report incidents such as extortion and abuse (Aug. 2010, 89) ...Information on the number of complaints of police misconduct registered and handled by the Nigeria Police Force (NPF) could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

'In correspondence with the Research Directorate, the program coordinator for NOPRIN [Network on Police Reform in Nigeria] indicated that when police receive written complaints from complainants, their lawyers, or human rights organizations, the complaints are referred by senior officers to the "police investigating unit" (NOPRIN 22 Oct. 2014)...The same source notes that "very few cases are conclusively investigated" (ibid.). Similarly, Human Rights Watch reports that complaints against police are "rarely investigated" (Aug. 2010, 89)...According to Amnesty International (AI), "in practice," existing mechanisms such as reporting allegations directly to senior police officers or to police Human Rights desks, are "ineffective" and "serious concerns exist about the independence of the investigations" (AI 18 Sept. 2014, 45)...Two sources further report that the centralized nature of the police force structure causes complaints to be dealt with slowly (Assistant Professor 10 Oct. 2014; Nigeria 4 Nov. 2014)

'Sources report that the NPF has a number of internal mechanisms for receiving and processing public complaints about police misconduct including:

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<sup>19</sup> Immigration and Refugee Board of Canada, 'Nigeria: Complaints mechanisms available for cases of police misconduct, including effectiveness (2013 - October 2014)', NGA104979.E, 7 November 2014, <http://www.refworld.org/country,,IRBC,,NGA,,54816ad04,0.html>, date accessed 27 April 2015

'Human Rights Desk police officers (Human Rights Watch Aug. 2010, 87; CLEEN Foundation 21 Oct. 2014) at the police station level (ibid.);

'complaint boxes and hotlines at police stations (Human Rights Watch Aug. 2010, 87);

'Police Complaint Bureaus in the Public Relations offices (NOPRIN 10 Oct. 2014; CLEEN Foundation 21 Oct. 2014), in each of the 36 state-level police commands (ibid.); and a written complaint about police misconduct can also be lodged to senior police officers, the State Commissioner of police or to the head of the police force, the Inspector-General (IG) of Police (Open Society Foundations 25 Jan. 2013; NOPRIN 10 Oct. 2014).'

<sup>20</sup>

#### 2.6.13 The same source further noted with regards to obstacles influencing reporting of complaints:

'According to the PCC, most agencies for police complaints are usually located in the FCT or state capitals (Nigeria 21 Oct. 2014). Sources report that urban residents are more likely to be able to access and file complaints than rural citizens (CLEEN Foundation 21 Oct. 2014; Assistant Professor 10 Oct. 2014)...According to the Assistant Professor, the social class or position of a complainant "greatly affects the response to a person's complaint," noting that average Nigerians and those who are "socially disadvantaged are less likely to have their complaints heard and responded to" (Assistant Professor 10 Oct. 2014). Sources report that there is a lack of public awareness about police complaint mechanisms (Nigeria 21 Oct. 2014; NOPRIN 10 Oct. 2014).

'The NOPRIN program coordinator indicated that "[p]ublic confidence in the police and in police internal control systems is generally very low. There are several of these [complaint] mechanisms but they are not effective and their functions are not streamlined" (NOPRIN 10 Oct. 2014). Similarly, the Assistant Professor stated that average Nigerians perceive the process of lodging complaints against police as "a lengthy process and a tedious waste of time that rarely leads to having complaints addressed or officers disciplined" (Assistant Professor 10 Oct. 2014). The CLEEN Foundation notes that "citizens do not usually trust internal administrative review procedures maintained by police" due to perceptions that:

police commandants do not diligently investigate complaints;

solidarity between officers, and rank and file inhibits effective investigation;

administrative review mechanisms within the police are opaque and lack transparency;

the standard of proof used by the police authority is subjective and favours police officers accused of wrongdoing;

complainants are intimidated by police officers, and

complainants are not adequately informed about how their complaints are being processed, and of the final decisions. (CLEEN 30 Apr. 2013, 9)

'Sources report that police complainants have been threatened to drop complaints (NOPRIN 22 Oct. 2014; Nigeria 21 Oct. 2014). According to NOPRIN, "fear of reprisals" by police and "a tendency to cover up [for] their own are some of the major barriers people experience when trying to make a complaint against police for misconduct" (10 Oct. 2014). Similarly, "most" cases of torture by police documented by AI, in a report of cases gathers over a 10 year period, found that victims of human rights violations by the police or military were "reluctant to report" due to fear of "reprisals" (AI 18 Sept. 2014,

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<sup>20</sup> Immigration and Refugee Board of Canada, 'Nigeria: Complaints mechanisms available for cases of police misconduct, including effectiveness (2013 - October 2014)', NGA104979.E, 7 November 2014, <http://www.refworld.org/country,,IRBC,,NGA,,54816ad04,0.html>, date accessed 27 April 2015



46). The PCC Head of Public Relations indicated that there is "palpable fear" among citizens that officers could retaliate (Nigeria 21 Oct. 2014).'<sup>21</sup>

2.6.14 The United States State Department 'International Religious Freedom Report for 2013', in relation to the Hisbah, stated: 'State governments in Bauchi, Zamfara, Niger, Kaduna, Jigawa, Gombe, and Kano funded sharia law enforcement groups called the Hisbah, which enforced sharia law inconsistently and sporadically. The Kano State Hisbah increased its activity throughout the year, announcing the start of a campaign to "restore morality" in September [2013].'<sup>22</sup>

2.6.15 The British Council/Department for International Development (DFID) report on 'Gender in Nigeria Report 2012', published in August 2012, found that: 'More disturbing are suggestions that violence is "endemic" in some public institutions such as the police and certain educational institutions, where an "entrenched culture of impunity" for the perpetrators of rape and other violence is reported to exist.'<sup>23</sup>

2.6.16 The United States State Department 'Country Reports on Human Rights Practices for 2013', published on 27 February 2014, stated:

'According to credible reports, during the year security forces committed rape and other forms of sexual violence against women and girls with impunity... Societal pressure and the stigma associated with rape reduced the percentage of rapes reported and the penalties imposed for conviction... No national laws criminalize gender-based violence, and some federal laws allow such violence... Police did not intervene in domestic disputes. In rural areas courts and police remained reluctant to intervene to protect women who formally accused their husbands of abuse if the level of alleged abuse did not exceed customary norms in the areas.'<sup>24</sup>

2.6.17 In correspondence with the Canadian Research Directorate of the Immigration and Refugee Board in October 2014 the 'National Program Coordinator of the Network on Police Reform in Nigeria (NOPRIN), indicated that police "characteristically exhibit bias and discriminatory attitudes in their treatment of female victims of violence" which is "informed by cultural beliefs and notions which devalue and subjugate women," and often "blame the victim" (NOPRIN 11 Oct. 2014).'<sup>25</sup>

2.6.18 The same source further noted:

'...when reports are made to police about crimes dealing with sexual violence, police are reluctant to file charges, especially against a perpetrator who is the victim's family member (Vanguard 23 July 2013). In an interview with Vanguard, the Executive Director of ProjectAlert stated that due to "police insensitivity to and unprofessional handling of sexual violence cases due to poor training and lack of logistics" there are "especially" low reporting rates for sexual violence (ibid. 17 June 2013). According to the Executive

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<sup>21</sup> Immigration and Refugee Board of Canada, 'Nigeria: Complaints mechanisms available for cases of police misconduct, including effectiveness (2013 - October 2014)', NGA104979.E, 7 November 2014, <http://www.refworld.org/country,,IRBC,,NGA,,54816ad04,0.html>, date accessed 27 April 2015

<sup>22</sup> United States State Department, <http://www.state.gov/>, 'International Religious Freedom Report for 2013', 28 July 2014, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>, date accessed 27 April 2015

<sup>23</sup> British Council/DFID, 'Gender in Nigeria Report 2012: Improving the lives of girls and women In Nigeria – Issues, Policies, Action', 14 August 2012, 7.5 Gender Violence: Emerging Issues, [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/67333/Gender-Nigeria2012.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/67333/Gender-Nigeria2012.pdf), date accessed 6 May 2015

