



# 'WELCOME TO HELL FIRE'

TORTURE AND OTHER ILL-TREATMENT IN NIGERIA

AMNESTY  
INTERNATIONAL



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**AMNESTY  
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Cover photo: A police station in Abuja, Nigeria, 9 February 2012. Many detainees have reported being tortured and otherwise ill-treated in various police facilities in Abuja, as well as across Nigeria. © CLEEN Foundation

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# 1. SUMMARY AND INTRODUCTION

"On 17 September 2013, about five policemen came to my house to arrest me. They did not tell me the reason for my arrest.

The first place they took me is SOS [Swift Operation Squad, a special police unit] and then later to Anti-Kidnapping Unit (AKU). They ask me what I do for a living. I tell them I work in a timber business... Then they took [me] to temple [a special room for torture in the station]. The temple is where they torture people. They took me to the temple on the same day at 11pm.

They handcuffed my legs and tie it with rope. They now carry a big rod and cross through my leg and hands. One person lifts one side of the rod; the other person lifts the other rod. They hang me up leaving the weight of the rod on me. They now use machete, one pipe iron to torture me. They tortured me in my chest, head, stomach, leg and every part of my body. By the time they torture me, torture me, torture me, there was a lot of blood. They tortured me on my heart, my face, my waist. There are wounds on my back. My mouth was full of blood. I wanted to say help me but all that came out was blood.

They tortured me until I lose control, until I collapse. I fainted totally. I lost control of my body. Later I woke up and found myself lying in my pool of blood. When they saw that I am awake, they ordered me to pack [pick up] my blood and eat it. The blood was mixed with sand but they told me to eat it. I eat everything. It's smelly. I do it.

They gave me a paper and told me to sign. I wanted to know the content of the paper but they used their gun to hit my head. I could not read what they wrote inside the paper. I just signed."<sup>1</sup>

**Diolu**<sup>2</sup> was 26 years old when he was arrested from his house in Port Harcourt, Rivers state, that day in September 2013. He was not told why he was arrested, nor was he given access to a lawyer during detention.

Unfortunately Diolu's experience is not unique in Nigeria. Amnesty International's research has found that countless other more people have suffered, and continue to suffer, similar torture and other cruel, inhuman or degrading treatment (hereinafter ill-treatment)<sup>3</sup> at the

hands of the Nigerian security forces, including the police and military.

Torture and other ill-treatment are absolutely prohibited, at all times, by international human rights law, including the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture (CAT) – both of which Nigeria is a state party to. Acts of torture and certain types of other ill-treatment are crimes under international law. The Nigerian Constitution also prohibits torture and other inhuman or degrading treatment.

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

Many police sections in various states, including the Special Anti-Robbery Squad (SARS) and Criminal Investigation Division (CID), have “torture chambers”: special rooms where suspects are tortured while being interrogated.<sup>4</sup> Often known by different names like the “temple” or the “theatre”, such chambers are sometimes under the charge of an officer known informally as “O/C Torture” (Officer in Charge of Torture).

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

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

A wide range of torture methods are used by both military and police, including beatings; shootings; nail and teeth extractions; and rape and other sexual violence (see box 1).

## SYSTEMIC FAILURES

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.

In addition to such impunity, various other factors facilitate the routine and systemic practice of torture and other ill-treatment in Nigeria. The police force is poorly trained to carry out criminal investigations. Police rely heavily on interrogation and confessions to solve cases and arrests are routinely carried out before investigation. Similarly, military operations conducted against Boko Haram rely heavily on "screenings" and mass arrests of detainees, who are then detained for lengthy periods without charge or trial.

The Nigerian justice system fails to prevent torture and other ill-treatment. Despite torture being constitutionally prohibited, a Bill to criminalize the practice is yet to be passed. This is despite the fact that two different Bills have been pending in the National Assembly for over two years.

Although international human rights law and Nigerian law lay down a series of safeguards to prevent torture, these are rarely implemented in practice. Amnesty International interviewed hundreds of victims who stated that they had been arrested – both by the military and police – without warrants, had been interrogated in incommunicado detention – without having access to their families or lawyers – and had not been produced before a court within a reasonable time. The flouting of such safeguards left them at the mercy of the security forces.

Although international law and Nigerian law prohibit the use of confessions obtained through torture or other ill-treatment as evidence in court, several lawyers told Amnesty International that in most cases the police rely solely on confessional statements to prosecute criminal cases. Since most victims of torture are too poor to afford a lawyer, concerns about how "confessions" have been extracted are often not raised before the court in such cases. Further, even if the "confession" is eventually struck down and the police are unable to produce sufficient evidence to continue prosecution, the victim will have nevertheless spent months or years in detention awaiting or undergoing trial.

Amnesty International found that the vast majority of complaints about torture and other ill-treatment do not lead to an investigation of any kind. In most cases involving allegations of torture by security forces that Amnesty International has documented, no proper investigations or measures have been taken to bring suspected perpetrators to justice. In cases where investigations have taken place, they were usually internal within the police or military, the findings were not made public and no criminal or disciplinary action was taken against the police or military involved. Thus, the cycle of impunity continues unabated.

Claims for compensation are rare with most victims too poor to afford a lawyer and an inadequate legal aid system. In all the cases researched by Amnesty International, no victim of torture or other ill-treatment was compensated by the government.

The above situation is not new. Over the years, several Nigerian and international

organizations have reported on the pervasive use of torture by police and other security agencies.<sup>6</sup> The UN Special Rapporteur on Torture and other cruel, inhuman and degrading treatment concluded after a 2007 mission to Nigeria that "In Nigeria, torture and ill-treatment are widely practised in police custody; they are particularly systemic in the Criminal Investigation Departments. Torture is an intrinsic part of the functioning of the police in Nigeria. This unacceptable state of affairs must end."<sup>7</sup> As far back as 2005, the Nigerian human rights organization Access to Justice reported that the police force was using torture as "an institutionalized and routine practice in its criminal investigation process."<sup>8</sup> In 2007, the National Human Rights Commission (NHRC) stated that torture is used "as official means of investigation of offences" and that "most cases in court are prosecuted by the police based on "confessions" obtained under circumstances of torture from accused persons."<sup>9</sup>

## NIGERIA'S INTERNATIONAL OBLIGATIONS

Nigeria is a state party to several regional and international human rights instruments that prohibit the use of torture and other ill-treatment. These include the International Covenant on Civil and Political Rights; the United Nations Convention against Torture and the Optional Protocol to the Convention against Torture (OPCAT); the International Convention for the Protection of All Persons from Enforced Disappearance; and the African Charter on Human and Peoples' Rights. Nigeria has also signed and ratified the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child (CRC).<sup>10</sup>

Article 10(1) ICCPR states: "All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person." Article 7 further specifies: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

Article 1(1) CAT defines the term, for the purposes of the convention, as "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity."

The Nigerian Constitution prohibits torture and other inhuman or degrading treatment.<sup>11</sup> Torture is however not defined in Nigerian law,<sup>12</sup> or criminalized despite this being a requirement of CAT.<sup>13</sup>

Although some parts of Nigeria are in a declared state of emergency (see chapter two), the prohibition against torture or other ill-treatment is non-derogable, i.e. it cannot be ignored or relaxed even in times of emergency.<sup>14</sup> Section 2(2) of the CAT clarifies, "No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture." Furthermore, "cruel treatment and torture" and "outrages upon personal dignity, in particular



humiliating and degrading treatment” are also specifically prohibited by international humanitarian law (IHL).<sup>15</sup>

## BOX 1. COMMON METHODS OF TORTURE

A wide variety of methods of torture is used by security forces in Nigeria in violation of the absolute prohibition against torture and other ill-treatment. Below are some of the most common ones documented by Amnesty International. This information is based on over 500 interviews with victims, relatives of victims, human rights defenders, lawyers and several detainees and former detainees in police and military detention centres across Nigeria.

- **Beatings:** The vast majority of former detainees have stated that they were beaten or whipped by objects including gun butts, machetes, batons, sticks, rods and cables. Beatings can last for hours. Before being beaten, detainees are often stripped, either naked or above the waist, and their hands are restricted and heads covered: a form of torture known as ‘ashasha.’



Figure 1 – An artist's drawing portraying a beating with machetes. © Chijioko Ugwu Clement

- **Rape and sexual violence:** Amnesty International has received consistent reports of women being raped or sexually abused by the police. While such violations take place even in public locations, they are most common during transfer of women to police stations, during their detention or in the police station when women visit male detainees in police custody. Rape and other forms of sexual violence, including inserting bottles and other objects into a woman's vagina, are also used by the police to extract confessions and other information.

- Shootings: A number of interviewees including former and current detainees reported being shot in the leg, foot or hand during interrogations. Many said they were left to bleed for hours without medical care or treatment.
- Nail or tooth extractions: Detainees’ teeth, fingernails and toenails are often removed using pliers, scissors and other objects.



Figure 2 - An artist's drawing portraying a tooth being extracted by a police officer. © Chijioko Ugwu Clement

- Suspending detainees by the feet. Many former detainees – especially those held in police custody – have described being suspended upside-down with their feet tied to a ceiling fan. This can last for several hours.
- Suspending detainees from a pipe or rod: Former detainees have also described being made to lie face down, with their knees bent and ankles tied, and with their arms raised and wrists tied. A pipe or rod, attached to a rope hanging from the ceiling, is then passed between their legs and arms, and the detainee is hoisted upwards and suspended in the air.



Figure 3 - An artist's drawing depicting a detainee being suspended upside down by their feet. © Chijioko Ugwu Clement



Figure 4 - An artist's drawing depicting the suspension of a detainee from a rod. © Chijioko Ugwu Clement

- Starvation: Many former detainees reported receiving barely any food while in custody. Some reported receiving food only once a day with sub-standard food, as much as would fit in their cupped palms.
- Sitting on sharp objects: A number of former detainees reported being forced to sit on a board covered with protruding nails, spikes and other sharp objects. This usually occurred after detainees had been beaten and were barely able to stand.
- Electric shock: Former detainees also described being subjected to electric shocks, from use of electricity current or hand held battery based objects being placed on sensitive body parts.
- Choking: Former detainees described how ropes are tied to their neck with two police officers pulling from both ends choking the victim until he faints.
- 'Tabay': Former detainees and serving members of the Nigerian military and police have described the common use of 'Tabay'. In this form of torture, detainees' elbows are tied behind the backs before the person is suspended from a stick or forced to sit awkwardly on the ground.
- 'Water torture': Amnesty International has interviewed several former detainees who claimed they had hot or cold water poured on their naked bodies, either while they slept or shortly after being beaten – when wounds were raw and bleeding.



Figure 5 - An artist's drawing portraying 'water torture'. © Chijioko Ugwu Clement

Some former detainees have also described other forms of abuse that may violate the absolute prohibition of torture and other ill-treatment, including experiencing mock executions and being forced to watch other people being extrajudicially executed. As a result of increased scrutiny by human rights non-governmental groups, Nigerian human rights organizations have reported new methods of torture aimed at hiding visible marks on the body of victims. This include covering the ropes used in tying up suspects with cloth to avoid any mark on the body; and tying the upper arm of suspects with rubber to choke the flow of blood and covering detainees with plastic and placing them in the sun until they die.

## METHODOLOGY

For over 10 years, Amnesty International has documented more than 500 cases of allegations of torture and other ill-treatment by the Nigerian security forces against suspects held in their custody. Amnesty International and other human rights and civil society organizations have repeatedly raised concerns with the Nigerian authorities about the use of torture in detention.

In researching this report, Amnesty International researchers visited police stations and prisons throughout Nigeria and spoke with hundreds of former detainees. Interviews were conducted on more than 20 Amnesty International missions to Nigeria between 2007 and 2014. Others were conducted by telephone from Amnesty International's offices in London. The report documents the various forms of torture and other ill-treatment meted out to suspects by security forces and highlights the worrying situation across Nigeria.

The report also draws on interviews with relatives of victims of torture, human rights defenders and lawyers who have dealt with such cases and government officials in Nigeria, as well as documents relating to court cases, medical records, photographic evidence and policy reports. Many of those interviewed asked not to be identified for security reasons. Names and affiliations of all these individuals have been withheld and pseudonyms have been used.

Torture and other-ill treatment is not limited to one or two agencies, or even to the government alone. Amnesty International has received credible reports of cruel treatment and torture being practised by armed groups including Boko Haram. This report focuses on torture and other ill-treatment by the Nigerian military and the Nigerian police force, who appear to be responsible for the vast majority of cases documented by Amnesty International. Amnesty International has raised its concerns directly with the Nigerian government and over the years has written numerous letters expressing concern about the use of torture and other ill-treatment. Nigerian officials in both the security and criminal justice sectors have generally denied or countered allegations of torture or any intentional ill-treatment.

## SUMMARY OF KEY RECOMMENDATIONS

In line with their obligations under international human rights law, the Nigerian authorities must take all necessary steps to ensure that no detainee is subject to torture or other ill-treatment by members of the security forces. Amnesty International is calling on the Nigerian leadership to demonstrate their total opposition to torture and other ill-treatment and publicly condemn such practices unreservedly whenever they occur. The Nigerian Government must also take action to pass a bill to criminalize torture and other ill-treatment. The practice of incommunicado detention must be ended: all detainees should be provided access to their family, a lawyer and doctor without delay. The Nigerian authorities should also ensure access to national and international human rights organisations to visit all detention centres. All allegations of torture or other ill-treatment must be promptly, impartially and effectively investigated by an independent body and where admissible evidence is found, suspects should be brought to justice in accordance with international standards for fair trial. The authorities must further ensure that victims of torture receive comprehensive and prompt reparations.

A complete list of recommendations appears at the end of this report.

## 2. TORTURE BY THE MILITARY IN THE NORTH-EAST

**"I wasn't killed by the soldier's bullet, but I don't know if I'll survive the pain of the soldiers' stick."**

Aliyu, a 55-year-old man who was arrested in Yobe state in January 2013.<sup>16</sup>

Since 2009, the armed group Boko Haram, which roughly translates as 'Western Education is Forbidden', has carried out a campaign of attacks against security forces, schools, churches and civilians. The Nigerian government initially set up a Joint Task Force (JTF) which comprised personnel from various security services, including the army and police to "restore law and order."<sup>17</sup> In January 2012, President Goodluck Jonathan declared a state of emergency in 15 Local Government Areas (LGAs) across four states which elapsed at the end of June 2012.<sup>18</sup> Nearly a year later, in May 2013, the President declared a six month state of emergency in Adamawa, Borno and Yobe states, which has been extended twice since.