<sup>24</sup> United States State Department, <http://www.state.gov/>, 'Country Reports on Human Rights Practices for 2013', Nigeria section, 27 February 2014, Section 1c and Section 6, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220146>, date accessed 13 March 2015

<sup>25</sup> Immigration and Refugee Board of Canada, 'Nigeria: Domestic violence, including Lagos State; legislation, recourse, state protection and services available to victims (2011-October 2014)', NGA104980.E, 10 November 2014, [http://www.ecoi.net/local\\_link/291839/412404\\_en.html](http://www.ecoi.net/local_link/291839/412404_en.html), date accessed 6 May 2015

Director of Partnership for Justice, "only medical reports from government hospitals are admitted in evidence in the courts" and there is a lack of forensic medical examiners to collect evidence in cases of sexual violence (ibid. 23 July 2013). Furthermore, police will cease their investigation without this evidence (ibid.). According to the same source, the process to obtain a medical report is "not victim friendly" (ibid.).'<sup>26</sup>

2.6.19 The Amnesty International 'Annual Report 2014/2015', published in February 2015, reported: 'Women detained for criminal offences, women relatives of criminal suspects, sex workers and women believed to be sex workers were often targeted for rape and other sexual violence by police officers.'<sup>27</sup>

See also [Human rights violations and impunity](#)

[Back to Contents](#)

## Human rights violations and impunity

2.6.20 The United States State Department 'Country Reports on Human Rights Practices for 2013', published on 27 February 2014, stated:

'The national police, army, and other security forces committed extrajudicial killings and used lethal and excessive force to apprehend criminals and suspects as well as to disperse protesters. Authorities generally did not hold police accountable for the use of excessive or deadly force or for the deaths of persons in custody. The reports of state or federal panels of inquiry investigating suspicious deaths remained unpublished.

'Police use of excessive force, including use of live ammunition, to disperse demonstrators resulted in numerous killings during the year. On October 6, police fired into a crowd that had gathered at a police station in Lagos State to protest the killing by police of an innocent motorist the previous week, killing Ganiyu Adedoyin. No official was charged for the killing as of year's end [Section 1a]...The NPF, SSS, and military reported to civilian authorities, but these security services periodically acted outside of civilian control. The government lacked effective mechanisms to investigate and punish abuse and corruption. The NPF and the military remained susceptible to corruption, committed human rights abuses, and operated with widespread impunity in the apprehension, illegal detention, and sometimes execution of criminal suspects. In the military services, disciplinary action is determined by a soldier's commanding officer and is nominally subject to review by the chain of command under the Armed Forces Act. The SSS also committed human rights abuses, particularly in restricting freedom of speech and press. In some cases private citizens or the government brought charges against perpetrators of human rights abuses in these units, but most cases lingered in court or went unresolved after an initial investigation. The NHRC has, as one of its thematic focus areas, responsibility for investigating cases of "torture and extrajudicial, summary, and arbitrary executions." During the year the army requested international assistance in developing civilian protection and human rights monitoring training...During the year joint task forces (JTFs), composed of elements of the military, police, and other security services, conducted raids on militant groups and criminal suspects in the states of Adamawa, Bauchi, Borno, Gombe, Kano, Kaduna, Kogi, Plateau, Sokoto, Taraba, Katsina, Jigawa, and Yobe. These raids resulted in numerous deaths of and injuries to alleged criminals, militants, and civilians. Local NGOs, international human rights groups, and political and traditional leaders in the affected states accused the security services of indiscriminate and extrajudicial killings...Credible reports also indicated other uniformed

<sup>26</sup> Immigration and Refugee Board of Canada: 'Nigeria: Domestic violence, including Lagos State; legislation, recourse, state protection and services available to victims (2011 - October 2014)' NGA104980.E, 10 November 2014, [http://www.ecoi.net/local\\_link/291839/412404\\_en.html](http://www.ecoi.net/local_link/291839/412404_en.html), date accessed 6 May 2015

<sup>27</sup> Amnesty International, <https://www.amnesty.org/>, 'Amnesty International Report 2014/15 - The State of the World's Human Rights', Nigeria, 25 February 2015, <https://www.amnesty.org/en/countries/africa/nigeria/report-nigeria/>, date accessed 6 May 2015

military personnel and paramilitary mobile police carried out summary executions, assaults, torture, and other abuses throughout Borno, Kano, and Yobe states under the auspices of the Joint Task Force Restore Order (JTF-RO), which was disbanded in August. In August the Nigerian Army's Seventh Division replaced JTF-RO as the umbrella command for the northeastern security operations, although many of the commanders and units remained the same... Human rights groups accused the government and security forces of arbitrarily arresting male inhabitants of Maiduguri or family members of suspected militants following Boko Haram attacks.' [section 1d].<sup>28</sup>

#### 2.6.21 The same report further stated:

'Impunity remained widespread at all levels of government. The government brought few persons to justice for abuses and corruption, and the president pardoned a former governor convicted on six counts of corruption. Police and security forces generally operated with impunity. Authorities did not investigate the majority of cases of police abuse or punish perpetrators... The government and its agents committed numerous arbitrary or unlawful killings. The National Human Rights Commission (NHRC) and the Committee against Torture held mandates to examine security force killings and refer alleged perpetrators for prosecution but did not do so... According to the Network on Police Reform in Nigeria (NOPRIN), the human rights desks at police stations were "at best docile during the year while human rights violations in the force continued unchecked."'<sup>29</sup>

#### 2.6.22 The Amnesty International report, 'Nigeria: Trapped in the cycle of violence', published on 1 November 2012, about the Nigerian government's response to Boko Haram attacks, stated:

'Amnesty International has documented serious human rights violations perpetrated by Nigeria's security forces in the name of countering the threat to the public posed by Boko Haram. Witnesses interviewed by Amnesty International described seeing people who were clearly no threat to life – unarmed, lying down or with their hands over their head or cooperating – shot at close range by the security forces. Amnesty International also documented cases of people seen being arrested by the police or Joint Task Force (JTF) who were then found dead, or who were subjected to enforced disappearance. Amnesty international interviewed people from four communities who claim that members of the JTF set fire to their houses, shops or cars, often following an attack in their area attributed to Boko Haram, and in some cases seemingly as a punitive measure. Hundreds of people accused of having links to Boko Haram have been arbitrarily detained by the JTF, police and SSS. In many of the cases they have remained in detention for lengthy periods without charge or trial, without proper notification of family members, without being brought before any judicial authority, and without access to lawyers or the outside world. Investigations have rarely been carried out into allegations of violations by the security forces; in the few cases where investigations have taken place, the findings have not been made public... Police officers in Nigeria are required to keep records of all unnatural deaths in custody. Records must include the name of the deceased, date and cause of death, and the outcome of the Coroner's inquest. Coroner's Laws, which are in force in most Nigerian states, oblige the state authorities to investigate and determine the circumstances of all unnatural, sudden or violent deaths

<sup>28</sup> United States State Department, <http://www.state.gov/>, 'Country Reports on Human Rights Practices for 2013', Nigeria section, 27 February 2014, Section 1a, 1d, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>, date accessed 13 March 2015

<sup>29</sup> United States State Department, 'Country Reports on Human Rights Practices for 2013', Nigeria section, 27 February 2014, Executive Summary, section 1a, 1c, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220146>, date accessed 13 March 2015

through an open, public inquiry, and to investigate every death in custody. However, inquests into death in custody are rare in Nigeria.’<sup>30</sup>

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

‘Amnesty International found that torture and other ill-treatment are routine practice in criminal investigations across Nigeria. Suspects in police and military custody across the country are subjected to torture as punishment or to extract ‘confessions’ as a shortcut to “solve” cases – particularly armed robbery and murder...Amnesty International’s research into cases of torture, enforced disappearances and deaths in military and police custody, reveals a pattern of inadequate criminal investigation by police and military and a disregard for due process. This facilitates human rights violations in custody, including torture and other ill-treatment; denies people suspected of a crime a fair trial; and ultimately hinders successful prosecution of suspects. Security officials are rarely held accountable for failures to follow due process or for perpetrating human rights violations such as torture. The absence of acknowledgement and public condemnation of such violations by senior government officials further assists in creating a climate for impunity and raises serious concern about the political will to end such human rights violations...Following Nigeria’s first Universal Periodic Review (UPR) in 2009, the Nigerian government accepted recommendations to reform the criminal justice system. It also accepted recommendations to tackle the backlog of prisoners detained without trial: these recommendations included bringing detainees to trial without delay and adopting comprehensive legislation with regard to torture by the police and measures assuring its application...Despite repeated calls by Amnesty International and other national and international organizations urging the Nigerian authorities to take action against torture and other ill-treatment, little appears to have been done...Repeated failures by the Nigerian government to prohibit, prevent, investigate and prosecute cases of torture and other ill-treatment have created a climate of impunity in which those who commit such violations can continue to do so without fear of being held accountable...Torture is not a criminal offence in Nigeria, despite such acts being constitutionally prohibited. A law criminalizing torture is yet to be passed even though two different Bills have been pending in the National Assembly for two years. (pages 43-44)

‘Although the use of torture and other ill-treatment is commonly and widely reported in Nigeria, the vast majority of allegations are never investigated, and fewer still lead to prosecution. Acts of torture and certain types of other ill-treatment are crimes under international law...No information is available on internal mechanisms for handling complaints within the military. Regarding complaints against the police, victims of torture and general members of the public can in theory make reports within the force’s administrative disciplinary structure. In 2003, the Police Complaints Bureau, an internal investigation unit, was established. This is supposed to have an office in each police station to receive complaints. These are apparently reviewed by the “Orderly Trial Room,” an internal police review mechanism which has a mandate to recommend disciplinary action. The Police Service Commission (PSC) also has the power to dismiss and exercise disciplinary control over almost all police officers...In practice, the mechanisms mentioned above are ineffective and serious concerns exist about the independence of the investigations. Many human rights defenders have told Amnesty International that complaints made to the PSC are referred back to the police for further investigation; this almost invariably results in no further action and consequently human rights groups have stopped forwarding complaints. The PSC cannot refer cases to the courts for prosecution...In most of the cases documented by Amnesty International, the

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<sup>30</sup> Amnesty International, <https://www.amnesty.org/>, ‘Nigeria: Trapped in the Cycle of Violence’, 1 November 2012, <https://www.amnesty.org/en/documents/AFR44/043/2012/en/>, date accessed 20 March 2015

victims of human rights violations by the police and military said they were reluctant to report the case to the authorities for fear of reprisals.’<sup>31</sup> (pages 44-45)

2.6.24 The Freedom House ‘Freedom in the World 2015’ report, published in January 2015, stated:

‘The security forces commit abuses with near impunity, and corruption pervades their ranks. There were numerous allegations of torture, extortion, bribe taking, and embezzlement within the police force in 2014. In September [2014], Amnesty International (AI) released a report documenting the alarmingly high rates of torture and ill-treatment experienced by suspects in police and military custody, as well as the government’s failure to prevent acts of torture and prosecute offenders. Numerous rights groups have called for the criminalization of torture, and the creation of an independent commission to investigate and prosecute allegations of systemic corruption and human rights violations within the security forces. In October [2014], Jonathan proposed a bill that would raise the wages of police officers and increase funding for training and equipment in an effort to reduce corruption and boost performance...The JTF [Joint Task Force] has been widely criticized for human rights abuses. In August 2014, AI released detailed video footage of suspected Boko Haram detainees being murdered and buried in mass graves, allegedly by members of the JTF and state-sponsored militias. The military responded by establishing an investigative team to determine the authenticity of the video and prosecute those responsible for the killings. According to AI, the JTF carried out more than 600 extrajudicial killings between January and August...Violent crime in certain areas of Nigeria remains a serious problem, and the trafficking of drugs and small arms is reportedly on the rise. Abductions are especially common in the Niger Delta and the southeastern states of Abia, Imo, and Anambra. Political figures, the wealthy, and foreigners are most frequently targeted...Despite the introduction of stringent antiskidnapping laws across many southeastern states, the problem has not decreased significantly, and the conviction rate on such cases remains low because security personnel and local government officials are often involved in the criminal networks responsible.’<sup>32</sup>

2.6.25 Amnesty International in its ‘Annual report 2014/2015’, published in February 2015, reported:

‘In responding to Boko Haram, Nigerian security forces committed grave human rights violations and acts which constitute crimes under international law. Arbitrary arrests by the military continued in northeast Nigeria...Nigerian security forces repeatedly carried out extrajudicial executions, often following the “screening” of suspects...The use of torture remained widespread and routine within Nigeria’s police and military. Countless people were subjected to physical and psychological torture and other ill-treatment. Suspects in police and military custody across the country were subjected to torture as punishment or to extract “confessions”, particularly in cases involving armed robbery and murder, or related to Boko Haram. Many police divisions in different states, including the Special Anti-Robbery Squad (SARS) and Criminal Investigation Division (CID), kept “torture chambers” for use during the interrogation of suspects. Arbitrary arrest and arbitrary and incommunicado detention were routine.’<sup>33</sup>

[Back to Contents](#)

<sup>31</sup> Amnesty International, <https://www.amnesty.org/>, “Welcome to Hell Fire” - Torture and other ill-treatment in Nigeria’, September 2014, <http://www.amnesty.ie/sites/default/files/report/2014/09/Welcome-to-hell-fire-torture-and-other-ill-treatment-in-Nigeria-Amnesty-International-report.pdf>, date accessed 2 April 2015

<sup>32</sup> Freedom House, <https://freedomhouse.org/>, ‘Freedom in the World 2015’, Nigeria section, January 2015, Rule of Law, <https://freedomhouse.org/report/freedom-world/2015/nigeria>, date accessed 28 April 2015

<sup>33</sup> Amnesty International, <https://www.amnesty.org/>, ‘Amnesty International Report 2014/15 - The State of the World’s Human Rights’ - Nigeria, 25 February 2015, <https://www.amnesty.org/en/countries/africa/nigeria/report-nigeria/>, date accessed 6 May 2015

## 2.7 Judiciary

2.7.1 The San Diego State University website, accessed on 13 March 2015, provided the following information:

'There are two levels of courts in Nigeria: federal courts and state courts. All of the courts, except some Northern states' district courts, have criminal jurisdiction. The Federal Supreme Court, established under the 1960 Constitution of the Federation Order-in-Council, was revised by the Republican Constitution of 1963. While the 1963 Constitution had not ensured the independence of the Judiciary, the 1979 Constitution made the Supreme Court and its judges independent of the President and the legislature. The Supreme Court acts as the Final Court of Appeal and a Superior Court of Records. It is not a court of original jurisdiction. The Federal High Court/Federal Court of Appeal is composed of the Chief Justice and, at least five other judges. The Federal High Court is a Superior Court of records. It hears cases where the federal government is a party against states or individuals. Appeals are brought to the Supreme Court. The Federal High Court may be held in any of the states, especially in cases where the parties live in the same state (e.g. an Assize Court). A case involving persons of different states may be filed in a Federal High Court in Lagos. Criminal offenses involving the violation of federal laws such as smuggling contraband, counterfeiting, or the possession of marijuana or narcotic drugs, are usually tried in a Federal High Court, although sometimes drug and currency offenses are tried by special tribunals.

'There is a variety of courts in the states. The State High Court is the highest court in each state, although some states have a Court of Appeal which sits above the High Court.

'The Constitution empowers all of the states to establish a State Court of Appeal for the handling of appeal cases brought from a State High Court. In states that have established a Court of Appeal, decisions from the High Court must be brought to the Court of Appeal before they are taken to the Nigerian Supreme Court.

'The Court of Appeal Edict of 1967 established a Court of Appeal in the Western states. The provisions of the Edict were given effect under Section 127(2) of the Constitution of the Federation by the Constitution Order of 1967. The Western states' Court of Appeal hears cases deriving from the High Court of a Western state. It has jurisdiction on questions relating to the interpretation of the State Constitution.'<sup>34</sup>

2.7.2 The United States State Department 'Country Reports on Human Rights Practices for 2013', published on 27 February 2014, stated:

'Sharia and customary (traditional) courts of appeal function in 18 northern states and the FCT.