The JTF was disbanded in August 2013 and control over operations in the north-east was handed to the Chief of Army Staff. Operations are currently being conducted by the Nigerian military with the assistance of the "Civilian Joint Task Force" (CJTF) – a state sponsored militia group which also has powers to arrest suspected Boko Haram members.

There has been a marked increase in reports of human rights violations by the security forces, including torture and other ill-treatment, since the state of emergency was first announced. New regulations under the state of emergency empowered the JTF and military to arrest anyone suspected of terrorist related offences. Thousands of people – estimates range between 5,000 and 10,000 – suspected of association with Boko Haram have been detained. A large number appear to have been subjected to torture, while virtually all are held in extremely poor conditions of detention that amount to ill-treatment.

Of the thousands arrested and detained, few are eventually released. Some were extrajudicially executed, others died from a combination of lack of medical care for injuries, starvation and/or inadequate food, and overcrowding and other poor detention conditions (see chapter 4). An unknown number still remain in detention.<sup>19</sup>

The situation in Nigeria was recognized by Amnesty International in 2014 as a non-international armed conflict. Others, including the International Committee of the Red Cross (ICRC), have also concluded the same.<sup>20</sup> Amnesty International has documented a wide range

of human rights abuses and humanitarian law violations by both government forces and Boko Haram in the north-east, some that amount to war crimes and crimes against humanity.<sup>21</sup>

## BOX 2. TORTURE AS A WAR CRIME

In a situation of non-international armed conflict, Nigeria remains bound by its obligations under international human rights law. All parties to the conflict, including non-state armed groups such as Boko Haram, are also bound by the rules of international humanitarian law (IHL).

Amnesty International’s research has found that both the Nigerian military and Boko Haram are committing serious violations of IHL and human rights abuses amounting to war crimes and crimes against humanity. There have been hundreds of unlawful killings by the military and by Boko Haram, including scores of extrajudicial executions, and deliberate attacks on civilians.

The torture and other ill-treatment of thousands of detainees by the Nigerian military is also a war crime. In the case of a non-international armed conflict, the Rome Statute of the International Criminal Court (ICC) defines war crimes as including serious violations of Article 3 common to the four Geneva Conventions. This includes violence to life and person, cruel treatment and torture and humiliating and degrading treatment against people taking no active part in the hostilities.

Nigeria became a state party to the Rome Statute on 27 September 2001. As such, the ICC has jurisdiction over crimes (as prescribed by the Rome Statute) committed on Nigerian territory or by Nigerian nationals from 1 July 2002 onwards. All states also have an obligation to investigate and, where enough admissible evidence is gathered, prosecute war crimes, as well as other crimes under international law such as torture, enforced disappearances and extrajudicial executions.

Most of the detainees interviewed by Amnesty International who were suspected to be associated with Boko Haram were detained by the JTF and then the Nigerian military in Giwa military barracks in Maiduguri, Borno state, and Sector Alpha military facility, (known locally as “Guantanamo”), in Damaturu, Yobe state. Amnesty International also interviewed several people who were detained at the Special Anti-Robbery Squad (SARS) detention centre in Abuja (a police facility also known as “the abattoir”).

According to Amnesty International’s research, most of those arrested and detained are held incommunicado – denied access to the outside world, including lawyers, families and courts, and are held outside the protection of the law – in conditions that may amount to enforced disappearances.<sup>22</sup> Detainees are usually not informed of why they have been arrested; and their families are not told of their fate or where they are being held. Few, if any, of those detained by the military in Maiduguri and other places within the states of emergency have been brought before a court or had the opportunity to challenge the lawfulness of their detention. All of these are vital safeguards against torture which are being routinely flouted by Nigeria’s military.

## ILLUSTRATIVE CASES

Many of the detainees interviewed reported being tortured or otherwise ill-treated by soldiers – usually as punishment, but sometimes to extract information. **Ahmed**, arrested in Tandari area of Potiskum, Yobe state, described his experience of torture as punishment for being

suspected of supporting Boko Haram:

"After the early morning prayers on 12 February 2013, as we were coming out of the mosques, soldiers came and told all of us to lie down on the ground in the street. Some people were trying to arrange their kaftans, the soldiers shot and killed some of them on the spot, some were shot on the legs, and the soldiers began to beat some of us on the head with iron rods, others were beaten with wood. We were then loaded into a Hilux van and taken to Damaturu 'Guantanamo'.

The soldiers threw us in the vehicle one on top of the other ten to twenty people per Hilux car. Because some were on top of the others some died before reaching Damaturu. On reaching Damaturu we were thrown off the vehicle and then they started beating us again. We were kept tied for three days. We were untied after spending three days in 'Guantanamo'. In 'Guantanamo' we were given a handful of food daily, and one polythene bag of 50CL of water per two persons per a whole day.

Many of my colleagues did not make it [died in detention]. The beating, the torture was just too much for us. They do all types of things to you, the soldiers. They will tie your hands behind your back, with the elbows touching and then one of them will walk on your tied hands with their boots. Your hands will remain tied and then they'll pour salt water on your wounds. You can't rub it, even if it goes into your eyes. My eyes got swollen as a result of that. I thought I was going to be blind. I have never experienced such brutality in my life."<sup>23</sup>



Figure 6 - An artist's drawing depicting Ahmed's account.  
© Chijioke Ugwu Clement

Military operations documented by Amnesty International often followed a pattern of mass arrests and "screenings" of people in towns and villages, usually involving beatings and other

ill-treatment. Those taken away as suspected Boko Haram members were often held incommunicado in local or smaller military camps without access to their family members or any lawyers for several days. Torture and other ill-treatment by the soldiers was routine – either at the time of or immediately after arrest or while detained – often to punish them for their alleged links with Boko Haram.

**Mohammad**, a 30-year-old fish-seller was arrested after such a “screening” operation in Maiduguri on 29 May 2013. He told Amnesty International that he was in a crowded market at around 10am when about seven Hilux trucks and one armoured car came there. The JTF soldiers surrounded the market.

There were three men with the JTF – with masks, helmets and bulletproof jackets – who started “screening”: pointing out individuals – sellers, dealers and customers – to the JTF and moving them to the left or right. Mohammad was one of the 300 men pointed out. Muhammad and all of the selected men were pushed and hit with rifle butts by the soldiers.

Around 8pm the men were packed inside eight J-5 Peugeot mini buses with their hands tied with nylon rope behind their backs. “There were at least about 50-60 in a truck. We were packed – one on top of the other – like bags of grain. From there we were taken to Giwa barracks... Our hands were tied throughout the night. .. I was with another about 100 persons in a room (approx 30 x 40 feet). We were kept like that in the room for three days. They barely gave us food to eat in our hands – just barely enough. They gave us water only once a day – one sachet of water for three persons.”<sup>24</sup>

Mohammad said that the soldiers would come to the cell and accuse the men of being Boko Haram, saying that they would suffer and die there if they refused to identify further Boko Haram members. On 1 June 2012, four days after his arrest, Mohammad and seven others were blindfolded and taken to an unknown place and left there to find their way home.

Another victim of torture who told Amnesty International of his experiences at the hands of soldiers of the JTF during his detention was 33-year-old petty trader **Musa**:

“I was arrested in October 2012 in Tandari ward, Potiskum in Yobe state. I was arrested along with over 180 people on that day (7 October 2012). Many of my colleagues died in detention after our arrest due to beating. When they arrested us, they took us to the JTF headquarters in Potiskum. There, we underwent all sorts of treatment.

...The soldiers took all of us to a detention centre in Potiskum, the ‘rest house’. They have a big hole [in the ground] in the corner of this camp where they put people for long hours and even days. ...they put about seven of us into the hole. We met about four other men in the hole as well. There were broken bottles inside the hole and we were put into the hole with only our trousers on. We were barefooted.

I spent over three days in this hole. One of the other men in the hole had blood stain all over his body. I later learnt he had been there for three days. His hands were still tied behind his back but the skin was peeling off. I later learnt that the cable they tied him with had acid on which made his hand decay. While in the hole, they poured cold water



on us and at other times they burn polythene and drop the hot melting polythene on our backs.

After three days they took us to Damaturu 'Guantanamo' where they left us for three days without food or drink.

In 'Guantanamo', one or two people die every one day, we undergo various types of torture in 'Guantanamo'. The soldiers will walk on us with their boots. They will beat us in the morning and keep us in the cell all day. It was very hot in the cell. No ventilation. No space to move your legs. They gave us food only once in a day. One of the soldiers told us... that we were lucky to be alive as our fellow detainees from the area were 'wasted' [killed] in Potiskum."<sup>25</sup>

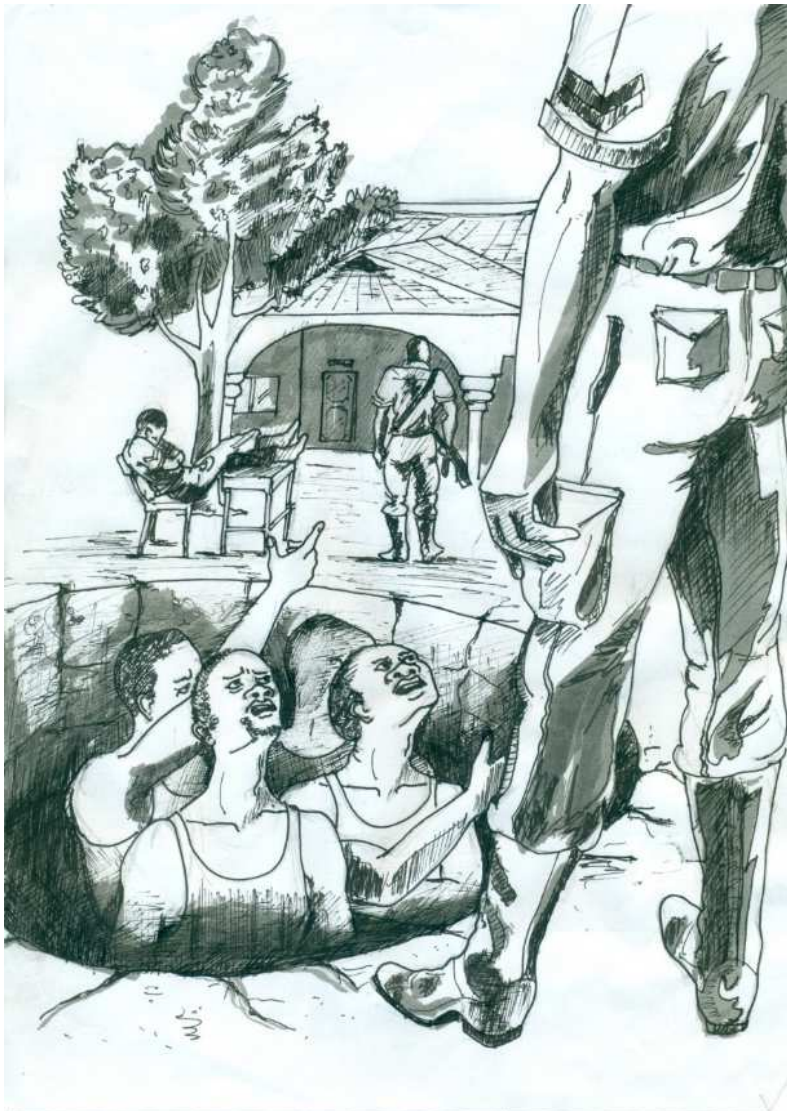


Figure 7 – An artist's drawing depicting Musa's account. © Chijioke Ugwu Clement

Detainees transferred or held at the main military detention facilities are commonly held incommunicado without charge or trial for varying periods, some for over two years, often in conditions that amounted to enforced disappearances.

The case of **Aliyu** – a 55-year-old farmer and local business-man from Potiskum – is typical. He told Amnesty International that he and about 20 of his neighbours were arrested on 13 April 2013 during a mass arrest by soldiers in his village.<sup>26</sup> He said they were taken to Potiskum army base, Yobe state, where they were tortured by soldiers accusing them of being Boko Haram. Aliyu described being told to dig his own grave: when he had finished digging, the soldiers tied his hands behind his back and blindfolded him. He told Amnesty International that he thought he was going to be killed, but instead he was told to lie on the ground with the other detainees and the soldiers beat them with sticks.

Aliyu spent one week at the Potiskum army base. He said he was not fed and only given water to drink once a day. For one hour every morning and every evening, he said the soldiers took turns to beat him and the other detainees with sticks and gun butts. He said they slept outside on the ground in their bloodstained clothes.

After a week, he was transferred to Sector Alpha in Damaturu where he spent a further three weeks incommunicado: with no contact with the outside world, including his family or any lawyer. Aliyu was held for a total of one month during which he was interrogated but never formally charged with any offence, before being released along with some of his neighbours.<sup>27</sup>

Aliyu was fortunate – he was not tortured in Sector Alpha and was released. According to credible information received by Amnesty International there are three major facilities in Damaturu where detainees are kept. When people are first arrested, they are often taken to Sector Alpha/"Guantanamo" for screening by intelligence officials. Those who are believed to be members of Boko Haram are moved to the 'guardroom' at the Presidential Lodge nearby where they are routinely tortured. Some are taken to the 'C-Division' station of the Nigerian police where they are locked in a cell and given no food till they starve to death.

A former soldier who served at Damaturu confirmed the methods of torture used there: "The interrogation room has two poles. They [the interrogators] use that to hang people by their limbs. An electrified baton is used on a person to make them talk. People have also been tied up [outdoors] for long periods, their limbs tied to the netting/wire around the basketball court. They tie people with their hands stretched behind their arms (Tabay). People kept like that for 6-7 hours lose their hands. People kept like that much longer can even die. The interrogators also shot many people in the knees, or used sticks to beat them. The main problem is that the people get infected, because of the [lack of] medical facilities there. So even if they get released, they die soon."<sup>28</sup>

### BOX 3. CHILDREN IN DETENTION

According to Amnesty International's research, children have also been subject to torture and ill-treatment. **Ali**, who was arrested with his 12-year-old son in Yobe state in January 2013 said:

"On 12 January 2013, at around 8pm in the evening, two trucks of JTF soldiers entered our area. I was reading the Qur'an with my two brothers, my son who was 12 years old and my wife's uncle who was staying with us... The trucks drove into the compound and all the soldiers jumped out and started shouting 'on the ground! Don't move! Don't move!' we all lied flat on the ground...