'The constitution provides that states may establish courts based on common-law or customary-law systems. This allows states to use the sharia penal code in their courts, which outlines hadd offenses and punishments, including caning, amputation, and death by stoning.

'The nature of a case and the consent of the parties usually determined if a sharia court had jurisdiction. The impetus to establish sharia courts stemmed at least in part from inefficiency, expense, and corruption in the regular court system.

'Defendants have the right to challenge the constitutionality of sharia criminal statutes through the common-law appellate courts; however, no challenges with adequate legal standing reached the common-law appellate system. The highest appellate court for

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<sup>34</sup> San Diego State University, <http://www-rohan.sdsu.edu/>, 'Crime and Society, a comparative criminology tour of the world', undated, 'Courts', <http://www-rohan.sdsu.edu/faculty/rwinslow/africa/nigeria.html>, date accessed 13 March 2015

sharia-based decisions remained the Supreme Court, staffed by common law judges not required to have any formal training in the sharia penal code.’<sup>35</sup>

[Back to Contents](#)

## Independence

2.7.3 The United States State Department ‘Country Reports on Human Rights Practices for 2013’, published on 27 February 2014, stated:

‘Although the constitution and law provide for an independent judiciary, the judicial branch remained susceptible to pressure from the executive and legislative branches and the business sector. Political leaders influenced the judiciary, particularly at the state and local levels. Understaffing, underfunding, inefficiency, and corruption continued to prevent the judiciary from functioning adequately. Judges frequently failed to appear for trials, often because they were pursuing other sources of income and sometimes because of threats against them. In addition court officials often lacked the proper equipment, training, and motivation to perform their duties, with the lack of motivation primarily due to inadequate compensation.

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

‘Although the Ministry of Justice implemented strict requirements for education and length of service for judges at the federal and state levels, no requirements or monitoring bodies existed for judges at the local level, with the result of corruption and miscarriages of justice in local courts.’<sup>36</sup>

2.7.4 Amnesty International reported in May 2014 that:

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

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

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

<sup>35</sup> United States State Department, <http://www.state.gov/>, ‘Country Reports on Human Rights Practices for 2013’, Nigeria section, 27 February 2014, Section 1e, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220146>, date accessed 13 March 2015

<sup>36</sup> United States State Department, <http://www.state.gov/>, ‘Country Reports on Human Rights Practices for 2013’, Nigeria section, 27 February 2014, Section 1e, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>, date accessed 13 March 2015

‘Information and statements extracted during torture are also commonly accepted as evidence by courts, even though the prosecutor has a responsibility to prove that any statement relied upon in court has been made voluntarily...Despite this, however, such confessions are frequently the only “evidence” presented in court.’<sup>37</sup>

2.7.5 The Freedom House ‘Freedom in the World 2015’ report, published in January 2015, stated:

‘Judicial independence in Nigeria is constitutionally and legally enshrined. The judiciary has achieved some degree of independence and professionalism in practice, but political interference, corruption, and a lack of funding, equipment, and training remain important problems. Certain departments, particularly the Court of Appeals, have frequently rejected election challenges or allegations of corruption against powerful elites, raising doubts about their independence.’<sup>38</sup>

2.7.6 The Amnesty International ‘Annual report 2014/2015’, published in February 2015, reported that: ‘The criminal justice system remained under-resourced, blighted by corruption and generally distrusted.’<sup>39</sup>

2.7.7 The United Nations Special Rapporteur on minority issues reported following her mission to Nigeria in February 2014 that:

‘Lack of accountability and impunity were repeatedly stated as major flaws of the criminal justice system. A culture of impunity has extremely pernicious effects; investigations are not undertaken or poorly managed, prosecutions are not initiated or pursued, victims are left defenceless, the role of security forces is negatively perceived and, in many cases, people decide to take the law into their own hands. Perpetrators must be persecuted [sic] and held accountable for their crimes. Police and security forces must be trained in human rights and minority issues and provided with sufficient and adequate means to carry out their tasks. Mechanisms for adequate compensation and redress of victims must be implemented.’<sup>40</sup>

[Back to Contents](#)

## Fair trial

2.7.8 The United States State Department ‘Country Reports on Human Rights Practices for 2013’, published on 27 February 2014, stated:

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

<sup>37</sup> Amnesty International, ‘Stop Torture, Country Profile: Nigeria, A justice system that fails to prevent torture’, 13 May 2014, [http://www.justice.gov/sites/default/files/eoir/legacy/2014/05/23/stop\\_torture.pdf](http://www.justice.gov/sites/default/files/eoir/legacy/2014/05/23/stop_torture.pdf), date accessed 6 May 2015

<sup>38</sup> Freedom House, <https://freedomhouse.org/>, ‘Freedom in the World 2015’, Nigeria section, January 2015, Rule of Law, <https://freedomhouse.org/report/freedom-world/2015/nigeria>, date accessed 28 April 2015

<sup>39</sup> Amnesty International, ‘Amnesty International Report 2014/15 - The State of the World's Human Rights’ - Nigeria, 25 February 2015, Justice system, <https://www.amnesty.org/en/countries/africa/nigeria/report-nigeria/>, date accessed 6 May 2015

<sup>40</sup> United Nations (UN) Human Rights Council, ‘Report of the Special Rapporteur on minority issues’, Rita Izsák; Mission to Nigeria (17 to 28 February 2014), 5 January 2015, Middle Belt communities, paragraph 82, [http://www.ecoi.net/file\\_upload/1930\\_1421915492\\_a-hrc-28-64-add-2-eng.doc](http://www.ecoi.net/file_upload/1930_1421915492_a-hrc-28-64-add-2-eng.doc), date accessed 6 May 2015



'Authorities did not always respect these rights. Although an accused person is entitled to counsel of his choice, no law prevents a trial from going forward without counsel, except for certain offenses for which the penalty is death. Defendants were held in prison awaiting trial for periods well beyond the term allowed in the constitution (see section 1.c.). Human rights groups alleged the government denied terror suspects detained by the military their right to legal representation, due process, or the opportunity to be heard by a judicial authority. On December 5, the Nigerian Defense Headquarters recommended 500 terror suspects for "immediate trial" and opened for review the cases of an additional 614 detainees suspected of terrorist activities.

'In both common law and customary courts (including sharia), indigent persons without representation were more likely to have their sentences carried out immediately, although all convicted persons have the right to appeal...Military courts tried only military personnel, but military court judgments may be appealed to civilian courts. Members of the military are subject to the Armed Forces Act regarding civil and criminal matters. Charges against a member of the security forces must be approved by the member's operational commanding officer, who decides whether the accusation merits initiation of court-martial proceedings or lower-level disciplinary action. Such determinations are nominally subject to higher review, although the commanding officer makes the final decision. If the case proceeds, the accused is subject to trial by a four-member court martial. The law provides for internal appeals before military councils, with a final appeal to the civilian Court of Appeals. Members of the armed forces charged with crimes committed while performing their duties during active service are liable to court-martial under military, not civilian law.'

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

'The criminal justice system in Nigeria is blighted by corruption, with human rights violations common and widespread. Numerous rights guaranteed under international and Nigerian law are either poorly enforced or not enforced at all. These include the right to be brought swiftly before a court, the right to seek legal counsel, the right to contact family, the right to challenge the lawfulness of an arrest, the right to be spoken to in a language you can understand, and the right to be presumed innocent until proven guilty. As an example, security forces routinely resort to unfocused "dragnet" policing, targeting particular areas or groups rather than individuals based on reasonable suspicion. Frequently suspects are asked to pay to be released.'

#### 2.7.10 Amnesty International reported in February 2015 that:

'The problems within Nigeria's justice system, for example, are deeply entrenched. 68% of the 55,000 people held in Nigeria's overcrowded prisons have been convicted but have been waiting, many for years, for their cases to conclude. Those who have been convicted often faced grossly unfair trials – with many having suffered torture and lacking access to a lawyer.'

[Back to Contents](#)

<sup>41</sup> United States State Department <http://www.state.gov/>, 'Country Reports on Human Rights Practices for 2013', Nigeria section, 27 February 2014, Section 1e,

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>, date accessed 13 March 2015

<sup>42</sup> Amnesty International, 'Stop Torture, Country Profile: Nigeria', 13 May 2014,

[http://www.justice.gov/sites/default/files/eoir/legacy/2014/05/23/stop\\_torture.pdf](http://www.justice.gov/sites/default/files/eoir/legacy/2014/05/23/stop_torture.pdf), date accessed 6 May 2015

<sup>43</sup> Amnesty International, 'Amnesty International Report 2014/15 – The State of the World's Human Rights', Nigeria', 25 February 2015, Justice System, <https://www.amnesty.org/en/countries/africa/nigeria/report-nigeria/>, date accessed 6 May 2015

## Sharia courts

2.7.11 The United States State Department 'International Religious Freedom Report for 2013', published in July 2014, stated:

'The constitution provides for state courts based on common or customary law systems, which have operated in the region for centuries. The constitution specifically recognizes sharia courts for "civil proceedings" but is silent on the use of such courts for criminal cases. Sharia courts in 12 northern states also have authority to hear criminal cases where both the Muslim complainant and the Muslim defendant agree to the venue; the sharia courts may pass sentences based on the sharia penal code, including hadd offenses and punishments, such as caning, amputation, and death by stoning. Non-Muslims have the option to try their cases in the sharia courts if involved in civil disputes with Muslims. Common law courts hear the cases of Muslims and non-Muslims who do not agree to use sharia courts. Sharia courts cannot compel participation by non-Muslims, but in the past some non-Muslims took cases to sharia courts, citing their speed and low cost. Aggrieved parties can appeal sharia court judgments to three levels of sharia appellate courts. Decisions by the Sharia Court of Appeal (the highest level of the sharia courts) theoretically can undergo appeal to the Federal Court of Appeal and then to the Supreme Court, although none has done so.

'Despite constitutional language supporting only secular criminal courts and the prohibition against involuntary participation in sharia criminal courts, a Zamfara State law requires that a sharia court hear all criminal cases involving Muslims. Zamfara's state-level religious affairs commission regulates religious affairs and preaching, distributes licenses to imams, and attempts to resolve religious disputes in the state. The states of Bauchi, Borno, Kaduna, Kano, Katsina, and Yobe also maintain state-level religious affairs ministries or bureaus, while many other state governors have appointed special advisers on religious affairs.'<sup>44</sup>

2.7.12 The United States State Department 'Country Reports on Human Rights Practices for 2013', published on 27 February 2014, stated:

'The testimony of women and non-Muslims usually was accorded less weight in sharia courts, although no legal provisions in common law barred women or other groups from testifying in civil or criminal proceedings or gave their testimony less weight. Some sharia court judges allowed different evidentiary requirements to prove adultery or fornication for male and female defendants. For women, pregnancy represented permissible evidence in some sharia courts. In contrast, men could be convicted only if they confessed or there was eyewitness testimony. Sharia courts provided women with certain benefits, including increased access to divorce, child custody, and alimony. It remained significantly easier, faster, and cheaper to get a hearing in a sharia court than in a common law court.'<sup>45</sup>

2.7.13 The Human Rights Watch report, 'Political Shari'a? Human Rights and Islamic Law in Northern Nigeria', published in September 2004, stated:

'Following the introduction of the new Shari'a legislation, most state governments set up structures and groups to ensure the implementation of Shari'a. These structures included Shari'a implementation committees and groups known as hisbah, whose main role was to ensure observance of Shari'a among the population and to report any breaches. The creation of the hisbah was popular in some quarters because of a deep distrust in the

<sup>44</sup> United States State Department, <http://www.state.gov/>, 'International Religious Freedom Report for 2013', Nigeria, July 2014, Section II. <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>, date accessed 21 April 2015

<sup>45</sup> United States State Department, <http://www.state.gov/>, 'Country Reports on Human Rights Practices for 2013', Nigeria section, 27 February 2014, Section 1e, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220146>, date accessed 28 April 2015

Nigerian federal police force, both among the general public and among state politicians. In several states, the hisbah have been used to carry out arrests, for example in cases of suspected adultery or fornication, consumption of alcohol and other offenses... There are three types of Shari'a courts dealing with criminal cases at state level. The lower and upper Shari'a courts (of which there are several in each state) hear cases in the first instance. Upper Shari'a courts also have appellate jurisdiction and are able to hear appeals from cases tried in the lower Shari'a courts. Each state then has its own Shari'a court of appeal, which hears appeals on cases tried by the upper Shari'a courts... Between three and five senior judges sit at the Shari'a state court of appeal; these judges are generally more experienced than those sitting in the upper and lower courts... Once defendants have exhausted their avenues for appeal within the state, and if the Shari'a court of appeal has confirmed the sentence, they can then appeal to the Federal Court of Appeal, and ultimately to the Supreme Court. These are both federal institutions and are not Shari'a courts, although they have jurisdiction to hear appeals from Shari'a courts and their appeal panels are supposed to include judges with expertise and knowledge of Shari'a.'<sup>46</sup>

2.7.14 The San Diego State University website, accessed on 13 March 2015, provided the following information:

'The Sharia Court of Appeal was established in 1960 in the Northern states for the purpose of hearing appeals from customary courts where Moslem Personal Law was involved. Appeals for cases involving Moslem Personal Law are brought from an upper court to the Sharia Court of Appeal. Appeals from the decision of the Sharia Court of Appeal that concern questions of the interpretation of the Constitution of the Federation, or a state constitution, or questions involving the application of the provisions of the Constitution of the Federation relating to fundamental rights, are brought to the Nigerian Supreme Court.'<sup>47</sup>

[Back to Contents](#)

## 2.8 Freedom of movement

2.8.1 The 1999 Nigerian constitution provides for the freedom of movement within Nigeria, and states that:

'41. (1) Every citizen of Nigeria is entitled to move freely throughout Nigeria and to reside in any part thereof, and no citizen of Nigeria shall be expelled from Nigeria or refused entry thereto or exit therefrom.

(2) Nothing in subsection (1) of this section shall invalidate any law that is reasonably justifiable in a democratic society –

(a) imposing restrictions on the residence or movement of any person who has committed or is reasonably suspected to have committed a criminal offence in order to prevent him from leaving Nigeria; or

(b) providing for the removal of any person from Nigeria to any other country to –

(i) be tried outside Nigeria for any criminal offence, or

(ii) undergo imprisonment outside Nigeria in execution of the sentence of a court of law in respect of a criminal offence of which he has been found guilty:

<sup>46</sup> Human Rights Watch, <http://www.hrw.org/>, 'Political Shari'a? Human Rights and Islamic Law in Northern Nigeria', September 2004, <http://www.hrw.org/reports/2004/nigeria0904/nigeria0904.pdf>, date accessed 28 April 2015

<sup>47</sup> San Diego State University, 'Crime and Society, a comparative criminology tour of the world', undated, Courts, <http://www-rohan.sdsu.edu/faculty/rwinslow/africa/nigeria.html>, date accessed 13 March 2015

'Provided that there is reciprocal agreement between Nigeria and such other country in relation to such matter.'<sup>48</sup>

2.8.2 The Freedom House 'Freedom in the World 2015' report, published in January 2015, stated that: 'Freedom of internal movement and foreign travel are legally guaranteed. However, security officials frequently impose dusk-to-dawn curfews in areas affected by communal violence or the Islamist insurgency.'<sup>49</sup> For example, an Agence France-Presse, report, 'Embattled Nigeria states impose travel bans through Christmas', dated 24 December 2014, stated that in December 2014 two northeast Nigeria states, Borno and Yobe, put in 'heavy restrictions on vehicle movement beginning on Christmas Eve and lasting through the weekend following fears of Boko Haram attacks.'<sup>50</sup>

2.8.3 The United States State Department 'Country Reports on Human Rights Practices for 2013', published on 27 February 2014, stated:

'The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, but security officials restricted freedom of movement at times by enforcing curfews in areas experiencing terrorist attacks and ethnoreligious violence. In the months following the announcement of the state of emergency on May 14, the Office of the UN High Commissioner for Refugees (UNHCR) documented thousands of Nigerian refugees in Cameroon, Chad, and Niger. In addition thousands of immigrants fled to their home countries from Nigeria. Internally displaced persons also sought refuge in Bauchi and Gombe states... On May 14 [2013], after reports that Boko Haram had taken over as many as 24 local government areas in the North, President Jonathan declared a state of emergency in Borno, Yobe, and Adamawa states. Curfews were imposed on the affected areas limiting freedom of movement.