The commander ordered his men to put all the men and young boys, including my 12-year-old son into one of the trucks. They took us barefoot into the truck. Some of the soldiers kicked us and pushed us. They asked the women to remain on the floor. They brought in other men from the neighbourhood. Some were already bleeding.

On our way to the JTF base in Damaturu, we were beaten with gun butts by the soldiers. One of them poured alcohol on us. They were on high speed so we kept banging into each other and the side of the truck. My son vomited in the truck. The soldiers asked him to wipe it with his bare hands. His hands were tied, so he couldn't. He used his feet to try to wipe it and one soldier stepped on him so hard we thought his foot had broken. He kept shouting till we got to Guantanamo. They took him and my other brother to a different cell."<sup>29</sup>

**Mahmood**, aged 15, described a similar experience.<sup>30</sup> He told Amnesty International that he was among a group of 50 people – mainly children and young boys between 13 and 19 years of age – who were arrested in March 2013 by the army in Potiskum and taken to Damaturu. Mahmood said he was detained for three weeks at Sector Alpha and tortured. He told Amnesty International that he was beaten continuously with gun butts, batons and machetes and that soldiers poured melting plastic on his back, made him walk and roll over broken bottles and poured cold water on him. He was also forced to watch other detainees being extrajudicially executed.



Figure 8 - An artist's drawing depicting Mahmood's account. © Chijioko Ugwu Clement

Mahmood was not charged with any offence and said that he was denied all contact with the outside world, including his family and any lawyers. Along with 31 other detainees, Mahmood was eventually released in April 2013. When Mahmood arrived home, he was in desperate need of emergency medical treatment and was psychologically traumatized.

Mahmood's and Aliyu's accounts are consistent with a number of other incidents documented by Amnesty International where children – under the age of 18 – were arrested and tortured or otherwise ill-treated by the military in Yobe and Borno state.

A number of interviewees claimed that they were tortured and detained by soldiers as revenge for the soldiers' colleagues being killed by Boko Haram and as punishment for their alleged links with the armed group. **Jusufu**, aged 23, described his experience in November 2012 to Amnesty International:

"I was eating with my wife and then all of a sudden, the soldiers came to the house, asked all of us to come out. ... They started beating me and hitting me with sticks on my legs. They even beat my wife. They arrested everyone in the street, both male and female, and assembled all of us in the streets. They asked us if we didn't know that a MOPOL [Mobile police officer] and a soldier had been killed. We said no...They said 'you killed our colleague and you refused to tell us!' and then they started beating us. They said 'all of you are dead. We are going to kill all of you.' They started beating us and asked us to take off our clothes. And then they asked us to roll on the floor. They then used their bayonet and knives to cut our backs. I saw one soldier cutting the back of six people close to me. Many of us were already bleeding because we got wounded by rolling on sharp stones and other objects on the floor.

The soldiers then took us to Guantanamo. ...We were about 57 in the cell. And then the soldier hit me with a stick. He said 'you Boko Haram, why you're hiding your face? Look at me! Are you Boko Haram?' I said no. he hit me again on my head. .... They kept asking whether I was Boko Haram, I kept saying no. They'll shout 'liar!' They asked me where I was when the MOPOL was killed, I told them I don't know. They said you don't know where you were? They started beating me harder. All five of them. They kicked me. They hit my head with a stick. They beat me on my back, my stomach, on my legs, everywhere they could lay their weapons on. I was just lying there. When they realized there was so much blood on the floor, they brought some bucket of cold water and poured it on me. It was very painful. All the wounds on my body started aching afresh.

After they were satisfied, they tied my hands, which were already tied behind my back, to an iron hanging on the corner of the wall. I was half suspended and half touching the wall, not the floor. It was an extremely painful position."<sup>31</sup>

## RESPONSE OF AUTHORITIES

While the proclamation of emergency allows the military to arrest suspects, holding virtually all the detainees incommunicado in military facilities and preventing them from contacting their families or a lawyer is a violation of Nigeria's international human rights law and constitutional obligations.

There has been little effort to prosecute individuals suspected of carrying out crimes in connection with Boko Haram. Instead, the military has resorted to widespread detention without charge or trial and only very few detainees have been brought before a court. Even when the families of detainees have been able to challenge the lawfulness of the detention, for example when a relative has filed habeas corpus proceedings, the military have frequently ignored court orders for the release of the detainee.<sup>32</sup>

An Amnesty International delegation met with representatives of the Nigerian military in

Abuja in July 2013 to raise concerns about human rights violations by the military and detention conditions in military facilities. The representatives acknowledged that there were violations but claimed that they were not intentional: "Bringing in the military means additional measures were required to deal with the situation. And at times these additional measures might lead to collateral damages, which may not be intentional."<sup>33</sup>

The military representatives acknowledged the allegations of mass arrests and torture and other ill-treatment, but claimed they were necessary: "In regards to your allegation of mass arrest, it's a natural reaction by the army to cordon off an area to search when we don't get adequate information about particular acts... We also have challenges in investigating or detecting the truth. So we have to make do with the crude method we have. These extra measures are necessary for the context we operate in."<sup>34</sup> In August 2014, the office of the National Security Officer wrote to Amnesty International acknowledging that: "our security and law enforcement agencies are committed to abiding by the Geneva Conventions and all standard operating procedures designed to maximize the protection of civilians when fighting an armed and hidden insurgency, which blends in with the local population. That said, however, there have indeed been abuses committed where our security and law enforcement operatives failed to abide by those important standards. We are however determined to do better and happily with each passing day we are doing better."<sup>35</sup>

Senior military officers have confirmed the use of torture when speaking confidentially to Amnesty International delegates. One officer explained: "The army carry out all sort of torture, using whatever means available to them. They hang people, at times until they die. They use rifle butts and sticks to beat people. They also shoot people in the leg and leave them to bleed. They tie people hands behind their back with rope. So many people are unable to use their hands after they are released. Some people die after they have been released."<sup>36</sup>

## BOX 4. THE MILITARY PERFORMING POLICING FUNCTIONS

Under Nigerian law, the military does not have the power to arrest and detain people who are not part of the military except in specified and emergency situations. Nonetheless, Amnesty International has documented a number of instances where the Nigerian army or the Joint Task Force, which is also deployed in the Niger Delta and the south-east, arrests and detains people. The case below illustrates the human rights violations carried out by the army while carrying out policing functions unrelated to the conflict in the north-east.

On 3 July 2012, soldiers raided several bars and television viewing centres in Nsukka, Enugu state, and arrested about 30 men aged 20–34. According to eyewitnesses, the raid was carried out after the son of a soldier was killed, allegedly by a “cult” group in the town. Amnesty International interviewed 10 of the men. **Ugwuoke Ja**, who had gone to the bar to look for his brothers and who was also arrested, described the scene: “There was one boy bleeding profusely on the head as a result of the beating from the soldiers. They asked the boy to go home. The soldiers arrested seven of us, and tied us up with a rope. They told us to get in their vehicles. They came with three Hilux vehicles, one green in colour, and the others in blue and white colour. When they realized we could not all enter one vehicle at the same time, they cut the rope and asked three people to enter one vehicle, while four people entered the next vehicle. We left the bar at about 8pm because the soldiers spent a lot of time beating us. After that they arrested other people from different bars in the town.”

The 30 people were detained at the Army’s 82 Division base in Enugu. “On arrival, they started beating us with belts and heavy sticks accusing us of being robbers and cultists. They brought buckets of water, and asked us to dip our clothes in and wear them. We were then asked to roll on the wet floor, while soldiers constantly beat us. We were all put into one room (12 by 12 feet). This was at about 12 midnight to 1am. Around 8am, we were brought out and told to clean the barracks.”

The detainees were then taken to over to SARS Enugu, where they were told they were suspected of “cultism” and other crimes. Fifteen were transferred to Ogui police station, while the remaining suspects were detained in three cells at SARS. “We were about 60 people in one cell. Everyone was squatting. I spent two days in the cell and was bailed for the sum of N30,000 (approx. US\$185). Some of us were not bailed before I left the station, either because the parents were too far away or they could not afford the amount demanded by the police.

## 3. TORTURE BY THE POLICE

**"I was thrown inside a cell. I noticed the written sign on the wall of the cell 'Welcome to hell fire' - I quickly told myself that we are in for the worst.**

**I was taken to the interrogation room. There was a police officer at one end with two suspects who were chained together. That was the 'theatre' – the interrogation room. I saw ropes streaming down from ceiling tops, bags of sand elevated on perimeter wall fence of the hall and all types of rod and metal in different shapes and sizes.**

**I heard shouts and screams from torture victims, calling on their dead parents for help. I saw buckets of water on standby in case anybody faints or opts to die before appending signature to already written statements."**

Chinwe, who was detained at SARS Awkuzu, Anambra state, in 2013.

Policing in Nigeria is plagued by systemic problems ranging from poor training and equipment to endemic corruption and a lack of accountability. The reliance on "confessions" in investigations together with rampant incommunicado detention, a system riddled with corruption and personnel free to act with impunity, provides the ideal setting for torture and other ill-treatment.

Amnesty International has visited police stations throughout Nigeria over many years and has documented hundreds of allegations of torture or other ill-treatment in police custody. Most victims are poor and from vulnerable groups, and are tortured either to extract information and "confessions" or as punishment for their alleged offences. Amnesty International found that torture is such a routine and systemic part of policing that many police sections in various states, including the SARS and CID, use designated 'torture chambers': special interrogation rooms commonly used for torturing suspects. These are often known by different names such as "the temple" or "the theatre", and are in some cases under the charge of an officer known informally as "O/C Torture" (Officer in Charge of torture).<sup>37</sup>

Although reports of torture emanate from most police stations, several human rights defenders, lawyers and police officers told Amnesty International that torture is particularly common in the SARS police stations across Nigeria. Amnesty International was able to visit the SARS detention centre in the Federal Capital Territory of Abuja – known as the abattoir – in July 2009. Suspects were held in a disused warehouse located outside the city. Amnesty International delegates saw at least 30 empty bullet cases on the floor and chains hanging on the wall. There were visible signs of blood in the gutter. The situation was similar during a second visit in October 2012.



Figure 9 - An artist's drawing depicting Chinwe's account. © Chijioke Ugwu Clement



## NON-OBSERVANCE OF SAFEGUARDS

It is not enough for states to simply prohibit and criminalize torture under national law. States must take a range of further measures to protect people and prevent these forms of abuse. International human rights law and standards lay down a series of safeguards which, if implemented, reduce the isolation of detainees and maximize the opportunities for the actions of the authorities to be monitored, and intervene if torture is alleged.

With respect to the time of arrest and initial period thereafter, Article 9 of the International Covenant on Civil and Political Rights requires that all arrested persons should be informed immediately of the reasons for their arrest, promptly informed of the charges against them and brought before a judge. Principle 16(1) of the Body of Principles on Detention requires that notification of arrest and any transfer of a detainee be provided to the family or other appropriate persons. The UN Human Rights Committee has also reiterated the importance of such notification.<sup>38</sup>

The Nigerian constitution and other laws also provide a number of similar safeguards for suspects, including:

- The right to be informed about the facts and grounds of the arrest or detention.<sup>39</sup>
- Obligation to take an arrested person within a reasonable time to a police station.<sup>40</sup>
- Reporting of persons arrested without warrant to the nearest magistrate.<sup>41</sup>
- The right to be brought before a court within a reasonable time. This is stipulated as 24 or 48 hours for non-capital offences depending on the proximity of the court.<sup>42</sup>
- The right to remain silent until consultation with a legal practitioner.<sup>43</sup>
- The rights to have access to a legal representative or person of your choice, and to provide reasonable facilities for obtaining legal advice.<sup>44</sup>

Despite the above provisions in Nigeria's constitution and international human rights law and standards, arbitrary arrest and arbitrary and incommunicado detention are routine in Nigeria. Many people who had been formerly detained at police stations told Amnesty International that they were not told the nature of their offences during arrest, they had no access to lawyers and they were subjected to long detention without trial. In most cases, detainees are not allowed access to a lawyer and they are not brought to court within the constitutionally guaranteed period. Prolonged periods in pre-trial detention without access to a lawyer or any other person creates an environment in which the police can use all means to extract a confession.

### ACCESS TO LAWYERS

An important safeguard against torture and other ill-treatment is the right to legal counsel, contained both in international human rights standards and Nigerian law.<sup>45</sup> As most detainees tend to be poor and from vulnerable groups, and given the lack of a functioning legal aid system, the right to legal counsel is completely notional in Nigeria.<sup>46</sup>

**Chinwe**, a hotel worker, was arrested by police in Onitsha, Anambra state, on 31 July 2013 after a human skull and two guns were found in the hotel. He told Amnesty International: "The torture started from the point of arrest. They started slapping me. They almost stripped us naked. At the Area Command, the beating was intense. All 13 [hotel] staff (six women and

seven men) were taken in a police van without ventilation and left in the sun for five hours. When the van was opened, the sweats from our bodies were flowing like water. One person fainted."

All 13 hotel staff were moved to the SARS centre in Awkuzu, Anambra state, on 1 August. Once they were there, Chinwe said: "About four other police officers descended on me and started asking me questions ranging from personal to family to academic background questions... They tied ropes by my two hands and two legs, with a rod passing through in between them and then elevated me to a perimeter wall. I was in serious pain and intermittently passed out to which a cold bucket of water was poured on me to bring me back to life. At the end I was ready to admit anything they ask me."<sup>47</sup>

Chinwe had no legal counsel because he could not afford one. He was thus unable to complain about his treatment or challenge the lawfulness of the detention. **Okey**, the 52-year-old owner of the same hotel was also arrested the next day. Despite being able to afford a private lawyer, he was not allowed to meet with him until after six days in police detention.

Okey was detained in a police cell until 17 October when he was eventually arraigned in court and remanded in prison and told Amnesty International: "At SARS Awkuzu, I was given a thorough beating. They took me to a place they called 'theatre'. There were three policemen present including the OC SARS. They tied my hands behind my back and tied me with a rope while I was left hanging on a rod. They were pulling the ropes from both sides. O/C SARS told me that he would kill me, and that if I am innocent my blood will be on the head of his children. They used my thumbprint to append on a written statement."<sup>48</sup>

Other detainees interviewed by Amnesty International had similar experiences. **Sanni**, aged 25 who was detained at Panti CID station in Lagos, said that he was tortured in the early stage of his detention.<sup>49</sup> He said that on several occasions, about three police officers including his Investigating Police Officer (IPO) interrogated him. He was suspended in midair with an iron rod between his legs while being beaten with a machete. After several days, Sanni said that he could no longer endure the pain and "admitted" to being an "armed robber". He was charged and remanded to prison, but with no lawyer to represent him, he has been unable to even complain about his torture, let alone challenge his detention.