'At various times throughout the year, the federal, state, or local governments imposed curfews or otherwise restricted movement in Bauchi, Borno, Kano, Kaduna, Kogi, Plateau, Adamawa, and Yobe states in the aftermath of Boko Haram attacks.

'Despite the IGP's [Inspector General of Police] order for police to dismantle all roadblocks, illegal roadblocks and checkpoints remained, often so that police could extort money from travelers. Security officials continued to use excessive force at checkpoints and roadblocks.'<sup>51</sup>

2.8.4 With regards to ethnic minorities, the same report stated:

'All citizens have the right to live in any part of the country, but state and local governments frequently discriminated against ethnic groups not indigenous to their areas, occasionally compelling individuals to return to a region where their ethnic group originated but where they no longer had personal ties. State and local governments sometimes compelled nonindigenous persons to move by threats, discrimination in hiring and employment, or destruction of their homes... Incidents of communal violence between ethnic groups in the Middle Belt, also divided along Christian-Muslim lines, resulted in numerous deaths and injuries, the displacement of thousands of persons,

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<sup>48</sup> Nigerian Law Resources, <http://nigerianlawresources.com/>, 'Nigerian Constitution Section 41 – right to freedom of movement', undated, <http://nigerianlawresources.com/2014/05/31/nigerian-constitution-section-41-right-to-freedom-of-movement-fundamental-rights-nigerian-law/>, date accessed 8 April 2015

<sup>49</sup> Freedom House, <https://freedomhouse.org/>, 'Freedom in the World 2015', Nigeria section, January 2015, Personal Autonomy and Individual Rights, <https://freedomhouse.org/report/freedom-world/2015/nigeria>, date accessed 28 April 2015

<sup>50</sup> Agence France-Presse, 'Embattled Nigeria states impose travel bans through Christmas', 24 December 2014, <http://reliefweb.int/report/nigeria/embattled-nigeria-states-impose-travel-bans-through-christmas>, date accessed 7 May 2015

<sup>51</sup> United States State Department, <http://www.state.gov/>, 'Country Reports on Human Rights Practices for 2013', 27 February 2014, Section 2d, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>, date accessed 13 March 2015

and widespread property destruction. Ethnoreligious violence, often triggered by disputes between farmers and herders, resulted in numerous deaths and significant displacement during the year. The largest number of examples of such conflict occurred in Benue State.’<sup>52</sup>

2.8.5 The Amnesty International report, “Our job is to shoot, slaughter and kill”: Boko Haram's reign of terror in north east Nigeria’, published in April 2015, stated that:

‘Boko Haram fighters ruthlessly enforced a common set of rules across towns under their control, which they would announce to the assembled population soon after taking over. Residents were ordered not to sell or consume cigarettes, Indian hemp, or other drugs; men had to let their beards and hair grow and wear trousers that did not touch the floor; women should cover themselves including their faces in public; all transactions had to be conducted directly between producer and consumer – intermediaries were forbidden; women were not allowed to move around outside without a permissible reason, travel between towns required special permission from the Amir and residents were frequently prohibited from leaving Boko Haram territory. With such restrictions on people’s movement, basic activities like obtaining food and gaining a livelihood were a challenge. Although there were fewer restrictions on men, Boko Haram had killed or imprisoned many men of fighting age. Most households were therefore dependent on children to collect food, or on assistance from Boko Haram members.’<sup>53</sup>

2.8.6 The Internal Displacement Monitoring Centre (IDMC) reported in December 2014 on the limits to freedom of movement experienced by IDPs:

‘Internally displaced people (IDPs), the vast majority of whom are women and children, face a range of threats to their physical safety and restrictions on their freedom of movement...Boko Haram’s proclamation of a caliphate in areas of Adamawa and Borno states has trapped people, and there are reports of summary executions of those seeking to flee (IDMC interview with HRW, October 2014). As Boko Haram and the security forces fight to control main roads, fleeing civilians are often forced into forested areas, where many have lost their way and died of hunger and thirst. They also risk being mistaken by the security forces for militants on the move. The fact that IDPs often have to pay to pass through Boko Haram checkpoints also steers them towards the forests rather than moving to areas where they might be more likely to access assistance (BBC, 20 May 2013; IDMC interview with OCHA, October 2014). The fact that many people in northern Nigeria do not have civil documents can further complicate their movement when they come into contact with state and local authorities (IDM interview with HRW, October 2014).’<sup>54</sup>

2.8.7 The Organisation for Economic Co-operation and Development’s (OECD) Social Institutions and Gender Index reported that:

‘Women’s freedom of movement is restricted in that in some cases they are obliged to obtain their husbands’ permission to obtain a passport or to travel outside the country. Women in purdah (in Muslim communities in northern areas) cannot leave their homes without permission from their husbands and must be accompanied by a man at all times

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<sup>52</sup> United States State Department, <http://www.state.gov/>, ‘Country Reports on Human Rights Practices for 2013’, 27 February 2014, Section 6, <http://www.state.gov//drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220146>, date accessed 13 March 2015

<sup>53</sup> Amnesty International: “Our job is to shoot, slaughter and kill”: Boko Haram's reign of terror in north east Nigeria’, Background, Life under Boko Haram control, 14 April 2015, <https://www.amnesty.org/download/Documents/AFR4413602015ENGLISH.PDF>, date accessed 7 May 2015

<sup>54</sup> Internal Displacement Monitoring Centre (formerly Global IDP Project), ‘Nigeria; Multiple displacement crises overshadowed by Boko Haram’, 9 December 2014, Protection concerns, <http://www.internal-displacement.org/assets/library/Africa/Nigeria/pdf/201412-af-nigeria-overview-en.pdf>, date accessed 7 April 2015

when in public. Purdah also restricts women's freedom of dress in that Muslim women must be veiled in public. Widows in these regions face the greatest degree of discrimination: they are confined to the home and must keep their heads shaven and wear mourning dress.'<sup>55</sup>

See [Actors of protection](#), [Corruption](#), and [Forged and fraudulently obtained documents](#)

[Back to Contents](#)

## 2.9 Corruption

2.9.1 The United States State Department 'Country Reports on Human Rights Practices for 2013', published on 27 February 2014, stated:

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

'Corruption: The anticorruption efforts of the Independent Corrupt Practices Commission (ICPC) and EFCC remained largely ineffectual. The ICPC holds broad authorities to prosecute all forms of corruption, whereas the EFCC is tasked with handling only financial crimes. Despite this wider mandate, the ICPC had achieved only 68 convictions since its inauguration in 2000.

'EFCC Chairman Ibrahim Lamorde, who took office in 2011, continued previous cases or brought new cases against 12 nationally prominent public officials. The EFCC faced several frustrating setbacks during the year. In January the EFCC won the conviction of John Yakubu Yusuf for embezzling two billion naira (\$12.6 million) from the Police Pension Fund, which carried with it a two-year prison sentence. The judge fined Yusuf 250,000 naira (\$1,570) in lieu of prison time. The day following this judgment, the EFCC re-arrested Yusuf on the charge of failing to declare a 250 million naira (\$1.57 million) bank account on his mandatory Declaration of Assets Form; Yusuf remained in custody pending trial at the end of the year.

'In March, President Jonathan pardoned former Bayelsa state governor Diepreye Solomon Peter Alamiyeseigha, who was convicted in 2008 for embezzling more than \$10 million in state funds. While Alamiyeseigha served two years in prison and forfeited the property he held in the country, he was still wanted in the United Kingdom on money laundering charges, and another foreign government seized his assets. By granting him a pardon, President Jonathan paved the way for Alamiyeseigha to run for another elected office or to hold other appointed offices.

'Despite the arrest of several high-ranking officials by the EFCC, allegations continued that agency investigations targeted individuals who had fallen out of favor with the government, while those who were in favor continued their activities with impunity.

'In February 2012 the EFCC brought criminal charges against former governor of Bayelsa State Timipre Sylva for laundering almost five billion naira (\$31.4 million) of funds belonging to Bayelsa State. In October 2012 the EFCC seized 48 properties worth approximately one billion naira (\$6.3 million) allegedly belonging to Sylva in Abuja. Sylva was granted bail in January. The EFCC discovered still more evidence of Sylva's money laundering activities, and after he refused to cooperate with the investigation, the EFCC

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<sup>55</sup> Organisation for Economic Co-operation and Development (OECD), 'Social Institutions & Gender Index 2014: Nigeria, Undated, Restricted Civil Liberties', <http://genderindex.org/country/nigeria>, date accessed 7 May 2015

arrested him again in May to bring new charges, raising the amount of money he was suspected of laundering to 6.46 billion naira (\$40.6 million). The court held Sylva in custody for one month before granting him bail of 100 million naira (\$628,000); the court refused his request to return his passports to travel to London with his wife.

'The trial of Representative Farouk Lawan for soliciting a bribe from Femi Otedola, president and chief executive officer of Zenon Petroleum and Gas Limited, started on October 23.

'On July 4, the Federal High Court in Abuja acquitted former minister of works and housing Hassan Lawal. In May 2011 the EFCC arrested Lawal on 24 counts of fraudulently awarding contracts, money laundering, and embezzlement of 75 billion naira (\$471 million).

'On May 28, the Federal High Court in Abuja started the trial of former speaker of the House of Representatives Dimeji Bankole for making fraudulent contracts worth 894 million naira (\$5.6 million); it continued at year's end.

'Police corruption remained rampant. In January the police released a new code of conduct, which includes provisions on officer integrity. The police did not report any enforcement actions related to the code of conduct.

'Whistleblower Protection: There is no law protecting whistleblowers, but legislation providing some protection for public and private employees has been under consideration in the National Assembly since 2011.'<sup>56</sup>

#### 2.9.2 The Amnesty International report, "Welcome to Hell Fire" - Torture and other ill-treatment in Nigeria', published in September 2014, stated:

'The risk of torture and other ill-treatment is exacerbated by the endemic corruption in policing. Amnesty International's research found that police often detain people, sometimes in large dragnet operations, as a pretext to obtain bribes, alleging involvement in various offences ranging from "wandering" (loitering) to robbery. Those who are unable to pay the bribes for their release are often tortured as punishment, or to coerce them to find the money for their release. They also risk being labelled as an "armed robber" and are then at further risk of being tortured to extract a "confession". Suspects without money are also less likely to be able to access a lawyer, family members or medical treatment.'<sup>57</sup>

#### 2.9.3 A 'Nigerian Eye' article, 'We Lack The Capacity To Prevent Corruption In Nigeria – Okonjo-Iweala', dated 19 February 2015, stated:

'The Minister of Finance, Dr Ngozi Okonjo-Iweala, said on Tuesday that corruption persisted in the country because Nigeria lacked the institutions, systems and processes to prevent it...According to her, the absence of the relevant systems and institutions that will help check corruption has created opportunities for people to engage in the act...The minister assured that people would be compelled to do the right thing always if the appropriate systems were in place to block and prevent corruption...She said that the Integrated Personnel Payment System had also helped government to remove ghost workers from the system and save money in the process.

'She said, "We have been able to weed out about 62,893 ghost workers till date saving N208.7 billion and we have not finished in the system. That is addressing the root cause."

<sup>56</sup> United States State Department, <http://www.state.gov/>, 'Country Reports on Human Rights Practices for 2013', Nigeria section, 27 February 2014, Section 4,

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>, date accessed 13 March 2015

<sup>57</sup> Amnesty International, "Welcome to Hell Fire" - Torture and other ill-treatment in Nigeria', September 2014, Summary and Introduction, <http://www.amnesty.ie/sites/default/files/report/2014/09/Welcome-to-hell-fire-torture-and-other-ill-treatment-in-Nigeria-Amnesty-International-report.pdf>, date accessed 2 April 2015

'The minister said that the names of the persons found to be involved in the act had been sent to the ICPC for further action.

'Okonjo-Iweala said that through the electronic wallet system introduced by the Ministry of Agriculture, government had been able to reduce corruption in fertilizer distribution in the country.'<sup>58</sup>

2.9.4 The Freedom House 'Freedom in the World 2015' report, published in January 2015, stated:

'Corruption remains pervasive, and government efforts to improve transparency and reduce graft have been inadequate. There were several high-profile corruption scandals in 2014. In February, the then governor of the Central Bank, Lamido Sanusi, accused the Nigerian National Petroleum Corporation (NNPC) of failing to remit as much as \$20 billion in oil revenue to the government's accounts between January 2012 and July 2013. Although Sanusi was removed from his position shortly after the revelation, the Senate called for an independent audit of the NNPC. As of the end of 2014, the federal government had not released the findings of the audit, conducted by London-based firm PricewaterhouseCoopers. A 2013 report by the British think tank Chatham House had found that more than 5 percent of total oil output is stolen annually.

'Although the Economic and Financial Crimes Commission (EFCC), Nigeria's main anticorruption agency, secured more than 110 convictions in 2014, cases against high-profile politicians and businessmen are hampered by political interference and an inefficient judiciary. Moreover, the EFCC has been accused of targeting those who have lost favor with the government. Nigeria was ranked 136 out of 175 countries and territories surveyed in the 2014 Transparency International Corruption Perceptions Index.'<sup>59</sup>

[Back to Contents](#)

## 2.10 Forged and fraudulently obtained documents

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

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

'Concerning the implementation of laws that deal with fraudulent documents, the representative of the Nigerian Police Special Fraud Unit indicated that the "laws [in the North and South of Nigeria] are there, but the interpretation has not been effective as the courts do not strictly go by the provision of the appropriate section"... Further, the representative noted that the Special Fraud Unit [and] the Police force [have] a legal section that effectively prepares charges using the appropriate sections of the law... The Special Fraud Unit and the Police do gain prosecution in various law courts... [but]... corruption has not allowed [the Nigerian] judicial system to function effectively"... The representative explains that "the courts are not effectively applying the measures as provided by the law due to corruption and tribal sentiments" (ibid. 17

<sup>58</sup> 'Nigerian Eye', <http://www.nigerianeye.com/>, 'We Lack The Capacity To Prevent Corruption In Nigeria - Okonjo-Iweala', 19 February 2015, <http://www.nigerianeye.com/2015/02/we-lack-capacity-to-prevent-corruption.html>, date accessed 2 April 2015

<sup>59</sup> Freedom House <https://freedomhouse.org/>, 'Freedom in the World 2015', Nigeria section, January 2015, <https://freedomhouse.org/report/freedom-world/2015/nigeria>, date accessed 28 April 2015



Oct. 2013). He said that even if arrests are made and investigations are carried out by the Nigerian Police Special Fraud Unit, "the guilty party/parties will walk away unpunished" (ibid.). The representative experienced first-hand that "the law enforcement officer will come under heavy attack as their life and that of their immediate family will be frequently threatened" (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

### '3. National Identity Numbers and Cards

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

### '4. Passports

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

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

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

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

'According to the Nigerian newspaper Vanguard, seven persons were arrested between December 2010 and April 2011 for immigration offences, ranging from forgery of Nigerian passports to illegal possession of passport data pages (14 June 2011). According to Australian Broadcasting Company News (ABC News), a Nigerian man was arrested on 15 August 2013 in Nigeria when collecting documents using a forged driver's licence in connection with the attempted sale of a home in Western Australia based on a stolen identity (16 Aug. 2013). According to the Nigerian newspaper Daily Trust, customs operatives from the Federal Operations Unit arrested seven persons in Nigeria [in September 2013] for "selling fake vehicle auction documents to members of the public" (9 Sept. 2013)...On 13 September 2013, This Day reported that seven persons, who specialized in forging and falsifying NCS documents, were arrested in Lagos after a raid by the NCS. They were reported to be found with fake seals, blank

original copies of auction sale/allocation of goods, fake exit permit stamps for customs, blank bank tellers, and photocopies of original customs documents (This Day 13 Sept. 2013). Further information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