The vast majority of victims interviewed by Amnesty International did not have any legal representation nor any opportunity to meet with a lawyer at any stage, let alone have a lawyer present during interrogations.

#### INCOMMUNICADO DETENTION

Incommunicado detention of a person – without access to the outside world including their family or lawyer – provides a climate in which torture and other ill-treatment is more likely to take place, and may in itself amount to a violation of the absolute prohibition against torture and other ill-treatment. The UN Human Rights Committee and the Committee against Torture have both called for provisions to be made against incommunicado detention.<sup>50</sup>

**Kelechi**, aged 35, told Amnesty International that after his arrest, he had no access to the outside world for over two weeks.<sup>51</sup> This made it much easier for the police officers to torture

him and make him sign a statement as no one would know about it: "All the time I was in police custody, I was denied access to my family and lawyer. They did not even know where I was being detained."

Kelechi was arrested in Lagos on 10 March 2014 on suspicion of buying a stolen car and taken to Benin, Edo state. He told Amnesty International: "We arrived in Benin at about 2pm on 11 March. As we arrived, all the cops in the station were waiting to see me. As I was taken into the office, they mobbed me... They ask me same questions; each 'no' I said attracted multiple beatings and flogging with machetes."

The next day, the armed police took Kelechi to a derelict building:

"they [the policemen] were soaked with alcohol. As I was being led to the torture ground, my IPO told me that what I wrote and signed does not have any meaning. He said he does not need it. They were beating me down to the torture ground in an uncompleted building, at this point they told me that their mind has been made up and they have concluded that I stole the car....

They beat me till I was weak; one of my torturers told me that it would only cost them 500 Naira [approximately US\$3] to pay somebody to bury me. They tied my hands to the back together with my legs and passed an iron bar across and hung me between a wooden ladder and a window in the uncompleted building for about an hour. By the time I was brought down, I could not walk nor stand. I was beaten and tortured until I accepted stealing the car...

On writing the statement I told them that I do not know anywhere in Benin, they told me to find a way to implicate four other guys whose names they brought out from my phone..."

Kelechi was charged with armed robbery on 25 March 2014 and remanded in Oko prison, Edo state, until 16 May 2014 when he was granted bail. The case is still ongoing.

The above case is not an isolated one. Despite the existence of the various safeguards in international human rights law and Nigerian law, incommunicado detention is common in Nigeria. Such detention usually lasts between a few days and a few weeks – while the person is in police custody and before they are eventually brought before a judge for remand to a prison.

## RELIANCE ON CONFESSIONS

Amnesty International's research found that the Nigerian police lacks adequate resources to investigate complex crimes that require specialized skills. With little investment in fingerprint databases, ballistics and other forensic expertise, investigations often rely on confessional statements to "solve" cases.

A combination of poor training and a culture of corruption and impunity, combined with inadequate safeguards against torture, has allowed torture and other ill-treatment - to extract confessions - to become routine in criminal investigations across the country. Those arrested

in connection with serious crimes such as armed robbery or murder are particularly at risk of being tortured to extract confessions, as the police are under pressure to solve such cases.

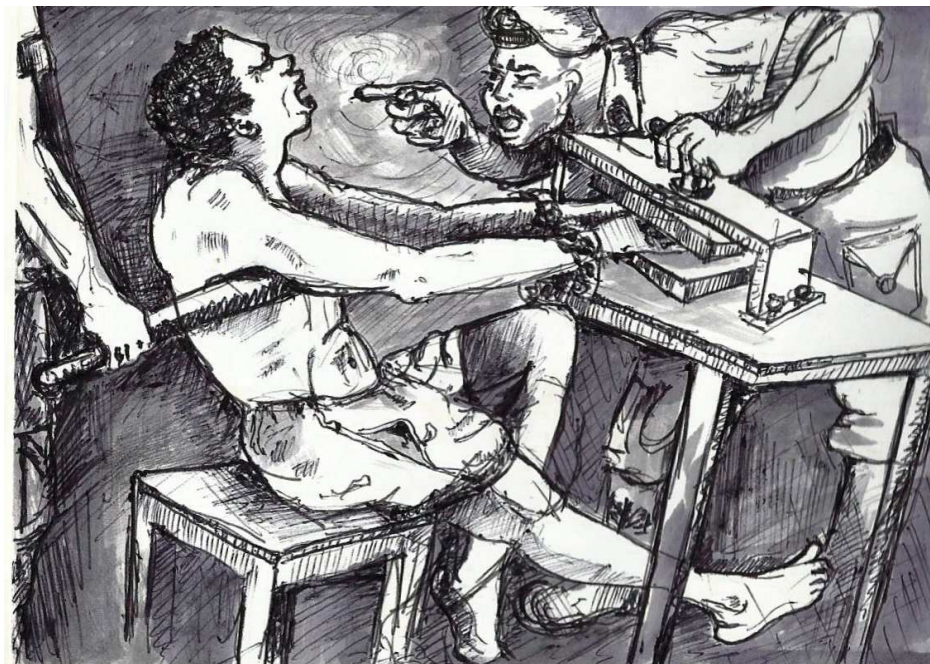


Figure 10- An artist's drawing depicting an interrogation. © Chijioke Ugwu Clement

**Hussein**, a 40-year-old motorcycle-taxi driver was arrested on 12 December 2012 at Ilaro, Ogun state, after a crowd of people accused him of theft and took him to a local police station. Hussein and a friend were detained at the Ilaro police station for eight days. Hussein told Amnesty International: "We were constantly tortured at this station. They use hot pressing iron to torture me. They also use cutlass to beat me on the back. There were two policemen administering the torture. They will tie my hands on my back and hit me with sticks and iron. While torturing me they kept on asking me to confess since my friend has confessed. I refused to admit anything."<sup>52</sup>

Hussein was brought before a court and remanded to prison, where he spent 16 months, before eventually being acquitted in April 2014.

**Femi**, a 27-year-old motorcycle taxi-driver was arrested in April 2011 and accused of robbery. He was detained at Panti police station in Lagos for about two weeks. He told Amnesty International, "About two policemen normally come to my cell to take me to the interrogation room. They used a cutlass to swipe my body inflicting wounds all over my body. Sometimes they also used rods to beat me. They will ask me to confess as they torture me. They used electric shocks on me. At the end I had no choice but to admit to the crime... the torture was so intense that when I saw my father, I called him 'mother.'"<sup>53</sup>

Femi was remanded in prison and, three years later, is still awaiting trial. He told Amnesty International that the police used his confessional statement to strengthen the case against

him and to ensure that he would not be released on bail. Others gave Amnesty International similar accounts. **Ayo**, aged 21, said in May 2014: "During interrogation, two policemen will beat me with a big stick and iron rod. One person usually holds me while the other beats me with rod or stick. Other detainees were equally tortured. One of us had his toe [nail] removed with pliers... Blood came out of his ears when he was slapped by the Investigating Police Officer. I was detained at the police station for about two months. The police wrote my statement and forced me to append my fingerprint as signature."<sup>54</sup>

#### CONFESSIONS IN COURT PROCEEDINGS

International human rights law, including the UN Convention against Torture prohibit the use of statements obtained through torture or other ill-treatment as evidence in any proceedings.<sup>55</sup> Section 28 of the Nigerian Evidence Act is similarly clear on the prohibition against using information gained from an accused person by means of inducement, threat or promise.<sup>56</sup>

Despite such safeguards, several lawyers told Amnesty International that in most cases the police continue to rely heavily on confessional statements to prosecute criminal cases and that many people are being convicted largely based on their 'confession' made to the police after torture. Under Nigerian law the judge can decide to open a "trial within a trial" when torture is suspected or alleged and the prosecutor must prove that a statement was made voluntarily. While such a process can play an important role in combatting torture, it nonetheless falls short of international standards which require that such investigations should not be discretionary, but directed in all instances where torture is alleged or even where there are reasons to believe that torture or other ill-treatment has taken place.

Further, since most victims of torture are too poor to afford a lawyer, concerns about how "confessions" have been obtained are often not raised before the court in such cases. Even where lawyers present allegations of torture before the court, the long periods of remand before the trial ensure that injuries caused by torture are usually no longer visible.<sup>57</sup> A lawyer pointed out to Amnesty International: "Many counsels are unable to raise [torture] during trial; you can challenge it and have a trial within a trial. It's the word of your client against a police officer, the judiciary tend towards the police officer."<sup>58</sup>

A human rights lawyer told Amnesty international that the police are constantly looking for ways to circumvent the law. "For instance most people who are tortured in police stations are never arraigned in court and in rare occasions when they are taken to court the police tried to ensure they are not represented by a lawyer."<sup>59</sup>

**Moses Akatugba's** case is typical of the problems of forced confessions perverting the criminal justice system. He was arrested in November 2005, aged 16, on suspicion of armed robbery, a charge he has always denied. Moses claims soldiers shot him in the hand, and beat his head and back during his arrest. During initial interrogations at an army barracks, Moses says soldiers asked him to identify a corpse. When he said he did not recognize the man, he was beaten, before being transferred to Ekpan police station in Delta state. He spent three months in police detention. During this time, he says police officers beat him with machetes and batons. He also reported that he was tied up and suspended upside-down for several hours. He also alleges that police officers extracted his fingernails and toenails with

pliers, before forcing him to accept and sign two 'confessions', which were written by the police.<sup>60</sup>

During his trial, Moses' counsel demanded a "trial within a trial" to examine the allegations of torture and other ill-treatment and the validity of the 'confession'. However, the police officers who investigated the case and against whom the allegations had been made failed to appear at the trial. In November 2013, Moses was convicted on the basis of the victim's statement and his two 'confessions' made after torture and sentenced to death. This judgment is currently under appeal, while Moses, now on death row, has already spent nearly nine years in detention.

**Dodo Odafe**, aged 44, is another apparent victim of torture facing a death sentence after a trial in which his 'confession' was admitted as evidence. He and another man were arrested on 24 August 2002 on suspicion of robbery. Dodo Odafe's lawyer claims that they "confessed" after they were tortured for days, shot in the legs, stabbed with a knife, suspended and beaten.<sup>61</sup> In court, a "trial within trial" was held and the judge ruled that Dodo Odafe was tortured to confess. However, after another judge took over, the confessional statement was allowed and Dodo Odafe was sentenced to death on 23 June 2010.

Dodo Odafe's lawyer told Amnesty International that Dodo Odafe and the other man were shot at from behind. Dodo Odafe was hit around the waist area and then locked in his cell without food or water. The next day, a police officer used a jagged knife to stab him in the shoulder. According to the lawyer, Dodo Odafe was also beaten with a machete, threatened with having his teeth pulled out with pliers, shown a long pin which the officers threatened to insert into his penis and told he would be forced to drink acid if he did not sign the confession. Dodo Odafe was reportedly handcuffed, his hands put on top of his knees and he was then suspended by a rod and beaten with a flat bar until he passed out from the pain. According to the lawyer, Dodo Odafe agreed to "confess" only when five police officers put him into the back of a pick-up with two dead bodies, drove near a river and warned him that the same would happen to him. Back at the police station, Dodo Odafe apparently continued pleading, but one police officer shot him in the foot with a rifle and he signed a "confession".

When Dodo Odafe and the driver were eventually remanded to prison five weeks later, the prison records officer reportedly insisted that the police sign the remand warrant to confirm that the two men had been brought in with gunshot wounds. Producing this document in court initially resulted in the confession being rejected, but for reasons not entirely clear, the confession was reinstated and Dodo Odafe was sentenced to death.

## CORRUPTION AND ABUSE OF POWER

Corruption pervades policing operations in Nigeria. The lack of accountability and virtual impunity means that police officers are easily able to abuse their power. Victims of torture are usually poor, many are detained by the police in large dragnet operations and ordered to pay a bribe to be released. Those who are unable to pay are often tortured, either as punishment or to coerce them to find the money or risk being labelled as an "armed robber". Sex workers in particular are commonly targeted by the police either to extort money or for rape.

Many human rights defenders and community members told Amnesty International that the police often raid poor neighbourhoods. People are then detained on the pretext of involvement in various offences ranging from 'wandering' (loitering) to robbery, largely in an attempt to extort money.

Suspects without money are also less likely to be given access to a lawyer, to family members or to medical treatment once they are detained.

**Ayo's** case is typical. He told Amnesty International that he was arrested in November 2012 in Lagos when the police were investigating a street fight between two gangs earlier that day.<sup>62</sup> "The police were raiding the neighbourhood and arresting any youth in sight. The police arrested me and about eight other people. It was around 8pm at night. We were taken to the Lion building police station, near Obalende, Lagos. The police accused me of robbery, but I told them I was not a robber, just a hustler. The Investigation Police Officer demanded N800,000 [approx. US\$5,000] for my release, which I cannot afford."

His failure to pay meant that Ayo was punished by the officer: "I was pushed inside a cell. We were about 30 inmates in a single cell. We hardly had any food to eat. I was constantly tortured while I was in detention. I was never given medical help despite my injuries and pain."

Ayo is one of eight people charged with armed robbery in the same case. He is currently in Ikoyi prison, Lagos, awaiting trial on a capital charge with no legal representation.

#### RAPE AND OTHER FORMS OF SEXUAL VIOLENCE

Amnesty International has documented numerous cases of rape and sexual violence against women and girls by security forces in Nigeria.<sup>63</sup> Rape by police is a common method of torture inflicted on women and girls in Nigeria. Amnesty International found that women detained for criminal offences, relatives of criminal suspects and sex workers who cannot pay bribes are often targeted for rape and other abuse by police officers.

Amnesty International has documented several cases where female detainees were subjected to sexual violence either to extract a 'confession' or for punishment. **Abosede**, aged 24, was arrested at Lagos Island on 18 November 2013 on suspicion of theft, along with her boyfriend and five other young men. She was detained for five months at SARS Adeniji Adele police station in Lagos, where she was subjected to sexual violence by the police:

"We [I and other female detainees] were always verbally abused by policemen. They call us 'armed robbers' and 'ashewo' ['prostitutes']... On several occasion during my detention at Adeniyi Adele station, a policewoman took me to a small room, told me to remove everything I was wearing, which I did, and told me to lie down. She will spread my legs wide, and fired tear gas [spray from a hand held device] into my vagina. I was asked to confess that I was an armed robber. I refused to admit but after several painful experience at the hands of my IPO and her colleagues, I admitted to everything they asked me. I was not taken to the hospital even though I was bleeding from my vagina...Up till now I still feels pains in my womb."<sup>64</sup>

**Nkiru** was arrested on 20 March 2014 by officers from Pedro police station, Palm grove, Lagos, on suspicion of theft and giving false information to the police. She was held for two weeks and raped while in detention. She told Amnesty International that on several occasions one of the senior police officers brought her to his office and promised to set her free if she had sex with him, and that if she refused he would worsen her punishment.<sup>65</sup> She agreed under duress. Any such agreement under duress would not amount to free consent.

**Idowu**, aged 31, was arrested by the police and detained at Onikan police station in Lagos on 15 April 2014 after her manager made a complaint to the police. She told Amnesty International how she was raped by a police officer:

“At about 10pm, one policeman brought me to the office of [a senior officer]. [He] started touching me and when I resisted his advances he told me that he knows that I am a [migrant] Togolese and that if he charges the case to court I will be in trouble. He said he is in a position to make things very difficult for me. He said the only way I can avoid imprisonment is to sleep with him. When I realized that I have no choice, I asked him to use a condom. He shouted at me and asked me to keep quiet. He took me inside an inner room in his office and had his way with me. He thereafter asked me to wash myself. He supervised my washing to ensure I removed all implicative evidence. He also threatened to send me to prison if I mentioned the rape to anyone. I developed stomach pain as a result of the sad experience with the [police officer].”<sup>66</sup>

Idowu’s ordeal did not end there as the police refused to let her leave unless she paid a bribe – they collected N12,000 (approx. US\$80) from her relatives before she was set free. With the assistance of a local rights organization, Idowu was able to complain about the incident and the police officer was arrested and detained (but see chapter 5).

#### **TARGETING OF SEX WORKERS**

Prostitution and soliciting are criminal offences in Nigeria<sup>67</sup> and Amnesty International found that women sex workers, who consistently face rape and sexual violence from the police, hardly ever report the rape for fear of prosecution.

In almost all the cases documented by Amnesty International, no charges were brought against the arrested sex workers but the threat of a charge of prostitution was used to coerce them – either into paying bribes or having sex with police officers. According to **Oluchu**, a 22-year-old sex worker from Port Harcourt, Rivers state: “I was arrested two times, for three days. They arrest me with my friend, There is no charge...They ask for N10,000 bail...They ask to sleep with me. Three persons (police officers) asked to sleep with me for night. I did not report it.”<sup>68</sup>

Amnesty International has documented several instances in locations across Nigeria where the police and other law enforcement agencies have undertaken mass arrests of sex workers, or women perceived to be sex workers, often using local and environmental laws to justify their actions.<sup>69</sup> In February 2014, the Minister in charge of the Federal Capital Territory (FCT) ordered all sex workers to leave the city or face arrest.<sup>70</sup> Soon after the announcement, officials of the FCT ministry and police embarked on a series of raids arresting women and girls found on the street at night. Some of them said they were not sex workers. Amnesty



International has on several occasions witnessed the arrest of women in the streets of Lagos by the police. In one specific incident on 2 May 2014, a team of police officers from Area F police command was observed arriving in two minibuses at Allen Avenue Junction at about 11pm and arresting approximately 20 women.

**Ammy**, a 33-year-old sex worker living in Abuja, told Amnesty International that she has been arrested on several occasions. "The raids are normal here...Police teams usually patrol Abuja in the night looking for girls. They not only arrest sex workers but every girl they see on the road at night, especially if you are not with a man....I have been arrested about five times. On one occasion I was taken to Wuse magistrates' court. It was February 2012. On that occasion we were about 50 and were charged for prostitution. Those who pleaded guilty were fined N1,000 (approx. US\$6) while those who pleaded not guilty were remanded in Kuje prison for a day."<sup>71</sup>

Many other sex workers interviewed by Amnesty International reported that they had been victims of rape and extortion. **Bose**, one of the sex workers whose arrest in Lagos was witnessed by Amnesty International, described the pattern:

"This is a normal and regular thing. The police usually come here to raid and arrest us... I have been arrested on several occasions and later released after paying between N3,000 to N5,000 (approx. US\$18-30). In this case, they came in two 'danfo' buses [minibuses] and rounded us up. About 20 of us and took us to Area F police command in Ikeja. It was at about 12am in the morning. We were asked to pay N5,000 each for bail. They do not document any arrest nor charge us officially. I called one of my friends who came and paid the money for me. Some of the girls could not pay money for bail and we left them behind at the station. They were released in the morning. I learnt the policemen slept with them before releasing them."<sup>72</sup>

Another sex worker from Lagos, **Kemi**, who paid the bribe to escape from detention, said:

"The policemen even invited their friends from their houses to sleep with the girls before allowing them to go. I can recognize the policemen now because they come here every day... It appears they come here whenever they want money or sex. The worst thing is that they always refuse to wear condom. That is why most girls prefer to pay them the N5,000 rather than allow them to have their way. Policemen have raped most of the girls here but I am not sure any of them will admit to that in your presence."<sup>73</sup>

**Efe**, aged 32, was arrested on five occasions by the police in Okota, Lagos. She told Amnesty International that on each occasion she paid about N3,000 for her bail. "They come to arrest us every time they need money or sex. They are always on the lookout for girls who are new in the business. They prefer sleeping with such girls. The rest they demand money or your phone."<sup>74</sup>

Many of the sex workers interviewed by Amnesty International in Port Harcourt told of similar experiences – most said they had either been raped by the police or knew someone who had been.

**Melvin**, a 23-year-old sex worker in Port Harcourt, said she was raped twice by the police. She said: "I was arrested twice. Last month they took all of us to Mile 1 police station. We were six that day, we see different people. They put us in different places [in the police station]. We just have to allow them have sex with us. We were detained for three days. We were asked to pay N3,500 each. The one that will bail you will sleep with you. After that you can go."<sup>75</sup>

**Philo**, aged 21, told Amnesty International that the option is either to pay the bribe or allow the police to have sex with them. "There is no security here. When the police come, when you see them, you run, because otherwise they arrest. You'll have to pay N2,000 or N3,000 (approx. US\$12-18) for bail."<sup>76</sup>

Many of the arrests of sex workers documented by Amnesty International took place at night. **Onome**, a 23-year-old sex worker from Port Harcourt said: "Some of them senior police officers want to sleep with us before they agree to bail us. Two police officers slept with me. They take you to a little house and lay you on the ground."<sup>77</sup> Another sex worker, **Abike**, confirmed: "The police will carry four people. They will rape them in the toilet. The police will sleep with women and ask them to sweep the floor. If you go empty handed [i.e. without any money] they will sleep with you, if you have a phone they will leave you and they will take your phone."<sup>78</sup>

All the above cases of rape by police officers of women in their custody constitute torture. This is one of the most significant aspects of discriminatory violence against women. Sex workers, already criminalized by the Nigerian state, are doubly discriminated as they are unable to complain about such crimes without risking prosecution.

Rape constitutes a violation of the rights of women and girls to be free from torture, to mental and physical integrity, to liberty and security of the person. CEDAW and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, ratified by Nigeria on 18 February 2005, specifically obliges states to adopt appropriate and effective measures to enact and enforce laws to prohibit all forms of violence against women, including unwanted or forced sex, to punish the perpetrators of violence against women, and to implement programmes for the rehabilitation of women victims.

The Nigerian government is under obligation to protect all its citizens including sex workers from gender-based violence and extortion. The Nigerian government is failing in its obligation to ensure that perpetrators are punished and victims of rape and other forms of sexual violence receive redress for the serious crimes committed against them.

## CHILDREN IN POLICE DETENTION

Amnesty International has received credible reports of children - under the age of 18 - being detained and tortured or otherwise ill-treated at police stations. Nigeria has three juvenile offender institutions and several state remand homes, but in most police stations and prisons, children are held in cells together with adults. In 2010, the UN Committee on the Rights of the Child also noted, "with utmost concern... reports that torture and other forms of ill-treatment are widespread in police custody, and particularly at reports that children as

young as 11 years of age have been held in custody in inhuman conditions in the Criminal Investigation Department (CID)".<sup>79</sup>

A significant part of the problem is that Nigerian law is inconsistent with international human rights law and standards. According to the Convention on the Rights of the Child, to which Nigeria is a state party, a child is anyone under the age of 18.<sup>80</sup> However according to the Nigerian Criminal Procedure Act, a child is "any person who has not attained the age of 14 years."<sup>81</sup>

During Amnesty International visits to various police stations and detention facilities, even where all information indicated that the detainees were children – under 18 – police officers would claim that they were not children.<sup>82</sup> Moreover, some detainees told Amnesty International that they were told by the police to say they were above 18 as it would "help their case." In reality, this made it easier for the police to bring them to a magistrate's court rather than a juvenile offender court.

Under international human rights law and standards, children who come into conflict with the law are entitled to the same fair trial guarantee and rights as adults, but because of their age they should have additional protection. This should be based on their best interests and well-being, as well as the desirability of rehabilitation.<sup>83</sup> Thus, the arrest or detention of children should only be used as a measure of last resort, should extend for the shortest appropriate time, and be subject to regular review. Pre-trial detention of children should be avoided where possible and other alternatives to detention relied upon. Children in pre-trial detention should be segregated from adults, except where this would not be in the best interests of the child. There is also a prohibition on holding children in solitary confinement.

Despite the absolute prohibition against torture and other ill-treatment for all people, and the specific prohibition contained in Article 37(a) of the Convention on the Rights of the Child, children continue to face such abuse from the police in Nigeria. The case of **Osta**, aged 16, arrested in Port Harcourt on 13 June 2010 is typical:

"We were at the football field. When we came back home, around 6pm, I wanted to take a bath. So I went to the well, and undressed myself. The JTF came, surrounded the area. They were saying they saw someone smoking and wanted to know who that was. I did not know what that was about as I had not seen anyone smoking. By that time it must have been around 7pm. The JTF told us, we were four of us, to lie down on the ground... I have not been able to see their faces as they had covered them, but they did wear their uniforms." When we lied down on the ground they started beating us, and starting marching with their boots on our heads and upper bodies. They started marching on me, I was naked, it was very painful.

They took some firewood from the fire [a fire meant to roast fish] and started beating me with it on my back and on my head. I was not allowed to shout, they said that if I would shout they would shoot me. They also poked me in the side of my body with the burning firewood. I suffered greatly, and had a big wound where they poked me. I was vomiting blood. They were slapping me and hitting me on the head and kept on saying I had to say the name of the person who was smoking. I was the only person they hit and poked

with the burning firewood. My sister and my mother came and started begging to let me go. They pushed my mother aside, to the wall of our mud house.

Then they dragged me to the market square. They made us lie down and wanted us to come into their vehicle. More elderly women came and started crying and shouting. At around 9pm they let us go. The JTF did not say anything, only that they wanted us to give them the name of the person who was smoking.

I was about to pass my WAEC (High School) exam, that is needed to enter the university. I am the talented kid of the family. My father died when I was young, so it is just me and my three elder brothers and sisters and my mother. My mother had been saving the money for the WAEC exam for a long period of time (several years). But now it was needed for my medical treatment. I did not see a doctor, as we do not have money for that. My mother went to a chemist and bought bandage and medicines for treatment. This cost N18,000 [approx. US\$110].

After this happened for a week I was not able to do anything because of the pain. I have not been able to go to school for three weeks. Later, back in class, I was still vomiting sometimes and still feeling sick. Now, two months later, I still have a big scar on my side."<sup>84</sup>

In addition to the legislative gaps, there are also more systemic concerns which place children at risk of torture and other ill-treatment. For example, the Nigerian police in Port Harcourt often see street-children as part of a wider crime problem and regularly arrest and detain them in cells with adults, for petty offences.

**Ethan**, aged 17, told Amnesty International that he was locked in a cell with 20 adults after he was arrested by the police in Port Harcourt in June 2013. He also gave details of his torture: "The police caught me and said I was a 'cultist'. They were beating me on the street; two police officers were hitting me using hands. I fell on the ground into the sewer water... I stayed in the cell of Mile 1 police station for two days. At Mile 1, they took my statement. I told them I did not do anything. They did not believe me... I was then transferred to SARS. At SARS they beat me really bad. When I wouldn't write my statement they start to beat me. They hit me with a stick. Flogged my knees. Stomped on my ankle. As I came out my legs [were] swollen up. I'm not well. All my body was aching. After writing my statement they put me back to the cell. In the cell they didn't give food or water... I was there for three weeks. I did not see any lawyer or doctor."<sup>85</sup>

The Nigerian human rights organization Human Rights Social Development and Environmental Foundation (HURSDEF) has also documented several instances of street children being arrested and tortured or otherwise ill-treated at police stations in Port Harcourt, including in June 2013 when police officers from Mile 1 Police Station, Diobu, rounded up 22 homeless people, among them seven children, and detained them in one cell. HURSDEF reported that during arrest and detention, all of them – including the children were subjected to beatings and not given any food or water. They spent three days in detention.<sup>86</sup>

## 4. CONDITIONS OF DETENTION

**“Anybody who enters ‘Guantanamo’ does not want to talk. What you see and experience is so horrid, that only God can deal with it.”**

Hasan, a 45-year-old truck-driver from Potiskum, Yobe state, who was detained at ‘Guantanamo’ in Damaturu.<sup>87</sup>

Amnesty International found that detention conditions in many of Nigeria’s police stations and military facilities appear to be in violation of the country’s obligations under international human rights law and standards, including the UN Standard Minimum Rules for the Treatment of Prisoners.<sup>88</sup> They are damaging to the physical and mental well-being of detainees. Cells and other confinement spaces are generally severely overcrowded, hot and unhygienic, with little or no sanitation facilities. Food and water are grossly inadequate, with detainees in military detention in the north-east of the country at risk of dying due to starvation. Medical care is rare, and large numbers of people are reported to die in custody due to lack of treatment for their wounds and injuries. Amnesty International believes that the conditions of detention in many police stations and military facilities are so appalling that they may in themselves amount to cruel, inhuman or degrading treatment (ill-treatment).

All people deprived of their liberty must be treated with humanity and with respect for the inherent dignity of the human person.<sup>89</sup> International standards, particularly the UN Standard Minimum Rules for the Treatment of Prisoners<sup>90</sup> and the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment<sup>91</sup> set out certain specific requirements for the accommodation of prisoners, including in particular with regard to space, ventilation, sanitation and hygiene.