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

'Frontex, the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (EU), reported that "[n]early half of all detections of false-document users [attempting to enter the EU] were of nationals from just five countries - Ukraine, Albania, Morocco, Iran and Nigeria" (2012, 26). According to Frontex statistics, between 2009 and 2011, 6.2 percent of people who were denied entry in the EU at an air border (via plane) because they were holding a false visa were Nigerians (2012, 54).'<sup>60</sup>

[Back to Contents](#)

## 2.11 Citizenship and nationality

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

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

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

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

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

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

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

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

(a) he is a person of good character;

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

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

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

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

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

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

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

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<sup>60</sup> Immigration and Refugee Board of Canada, 'Nigeria: False documents available in Nigeria and from Nigeria', NGA104617.E, 13 November 2013, <http://www.refworld.org/docid/52a82baf4.html>, date accessed 20 March 2015

- (a) he is a person of full age and capacity;
- (b) he is a person of good character;
- (c) he has shown a clear intention of his desire to be domiciled in Nigeria;
- (d) he is, in the opinion of the Governor of the State where he is or he proposes to be resident, acceptable to the local community in which he is to live permanently, and has been assimilated into the way of life of Nigerians in that part of the Federation;
- (e) he is a person who has made or is capable of making useful contribution to the advancement; progress and well-being of Nigeria;
- (f) he has taken the Oath of Allegiance prescribed in the Seventh Schedule to this Constitution; and
- (g) he has, immediately preceding the date of his application, either-
  - (i) resided in Nigeria for a continuous period of fifteen years; or
  - (ii) resided in Nigeria continuously for a period of twelve months, and during the period of twenty years immediately preceding that period of twelve months has resided in Nigeria for periods amounting in the aggregate to not less than fifteen years.

'28. (1) Subject to the other provisions of this section, a person shall forfeit forthwith his Nigerian citizenship if, not being a citizen of Nigeria by birth, he acquires or retains the citizenship or nationality of a country, other than Nigeria, of which he is not a citizen by birth.

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

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

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

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

- (a) the declaration is made during any war in which Nigeria is physically involved; or
- (b) in his opinion, it is otherwise contrary to public policy.

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

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

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

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

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

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

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

'31. For the purposes of this Chapter, a parent or grandparent of a person shall be deemed to be a citizen of Nigeria if at the time of the birth of that person such parent or grandparent would have possessed that status by birth if he had been alive on the date of independence; and in this section, "the date of independence" has the meaning assigned to it in section 25 (2) of this Constitution.'<sup>61</sup>

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

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

'Nigeria still do not allow women to pass their citizenship to their noncitizen spouses, or apply discriminatory residence qualifications to foreign men married to citizen women who wish to obtain citizenship...Constitution of the Republic of Nigeria, 1999, Article 26. For the most part, immigration authorities have accepted applications for registration by foreign husbands, but there have been some cases brought to court where this has been denied.'<sup>62</sup>

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

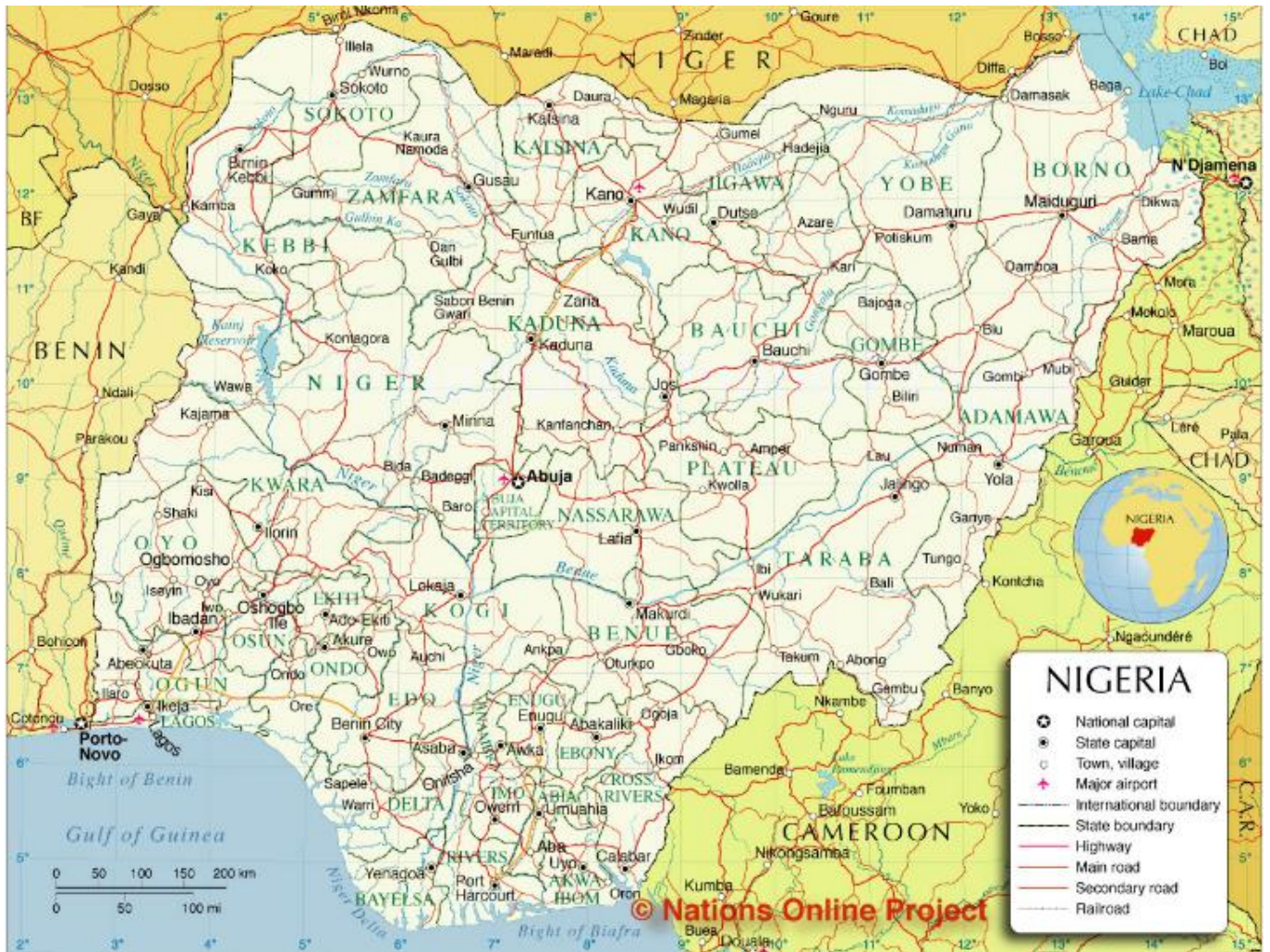
[Back to Contents](#)

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<sup>61</sup> Nigeria Law, [www.nigeria-law.org/](http://www.nigeria-law.org/), 'Constitution of the Federal Republic of Nigeria 1999', undated, <http://www.nigeria-law.org/ConstitutionOfTheFederalRepublicOfNigeria.htm>, date accessed 20 March 2015

<sup>62</sup> Open Study Foundations, 'Citizenship Law in Africa, A Comparative Study', October 2010, [http://www.opensocietyfoundations.org/sites/default/files/citizenship-africa\\_20101118.pdf](http://www.opensocietyfoundations.org/sites/default/files/citizenship-africa_20101118.pdf), date accessed 7 May 2015

# Annex A: Map of Nigeria



'Map of Nigeria', © 2015 IAL Nigeria Limited<sup>63</sup>

For other maps of Nigeria, see:

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

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

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

[Back to Contents](#)

<sup>63</sup> IAL Nigeria Limited, <http://ialnigeria.com/>, 'Map of Nigeria', undated, [http://ialnigeria.com/home/index.php?option=com\\_content&view=article&id=108&Itemid=128](http://ialnigeria.com/home/index.php?option=com_content&view=article&id=108&Itemid=128), date accessed 24 April 2015

# Change Record

Version	Date	Change References
1.0	June 2015	First version

[Back to Contents](#)