### POLICE STATION DETENTION CELLS

Almost all detainees arrested by the police spend time in police station cells before they are remanded by a court to a regular prison. Some may be detained for only a few days, but Amnesty International found that many spend weeks or even months in police detention cells.

In his 2007 report after a mission to Nigeria, the Special Rapporteur on Torture had noted:

“The conditions of detention in police cells visited by the Special Rapporteur were appalling. Detainees are held in unsanitary overcrowded cells, forced to sleep on the concrete floor, minimum food and water supply. In some police stations women, children, and adults were held together in extremely overcrowded conditions. Medical

care is non-existent and seriously ill detainees are left to languish until they die. In the opinion of the Special Rapporteur, this demonstrates a total disrespect for human life and dignity.”<sup>92</sup>

Many years after that indictment, Amnesty International’s research found similar conditions. Detention cells in police stations were dirty, generally without beds or bedding, and unhygienic. Toilets or running water were rare and most detainees urinated and defecated in plastic bags or buckets inside the cell. Medical care remained non-existent.

In addition to poor sanitation facilities, Amnesty International found that detention cells often lack adequate ventilation. This is exacerbated by overcrowding which is a major concern in police and military detention centres across Nigeria. The populations of police cells are usually at least twice or triple their capacity. Inmates commonly take turns to sit down or sleep.

**Hussein**, a 40-year-old man detained at the police station of the CID in Elewera, Ogun state, described the conditions there: “There is also a cell called ‘single cell’. It is less than two by two metres [seven by seven feet]. It is meant for one or two persons but they kept up to 10 persons in the cell. I was detained at the single cell. There is also the ‘nail cell’. It is a cell where there are nails attached to the roof of the cell which is low. The inmates are forced to squat, as standing up will expose you to the sharp nails on the roof and wall of the cell.”<sup>93</sup>

In addition to the poor conditions, many former detainees told Amnesty International that in the absence of any meals provided by the detaining authorities, they were forced to rely on their relatives to bring them food and money once the initial period of incommunicado detention was over. Detainees who fall sick were often not provided with medical care.

## BOX 5. DEATH CELLS

Former detainees, including victims of torture, told Amnesty International about so-called ‘death cells’ in various detention centres. Cell Five at SARS Awkuzu, Anambra state, is one such cell which featured repeatedly in the accounts gathered by Amnesty International in 2013-14.

A number of former detainees in SARS Awkuzu said that Cell Five is termed the “condemned cell” reserved for those labelled by the authorities as “hardened criminals”. These are people suspected of kidnapping and other serious offences. There are about 50 inmates in the cell at any given time. According to one former detainee, the cell is very dark and lacks basic ventilation. Most inmates, often naked and sweating, lie on top of each other due to overcrowding. Most inmates have sores on their bodies due to contact with ants and insects.<sup>94</sup>

All detainees in Cell 5 are held in incommunicado detention, with no access to visitors or lawyers. **Okey** was held there for three days: “In Cell Five, nobody is given food... they take a bucket of water for a whole day... Inmates in Cell Five are not acknowledged as detainees. They cannot make calls or be seen by anybody.”<sup>95</sup> Another detainee - **Chinwe** – at Awkuzu told Amnesty International that during his detention at least five people died every day due to torture, starvation or exhaustion.<sup>96</sup> He said that inmates from Cell Two were usually brought to carry out dead bodies from Cell Five.

## MILITARY DETENTION FACILITIES

Conditions are even worse in military detention, according to the accounts of former detainees in military detention centres in north-east Nigeria. Most detainees held for long periods are either at Giwa barracks in Maiduguri or at Sector Alpha ("Guantanamo") and "Presidential Lodge" in Damaturu. Lawyers and relatives are prevented from seeing or speaking to the detainees, and human rights defenders and organisations are denied access to both facilities.

Overcrowding is particularly acute in military detention and according to reports received by Amnesty International, Giwa barracks was consistently filled to over-capacity. Around 1,600 detainees were held there until 14 March 2014 when the barracks were attacked by Boko Haram and many of them escaped.<sup>97</sup> Since the attack, the barracks are filling up again, and are currently believed to hold a few hundred detainees. Damaturu is also similarly reported to have a few hundred detainees.

**Abu Bakr**, a former detainee in Giwa Barracks told Amnesty International that he had been forced to share a confined area with up to 400 other people.<sup>98</sup> Another detainee, **Mustafa**, aged 30, was arrested in Maiduguri on 29 May 2013 and detained at Giwa barracks. He told Amnesty International:

"I was with another about 100 persons in a room of approximately 30 x 40 feet. We were kept like that in the room for three days....They barely gave us food (grain) to eat in our hands – just barely enough. They gave us water only once a day – one sachet of water for three persons. There were no toilet facilities – we had to ask the guards to let us all out. I know that some people even fell sick with cholera in the room... There were no windows in the room, but a long line of ventilator slits on the top of the wall. The room had nothing in it – we were all just squeezed on the floor. There were lots of mosquitoes. It was hot and there was a lot of odour in the room."<sup>99</sup>

With no basic sanitation facilities in the cells, detainees are forced to adapt. **Abu Bakr** who was held in Giwa barracks told Amnesty International in July 2014: "There was no toilet. To toilet you use a black plastic bag and when you go out you throw it... or if someone used his maybe he will give you."<sup>100</sup> He also explained:

"We had rice for breakfast. A small amount, they put it in your hand. You give your hand, they will put the rice, you swallow it, you go back to the cell. Later in the day they give you water once. It is in a jug and you drink and pass it to another inside the cell. In the evening it is rice and stew, small. They give it in a nylon bag. There is no washing, no showers. No sleep. You just sit down only, the place is very tight, just sit on your bottom. You can only pray in the cell where you are sitting."

Opportunities to move around and to have access to fresh air vary between detention facilities. Detainees in Giwa appear to be allowed outside their cells only once or twice a day – in the morning and the evening – to collect their food. Those in Damaturu reported that detainees were often allowed out of the rooms throughout the day, returning to their cells at 6pm.



Figure 11 - An artist's drawing depicting Mustafa's account. © Chijioke Ugwu Clement

Conditions in detention facilities in Damaturu are also poor, and appear to amount to ill-treatment. Most of the detainees are kept at 'Sector Alpha' which consists of shops that were deserted and are now being used to detain people – there are no toilets or proper ventilation. Consistent accounts recorded by Amnesty International suggest that up to 50-70 people are put in cells that can only fit about five people. Conditions are marginally better at the Presidential Lodge (“guardroom”) also in Damaturu where detainees are kept in rooms that have been created by dividing a former squash court. About 15-20 people are kept in a room of 15 by 20 feet, but detainees are allowed to move around in the corridors during the day. There are also some toilets for common use at the end of the corridor.

**Baba**, aged 40, a schoolteacher from Potiskum, Yobe state, was arrested in 2012 and



detained at "Guantanamo" in Sector Alpha. He said:

"We were kept in shops. The room was about 20 x 20 feet. There were 15 people already there along with the 54 of us who were put in it – so about 69 in all sleeping in the room. There was nothing on the floor – everyone slept on the floor. There were no toilets. Every day they took us to a small bush area outside the camp for toilet. We got two meals a day – very small quantities [he demonstrated food fitting into his palm] – rice and *tuwo* [rice meal]. Throughout the time I was in detention, my family had no knowledge about where I was. They went to the 'rest house' in Potiskum but the authorities there told them that I was dead... My family had no knowledge of me till I was released."<sup>101</sup>

**Hasan**, a 45-year-old truck driver, who was released after nine days in detention in Sector Alpha, said that there were 37 detainees in the 15 by 20 feet room he was in.<sup>102</sup> **Don**, a tricycle driver, was held in incommunicado detention in Sector Alpha, Damaturu for 60 days until his release in February 2013. He told Amnesty International: "In the cell, it was hell. It was hot, smelly and there was nowhere to sit. Even to stand. The soldier had to squeeze the door to close it properly."<sup>103</sup>

An Amnesty International delegation met with military representatives in Abuja in July 2013. When asked about the poor conditions of detention, the officials conceded: "there's a huge infrastructural deficiency, which is why we get the problem we have with the detention facilities."<sup>104</sup>

As a state party to the ICCPR, Nigeria has committed to treat detainees humanely. The Human Rights Committee – the expert body responsible for authoritative interpretation of the obligations – has specifically observed that the obligation to treat detainees with humanity and respect for their dignity "is a fundamental and universally applicable rule, which cannot depend on the availability of material resources."<sup>105</sup>

The conditions in which detainees are held in military camps in the north-east, and in police stations across the country, may in itself amount to ill-treatment. The responsibility to treat detainees humanely and the prohibition against torture and other ill-treatment is absolute and non-derogable, even in state of emergency situations, as is currently applicable to north-east Nigeria.

## BOX 6. DEATHS IN MILITARY DETENTION

"Before I was arrested and detained, people used to say, if you are taken to Guantanamo in Damaturu you have two options: you will either die there or die after you are released because of what you have gone through... On the third day in Damaturu, eight people had already died. Many of them due to the beating, others due to lack of food or suffocation... I still hear shouts of people in my head. At times, you'll be in your cell, all quiet and then all of a sudden you hear somebody shouting 'Please! Please! Don't kill me'... and then poh poh poh [sounds of gunshots]! All quiet again. We heard that a lot. We will just sit there and wait for our turn to be called. Nobody will ever understand what that means, unless you are directly affected."

**Usman**, who was detained in Sector Alpha, Damaturu, for more than 1 month.<sup>106</sup>

Those interviewed by Amnesty International had lived to share their account. Thousands of other detainees were not as fortunate and did not survive detention by the JTF and the military in north-east Nigeria. Many were extrajudicially executed or tortured to death. Countless others died from a combination of lack of medical care for injuries and diseases, starvation and/or inadequate food, overcrowding and other poor detention conditions. Over 950 detainees, including children, are known to have died in the first six months of 2013.<sup>107</sup> A large proportion of these people are believed to have died in Giwa military barracks in Maiduguri and Sector Alpha/Presidential Lodge in Damaturu. At least a further 150 persons are believed to have died in military custody between January and March 2014 alone.<sup>108</sup>

Bodies of detainees are regularly deposited by the military at public mortuaries in Maiduguri and Damaturu. In April 2013, Amnesty International delegates counted about 20 corpses lying on the ground in the compound of the State Specialist Hospital mortuary in Maiduguri. There were no visible gunshot wounds on the bodies. They looked emaciated. Eyewitnesses told Amnesty International that the corpses were deposited at the mortuary by the JTF.

Former detainees from Giwa barracks and Sector Alpha detention centres, interviewed by Amnesty International in 2013 and 2014, stated that people died on an almost daily basis from suffocation, illness, starvation or other injuries due to overcrowding. Some suffered serious injuries due to severe beatings and eventually died in detention due to lack of medical attention and treatment. Others were reportedly shot in the leg during interrogation, not provided with any medical care and left to bleed to death.

**Musa**, was one of seven men who was put into a large hole in the ground by soldiers at the Potiskum “rest house” after being arrested in October 2012. There were already four men there, one called Shuaibu who had been there three days already with his hands tied behind his back – his skin was peeling off and he had blood stains all over his body. He died during Musa’s second day in the hole.

Musa told Amnesty International how he experienced Shuaibu’s last days alive:

“The soldiers say he was a Boko Haram commander... He kept saying he was innocent. He asked for water to drink several times, but the soldiers refused to give him. They told him to drink his blood. After spending the whole day without eating or drinking, one soldier came in the evening on the second day (8 October 2012) and gave us one sachet of water. Those of us with free hands managed to drink. We were all thirsty. I was not hungry. I was scared and in pain. This man kept asking for water all night. But nobody gave it to him. At one point, one of the soldiers even hit him on his head with a stick for shouting too much. He fell on the broken bottles. He kept shouting but his voice was no longer loud. In the morning, when the commander came to the hole to look at the new detainees [us], he asked Shuaibu to get up, he didn’t. He shouted again, but Shuaibu didn’t move. He asked us to bring him outside the hole. But because our legs were tied, it was difficult to move. It was then that we found out he was dead. We managed to bring him out and the soldiers took him to a nearby bush where there were other dead bodies lying on the ground.”

Amnesty International has received credible information that detainees continue to die and be killed in military detention facilities.

## 5. IMPUNITY AND THE LACK OF REPARATION

The Nigerian government has frequently expressed commitment to the reform of the justice sector. In the past 10 years, at least five Presidential Committees and working groups have been set up to make recommendations on reforming the criminal justice system.<sup>109</sup> However, most of the recommendations made by these committees and working groups – including on combatting torture – are yet to be implemented by the government. Following Nigeria's first Universal Periodic Review (UPR) in 2009, the Nigerian government accepted recommendations to reform the criminal justice system.<sup>110</sup> 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.<sup>111</sup>

Progress in implementing these recommendations has been slow. In October 2013, during Nigeria's second UPR, the Nigerian delegation agreed again to take all necessary measures to prevent and address torture and other forms of ill-treatment, including granting national and international human rights organizations access to visit detention centres.<sup>112</sup> 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.

### BOX 7. A STEP FORWARD?

Lagos state is one of the few states that have made some progress in reforming its criminal justice system. In 2007 the state enacted the Administrations of Criminal Justice Law which has the potential to significantly improve the criminal justice system in Lagos. Police officers are required by the Law to make video recordings of all confessional statements or have a lawyer present; family members are not to be taken in lieu of suspects; a case tracking system is being implemented to share information between police, judiciary and the Director of Public Prosecutions and speed up time spent awaiting trial; and funding has been provided for additional security and equipment for police officers, including bullet proof vests and investigation equipment. However, several lawyers told Amnesty International that in practice, little has changed in the state. The safeguards are regularly flouted and detainees continue to face torture and ill-treatment at the hands of the police.

As a party to the International Convention on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) and the African Charter on Human and Peoples' Rights, Nigeria has committed to several obligations, including to prohibit, prevent, and criminalize torture; investigate all allegations of torture; prosecute where there is admissible evidence; and provide reparations to victims of torture.

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.

### **FAILURE TO PREVENT AND PROHIBIT TORTURE**

Article 2(1) of CAT requires that state parties “shall take effective legislative, administrative, judicial or other measures to prevent acts of torture.” The Nigerian justice system fails to prevent torture and other ill-treatment. As this report shows, such human rights violations are routine and common in Nigeria, particularly in police stations and military detention facilities.

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.

The Anti-Torture Bill – intended to prohibit and criminalize the use of torture – was first submitted in 2008 and was resubmitted for debate at the current National Assembly in 2012.<sup>113</sup> The Bill has currently gone through three readings in the Assembly, but is yet to be voted upon by both the House of Representatives and the Senate before a final assent can be provided by the President.

### **MONITORING PLACES OF DETENTION**

A key step towards ensuring that the constitutional prohibition against torture is enforced, and that torture is prevented, is to ensure regular visits to all places of detention by independent inspectors. Such visits must be unannounced and unrestricted. In 2011, the mandate of the National Human Rights Commission (NHRC) was amended to include powers to assess conditions in prisons, police cells and other detention facilities, and to make recommendations for improvements.<sup>114</sup> The NHRC’s monitors do not, however, appear to have unhindered access to certain detention centres run by the military, for example Giwa barracks and Sector Alpha and Presidential Lodge, key sites of torture and other ill-treatment.

On 27 July 2009, following pressure from local and international human rights organizations, Nigeria launched the National Committee against Torture (NCAT), as part of its obligation to set up a national preventive mechanism after signing and ratifying the CAT and its Optional Protocol. The NCAT is yet to receive its funding and has not been able to carry out its work effectively. Neither is it legally or operationally independent as it was set up by the Ministry of Justice without any legislative backing, and its current members all work on a voluntary basis. Amnesty International is concerned that the undefined status of the NCAT seriously limits the extent of its work.<sup>115</sup> Such concern also appears to be shared by the UN Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, which completed an advisory visit to Nigeria in April 2014. The Subcommittee also reiterated the need for the NCAT to have a preventive mandate and the ability to visit all detention centres.<sup>116</sup>

### **FAILURE TO INVESTIGATE AND PROSECUTE**

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. International human rights law requires that the Nigerian authorities promptly and impartially investigate "wherever there is reasonable ground to believe" that any torture or other ill-treatment has taken place (Article 12 of the CAT). The scope, methods and findings of such investigations should be made public. Officials suspected of committing torture or other ill-treatment should be suspended from active duty during the investigation.

Nigeria's obligation to investigate allegations of torture and other ill-treatment exists irrespective of whether a victim makes a complaint or not. Nonetheless, Article 13 of the CAT states that authorities should ensure that individuals who allege torture have the right to make a complaint to impartial authorities, and requires that complainants and witnesses are protected from further ill-treatment for making the complaint.

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 his 2007 report after a mission to Nigeria, the Special Rapporteur on Torture concluded:

"There was no question about accountability of perpetrators because there are no functioning complaint mechanisms which exist to receive allegations, and to report and seek effective redress for acts of torture. Victims, especially those still in detention, have no confidence in the existing mechanisms, such as reporting allegations directly to senior police officials or to the Human Rights Desks (in those stations where they exist) - for example, at CID Panti, Lagos, prisoners were detained and tortured right behind the Human Rights Desk. Other avenues to complain are out of reach to the vast majority of detainees: they cannot afford lawyers and have no practical means of communicating allegations to family, NGOs, or others (i.e. by telephone, visits, etc.)."<sup>117</sup>

Little appears to have changed since. 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.

When Amnesty International spoke to police authorities in Abuja in August 2013, they denied that torture in police detention centres was routine or common. The Deputy Inspector-General of Police also stated, "We're guided by international ethics and standards. We don't tolerate the use of torture or undue force on detainees in our custody. Any police officer found guilty of these allegations will be subjected to disciplinary measures."<sup>118</sup>

In most of the cases documented by Amnesty International, the 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. Even when authorities are made aware of such allegations, in most of the cases documented by Amnesty International nothing is done to hold the officials accountable.

When a criminal complaint is filed against police personnel (for example, as an assault), the investigation is to be carried out by a specially assigned Investigating Police Officer, who can refer the case to the Director of Public Prosecutions if sufficient evidence is found. There are therefore virtually no avenues available to an individual for an independent and impartial investigation into allegations of torture or other ill-treatment. Among the few exceptions documented by Amnesty International are where individuals have been able to file criminal complaints against police officers with the help of human rights organizations.

**Idowu**, 31, told Amnesty International that she was raped by a police officer during her detention at Onikan police station in Lagos in April 2014.<sup>119</sup> She was able to complain about the assault with the assistance of a local human rights organization. Although the officer was arrested and detained, he was granted bail during the investigation. His trial had not begun at the time of writing this report, and while he has been redeployed to another state by the police authorities, it is unclear whether any disciplinary proceedings have been initiated against him.<sup>120</sup>

In most of the cases documented by Amnesty International involving allegations of torture by Nigerian security forces, no proper investigations were carried out and measures were not taken to bring suspected perpetrators to justice. In cases where internal investigations within the police or military take place, the findings of the investigations are not made public and any recommendations rarely implemented. In such a context, prosecutions of individuals suspected of torture and other ill-treatment are virtually unheard of. Such circumstances allow the cycle of impunity to continue unabated.

Those responsible for torture or other ill-treatment should be brought to justice, no matter how much time has elapsed since the commission of the crime. An order from a superior officer should never be accepted as a justification for torture or other ill-treatment.

## FAILURE TO PROVIDE REPARATION

Bringing perpetrators of torture and other ill-treatment to justice is a key reparation for victims. Other reparations provided in international human rights law and standards include: compensation and rehabilitation; measures of satisfaction such as public apologies and guarantees of non-repetition; and changes in relevant laws and practices.<sup>121</sup>

For victims of torture or other ill-treatment, this means that they, or their dependants, should be entitled to obtain fair and adequate financial compensation and appropriate medical care and rehabilitation. The CAT also highlights the enforceable nature of this right.<sup>122</sup>

In all the cases researched by Amnesty International, no victim of torture or other ill-treatment was compensated by the Nigerian government. As most victims are poor and

unable to afford lawyers, few claims for compensation are filed in the courts. The Nigerian authorities are, in effect, failing to fulfil their obligation under international human rights obligation of ensuring that victims receive reparations.

Even in the rare cases where victims have been awarded compensation by a court, the authorities have ignored it. In 2002, the Nigerian NGO Civil Liberties Organization (CLO) sued the police authorities concerning the rape of an 18-year-old woman by police officers in an Enugu police station. The court awarded the victim N300,000 [approx. US\$1,800] in compensation, but 12 years later this has still to be paid.

#### ABDICATION OF RESPONSIBILITY BY THE JUDICIARY

The judicial system is meant to play an important role in combatting torture – both in ensuring that investigations into possible incidents of torture take place as well as ensuring that victims receive appropriate reparations. Judges should actively demonstrate that they will take allegations of torture or ill-treatment seriously and will take action where necessary. In his report after a mission to Nigeria in 2007, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment specifically recommended that: "Judges and prosecutors should routinely ask persons brought from police custody how they have been treated and, even in the absence of a formal complaint from the defendant, order an independent medical examination in accordance with the Istanbul Protocol."<sup>123</sup>

However, Amnesty International is concerned that even in the few cases where allegations of torture are made in the Nigerian courts, judges do not appear to take such complaints seriously.

For example, in the case of *Abdullahi Usman v Commissioner of Police*, decided on 31 March 2014, Abdullahi Usman alleged that he was tortured by police officer in Plateau state Criminal Investigation Department. In his application, he stated that after being arrested he was taken to the "anti-car theft office where I was handcuffed and my legs cuffed as well and they started beating me with batons and iron hammer... I was taken to a cell after the beating but in the night of the same day I was brought out to an office where I was subjected to another round of beatings."<sup>124</sup> These events were denied by the police in their affidavit filed in reply and no lawyer appeared in the court on behalf of the police.

The court recognized that the facts in this case were contested. However, despite observing that the court ordinarily has a duty to resolve the conflict by calling for oral evidence, the judge chose not to do so. Instead the judgment rejected the allegations of torture merely on the grounds that "the applicant has not stated who in particular subjected him to the acts of torture."

In another case, *Hamza Habibu v Commissioner of Police*, decided on 13 May 2014, Hamza Habibu filed an application alleging torture. The court found that he had been arbitrarily detained for nine months and ordered his release. However, even though the court noted that allegations of "various acts of torture, harassment, assault and intimidation" were not countered by the police, it nonetheless ruled they were not proved.<sup>125</sup> A finding of torture was therefore refused.

In both the above cases, the judges – even though not adjudicating remand or trial – chose not to investigate serious allegations of torture and other ill-treatment that were placed before them. Such an abdication of responsibility with respect to providing reparations to victims of torture raises further concerns about the ability of Nigeria’s criminal justice system to combat torture and other ill-treatment.



## 6. CONCLUSION AND RECOMMENDATIONS

Torture and other ill-treatment by Nigeria's police and military is pervasive: routine and common throughout the country, in particular in the north. Hundreds of women, men and children in police and military custody across the country are being subjected to a range of physical and psychological torture or other ill-treatment. A large number have already died in detention.

The Nigerian government is failing to prevent torture, and to bring suspected perpetrators to justice. Security forces enjoy a climate of impunity. A criminal justice system riddled with corruption and abuse of power means vital safeguards against torture are routinely flouted by Nigeria's police and military.

In line with their obligations under international human rights law, the Nigerian authorities must take all necessary steps to ensure that no detainee is subject to torture or other cruel, inhuman or degrading treatment by members of the security forces.

### RECOMMENDATIONS

#### TO THE GOVERNMENT OF NIGERIA

- Demonstrate total opposition to torture and other ill-treatment and publicly condemn such practices unreservedly whenever they occur. Make clear to all members of the police, military and other security forces, that torture, including rape, and other forms of ill-treatment or sexual violence, will not be tolerated under any circumstances;
- Take all necessary steps to pass a bill to ensure that all acts of torture are offences under Nigeria's criminal law, incorporating at least the main elements of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and punishable by sanctions commensurate with the gravity of the practice. The prohibition of torture and other ill-treatment and the essential safeguards for their prevention must not be suspended under any circumstances, including states of war or other public emergency;
- Ensure, in law, policy and in practice, that any allegations of torture or other ill-treatment are promptly, impartially and effectively investigated by a body independent of the alleged perpetrators. The scope, methods and findings of such investigations should be made public;
- Where admissible evidence is found, ensure that those responsible for torture or other ill-treatment, including persons with command responsibility, are brought to justice in accordance with international standards for fair trial without recourse to the death penalty. An order from a superior officer should never be accepted as a justification for torture or ill-

treatment;

- Ensure that statements and other evidence obtained through torture or other ill-treatment are not allowed as evidence in any courts, except against a person accused of such acts. Such a prohibition should also be included in professional training programmes for judges, prosecutors and lawyers;
- Suspend from active duty officials suspected of committing torture or other ill-treatment pending the outcome of the investigations. Complainants, witnesses and others at risk should be protected from intimidation and reprisals;
- Ensure a functioning and comprehensive witness protection programme for the protection of individuals, including human rights defenders, involved in investigations or other proceedings against suspected perpetrators. Any witness protection programme must at the same time comply with international fair trial standards;
- Ensure that judges order a full investigation whenever a detainee appearing before them complains of torture or other ill-treatment or shows any signs of ill-treatment;
- Institute a systematic and comprehensive range of effective and accessible measures, in consultation with victims of torture and their representatives, to ensure that they are able to obtain prompt reparation from the state including restitution, fair and adequate financial compensation and appropriate medical care, health services and rehabilitation;
- Ensure that the National Committee on Torture is adequately empowered and funded to carry out its functions including periodic visits and inspections of places of detention. The committee must have access to all places of detention, including military detention, 'preventive' detention centres, the premises of the security services and prisons. During inspections, the committee must be able to interview detainees in private. Inspection reports must be published;
- Ensure effective training of public officials, including clear instruction that all officials have the right and duty to refuse to obey any manifestly unlawful order to carry out torture or other ill-treatment. This should include gender-sensitivity training to all security forces personnel, judges and other officials in the criminal justice system, and lawyers that includes protection of women from rape, investigation of reports of rape, prosecution of such cases and protection of victims and witnesses;
- Ensure effective training of officials, including lawyers, judges, medical personnel, police and army to handle complaints, reports and cases of torture and other ill-treatment in accordance with the Convention, including by creating protocols for detecting, preventing and prosecuting acts of torture and similar ill-treatment. Ensure that at the very least disciplinary measures are applied to police, army or judicial personnel found to have ignored or dealt negligently with allegations of torture or other ill-treatment;
- Ensure that security force personnel are informed that they will not be subject to criminal or disciplinary proceedings for refusing to carry out a manifestly unlawful order to

commit torture or other ill-treatment or for reporting such an order;

- Ensure that any further recommendations made by the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (published in his report of November 2007) are implemented without delay;
- Ensure that enforced disappearances constitute a criminal offence in line with Nigeria's obligations under the Convention for the Protection of All Persons from Enforced Disappearance;
- Ensure that the commission of an extrajudicial execution is a criminal offence punishable by sanctions commensurate with the gravity of the practice and that those responsible for extrajudicial executions are brought to justice, without exception;
- Incorporate urgently into domestic law the UN Convention on the Elimination of All Forms of Discrimination against Women, which Nigeria ratified in 1985;
- Ensure that the Child Rights Act (2003) is enacted and fully implemented in each of Nigeria's 36 states, and that all provisions relating to children in the law are consistent with Nigeria's obligations under the Convention of the Rights of the Child;
- Ratify the Protocol on the Statute of the African Court of Justice and Human Rights, and make a declaration that would allow direct access to the court by individuals and NGOs;
- Ratify the Optional Protocol to the International Covenant on Civil and Political Rights;
- Invite to Nigeria the African Commission on Human and Peoples' Rights Committee on the Prevention of Torture in Africa;
- Implement recommendations made to Nigeria during their Universal Periodic Review (UPR) in October 2013, to take all necessary measures to prevent and address torture and other forms of ill treatment including granting access to national and international human rights organisations to visit detention centres – a recommendation accepted by Nigeria;
- Implement the recommendations of previous governmental commissions on reform of the criminal justice system and improving access to justice.

#### TO THE GOVERNMENT OF NIGERIA, THE POLICE AND THE MILITARY

- Take administrative and practical steps to ensure that all anyone arrested is informed of the grounds of their arrest and detainees are immediately informed of their rights, including to legal representation, to complain about their treatment without fear of retaliation and to have the legality of their detention decided by a judge as soon as possible;
- Ensure that all detainees are promptly brought before a court; and ensure that they are released if they are not to be charged with a recognizable criminal offence;

- End the practice of incommunicado detention: ensure that all detainees have access to their family, a lawyer and doctor without delay after their arrest and regularly throughout the period of their detention or imprisonment;
- Ensure that detainees are held only in officially recognized places of detention and that accurate information about their arrest and whereabouts is made available to relatives, lawyers, the courts, and others with a legitimate interest, such as the International Committee of the Red Cross (ICRC);
- Ensure that all necessary steps are taken for detainees to have prompt and frequent access to lawyers, including the right to have them present during all questioning, as well as to family visits;
- Ensure that medical examinations and services as well as any medical care required is available throughout the period of questioning and detention;
- Ensure that the interrogation of all detainees takes place in the presence of a lawyer. All statements and questions must be recorded in writing. The length of the interrogation and the identity of the persons in charge of conducting the investigation as well as all other persons present must also be recorded in writing. Tape or video recordings must be made;
- Ensure that children are detained only as a measure of last resort; for the shortest appropriate period of time and effectively separated from adults in facilities that comply with international human rights law and standards including the Convention on the Rights of the Child and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice;
- Ensure effective separation of men and women in all places of detention, and that detention facilities for women are staffed by women officers, and that women and girls are able to report to women officers when reporting rape and other sexual violence;
- Ensure effective judicial remedies are available at all times to enable relatives and lawyers to find out where a detainee is held and under what authority, and to ensure the detainee's safety;
- Ensure that conditions of detention in all facilities, whether run by the police, military or any other force, conform to international standards for the treatment of prisoners, including particularly for the provision of adequate food and water, space for prisoners, and adequate medical care and sanitation.

#### TO THE POLICE AND THE MILITARY

- Ensure that all officers are instructed that arrest and detention must be carried out in strict accordance with international human rights law and standards and constitutional provisions; in particular ensure that no-one is arrested or detained, including in relation to the prevention, investigation or prosecution of Boko Haram or similar attacks, in the absence of

reasonable grounds to suspect them of involvement in a specific criminal offence;

- Ensure that security forces officers are fully aware of and comply with their obligations to respect human rights under the Constitution and international human rights law;
- Inform all police and military officers that torture and other ill-treatment is unlawful and that suspected perpetrators, including persons with command responsibility, will be brought to justice;
- Make it clear to officers that they must not follow unlawful orders and that superior orders will not be accepted as a defence or justification for carrying out torture or other ill-treatment; Suspend all officers against whom there are credible allegations of torture or other ill-treatment or any other human rights violations and initiate internal investigations, in parallel with criminal investigations, aiming to hold to account all suspected perpetrators;
- Ensure that all police and military are individually identifiable, by means of names or numbers worn visible on their uniform, including when they are wearing special gear such as helmets or protective clothing, in order to ensure that members of the public can identify any official for purposes of making a complaint.

#### TO THE NATIONAL HUMAN RIGHTS COMMISSION

- Exercise authority to investigate all allegations of torture or other ill-treatment and other human rights violations by the police and military;
- Regularly visit all places of detention, including military detention centres such as Giwa barracks in Maiduguri and Sector Alpha in Damaturu, as well as SARS and CID police stations throughout the country.

#### TO THE INTERNATIONAL COMMUNITY

- Promote the recommendations in this report during bilateral and multilateral forums and dialogues with the Nigerian government;
- Encourage the Nigerian government to implement the recommendations of the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (published in his report of November 2007);
- Use all available channels to intercede with the Nigerian government and ensure that transfers of equipment, know-how and training for military, security or police do not contribute to human rights violations;
- Offer technical support to Nigerian authorities to assist them to review legislation relating to torture in Nigeria;

- Provide technical support to improve the investigation procedures of the Nigerian Police; and conditions of detention in both police and military facilities;
- Urge Nigeria to implement recommendations made to Nigeria during their Universal Periodic Review (UPR) in October 2013, to take all necessary measures to prevent and address torture and other ill treatment.

TO THE AFRICAN COMMISSION OF HUMAN AND PEOPLES' RIGHTS

- Undertake through the Committee for the Prevention of Torture in Africa a fact finding mission to Nigeria to investigate the situation in the country and to make appropriate recommendations.

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## 7. ENDNOTES

<sup>1</sup> Interview conducted by Human Rights Social Development and Environmental Foundation (HURSDEF) with Diolu, 8 May 2011.

<sup>2</sup> Not his real name. Many of those interviewed asked not to be identified for security reasons. Names and affiliations of all these individuals have therefore been withheld and pseudonyms have been used.

<sup>3</sup> Torture and other cruel, inhuman or degrading treatment or punishment should not be seen as separate categories. They are all equally prohibited under international law. Such treatment or punishment is prohibited if one of these elements applies. There is no general definition of other cruel, inhuman or degrading treatment or punishment under international law, but international standards state that it should afford the widest protection possible.

<sup>4</sup> SARS was set up by the Nigerian police to tackle rising armed robbery and related crimes. Each police command in the 36 states and the federal capital Abuja has a SARS section which is under the command of the state commissioner of police. The Criminal Investigation Department is the highest investigative arm of the Nigeria Police Force which has a number of sections, including SARS. Its functions among others include investigation and prosecution of serious and complex criminal cases within and outside the country.

<sup>5</sup> The Islamist armed group Jamā'atu Ahlis Sunnah Lādda'awatih wal-Jihad (People Committed to the Propagation of the Prophet's Teachings and Jihad), commonly referred to as Boko Haram [Western education is forbidden], was established in 2003 under the leadership of Islamic cleric Mohammed Yusuf. Since 2009, the group have been responsible for the death of thousands of people in Northern Nigeria and Abuja. See Chapter 2 for more details, including on number of detainees.

<sup>6</sup> Human Rights Watch "Rest in Pieces: Police Torture and Deaths in Custody in Nigeria," 28 July 2005, <http://www.hrw.org/reports/2005/07/27/rest-pieces>; Access to Justice; "Breaking Point: How torture and police cell system violate justice in the criminal investigation process in Nigeria" (2005 p.5 Lagos, Nigeria; National Human Rights Commission, "The State of Human Rights in Nigeria 2007" and; Civil Liberties Organisation, "Climate of Impunity" (2005).

<sup>7</sup> United Nations, General Assembly, Human Rights Council, Promotion and Protection of all Human Rights, Civil, Political, Economic, Social and Cultural rights, Report of the Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, Manfred Nowak Mission to Nigeria (4 to 10 March 2007), A/HRC/7/3/Add.4, 22 November 2007, para 63, [http://www.apt.ch/content/files/Nigeria\\_SRT%20Report%20Nov%202007.pdf](http://www.apt.ch/content/files/Nigeria_SRT%20Report%20Nov%202007.pdf) (last accessed 26 August 2014).

<sup>8</sup> Access to Justice, "Breaking Point: How torture and police cell system violate justice in the criminal investigation process in Nigeria," (2005 p.5), Lagos, Nigeria.

<sup>9</sup> National Human Rights Commission, "The State of Human Rights in Nigeria," 2007.

<sup>10</sup> However, only 24 out of 36 states in the federation have signed and passed it into state laws. All 12 of the states that have not done so are in the north.

<sup>11</sup> Section 34(1) of the Nigerian 1999 constitution states that: "Every individual is entitled to respect for the dignity of his person, and accordingly, (a) no person shall be subjected to torture, or to inhuman or degrading treatment", <http://www.nigeria-law.org/ConstitutionOfTheFederalRepublicOfNigeria.htm> (last accessed 26 August 2014).

<sup>12</sup> Nigerian criminal law, which consists of the Criminal Code applicable to 24 southern states and the Penal Code applicable to the 12 northern states of the country, does not recognize a specific criminal offence of torture. Currently, torture and other ill-treatment could fall under various provisions of the Criminal Code Act, Laws of the Federation of Nigeria 1990, i.e. categories of assault (chapters 25 and

29), homicide (chapter 27), offences endangering life (chapter 28), and assaults on females (chapter 30). Under the Penal Code applicable in the mostly Muslim states of the north, criminal law is largely based on sharia and acts amounting to torture may constitute offences such as infliction of injury, homicide and rape.

<sup>13</sup> UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, Article 4. <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx> (last accessed 26 August 2014).

<sup>14</sup> Article 4 (2), International Covenant on Civil and Political Rights. CAT General Comment no. 2 further clarifies that the prohibition on ill-treatment is similarly non-derogable.

<sup>15</sup> For example Common Article 3 to the four Geneva Conventions of 1949.

<sup>16</sup> Amnesty International interview in Bauchi, July 2013.

<sup>17</sup> The Joint Task Force (JTF) comprised officers and men from Nigeria's security agencies including the army, the police, the Department of State Security Services (otherwise known as SSS) and the Navy. Joint Task Forces are usually commanded and supervised by the Nigerian army. The JTF in north-eastern Nigeria was established by the Federal government in 2011 to deal with the outbreak of sectarian violence that erupted in 2009 in the north-east.

<sup>18</sup> Emergency Powers Act. Emergency Powers (General) Regulations, 2012, S.I.15 of 2012.

<sup>19</sup> Due to the complete absence of transparency over detention practices, lack of independent monitoring, and the authorities' refusal to provide numbers of persons detained, it is not possible to know the precise number of detainees.

<sup>20</sup> E.g. ICRC, "Nigeria: Tens of thousands suffer from armed conflict and other violence", 5 February 2014, <http://www.icrc.org/eng/where-we-work/africa/nigeria/index.jsp> (last accessed 26 August 2014).

<sup>21</sup> "Nigeria: more than 1,500 killed in armed conflict in north-eastern Nigeria in early 2014," 31 March 2014, [https://www.amnesty.org.uk/sites/default/files/nigeria\\_more\\_than\\_1500\\_killed\\_in\\_armed\\_conflict\\_0.pdf](https://www.amnesty.org.uk/sites/default/files/nigeria_more_than_1500_killed_in_armed_conflict_0.pdf), "Nigeria: gruesome footage implicates military in war crimes," 4 August 2014, <http://www.amnesty.org/en/for-media/press-releases/nigeria-gruesome-footage-implicates-military-war-crimes-2014-08-04>, "Nigerian authorities failed to act on warnings about Boko Haram raid on school," 9 May 2014, <http://www.amnesty.org/en/for-media/press-releases/nigerian-authorities-failed-act-warnings-about-boko-haram-raid-school-2014->, "Nigeria: deaths of hundreds of boko haram suspects in custody requires investigation," 15 October 2013, <http://www.amnesty.org/en/news/nigeria-deaths-hundreds-boko-haram-suspects-custody-requires-investigation-2013-10-15>. See also "Nigeria: Trapped in the circle of violence," November 2012, <http://www.amnesty.org/ar/library/asset/afr44/043/2012/en/04ab8b67-8969-4c86-bdea-0f82059dff28/afr440432012en.pdf>

<sup>22</sup> An enforced disappearance takes place when a person is arrested, detained or abducted by the state or agents acting for the state, who then deny that the person is being held or conceal their whereabouts, placing them outside the protection of the law. Enforced disappearance is a crime under international law and as a state party to the International Convention for the Protection of All Persons from Enforced Disappearance, Nigeria is obliged to ensure that enforced disappearances constitute a criminal offence in its domestic law.

<sup>23</sup> Amnesty International Interview, in Abuja, April 2013.

<sup>24</sup> Amnesty International interview in Bauchi, 27 July 2013.

<sup>25</sup> Amnesty International interview in Abuja, April 2013.

<sup>26</sup> Amnesty International interview in Bauchi, July 2013.

<sup>27</sup> Amnesty International interview in Yobe, 26 July 2013.

<sup>28</sup> Amnesty International Interview, July 2013 (date and place withheld).

<sup>29</sup> Amnesty International interview in Bauchi, July 2013.

<sup>30</sup> Amnesty International interview in Bauchi, July 2013.



- <sup>31</sup> Amnesty International Interview in Bauchi, 26 July 2013.
- <sup>32</sup> Amnesty International has documented a number of cases where those detained without trial by the military challenged their detention in court and obtained an order of court for their unconditional release. Despite this, security agents who were the judgement debtors in these suits refused to obey, and / or carry out the orders of these courts. See for example the case of Ibrahim Mustapha, Ibrahim Umar and Goni Ali who had obtained judgement directing their release, but are still in detention. "Nigeria: Police must comply with court order and immediately release detainees," 6 September 2012, <http://www.amnesty.org/en/library/info/AFR44/041/2012/en>
- <sup>33</sup> Amnesty International's meeting with senior military officers at Defence headquarters in Abuja, 31 July 2013.
- <sup>34</sup> Amnesty International's meeting with senior military officers at Defence headquarters in Abuja, 31 July 2013.
- <sup>35</sup> Letter from the Office of the National Security Adviser, 7 August 2014.
- <sup>36</sup> Amnesty International Interview, interview, July 2013 (date and place withheld).
- <sup>37</sup> For example SARS Abuja and SARS Port Harcourt.
- <sup>38</sup> UN Human Rights Committee, CCPR General Comment No. 20: Article 7 (Prohibition of Torture, or Other Cruel, Inhuman or Degrading Treatment or Punishment), March 10, 1992, at 11.
- <sup>39</sup> Section 35(3) of the Constitution of the Federal Republic of Nigeria (1999).
- <sup>40</sup> Code of Criminal Procedure, section 9.
- <sup>41</sup> Criminal Code, section 20.
- <sup>42</sup> Section 35(4) of the Constitution. In capital cases, suspects may be detained by the police for longer than 48 hours before being brought before a court of law (Section 35(7)). However, defendants must still be brought before a court within a reasonable time.
- <sup>43</sup> Section 35(2) of the Constitution.
- <sup>44</sup> Code of Criminal Procedure, section 9.
- <sup>45</sup> Principles 17, 18 of the UN's Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, <http://www.un.org/documents/ga/res/43/a43r173.htm> (last accessed 26 August 2014). Section 35(2) of the Nigerian Constitution also includes the right to remain silent until consultation with a legal practitioner.
- <sup>46</sup> The Legal Aid Council lacks both the capacity and resources to fulfil its constitutional task. It has approximately 100 lawyers for the whole country. Its scope is limited to a number of specific crimes and it does not cover (armed) robbery, the crime most people awaiting trial are suspected of.
- <sup>47</sup> Amnesty International interview in Onitsha, 8 June 2014.
- <sup>48</sup> Amnesty International interview in Onitsha, 8 June 2014.
- <sup>49</sup> Amnesty International interview in Lagos, 6 May 2014.
- <sup>50</sup> HRC General Comment 20, para 11: Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies; Special Rapporteur on torture, UN Doc. A/56/156 (2001) para 39(f); CAT Concluding Observations: Yemen, UN doc. CAT/C/YEM/CO.2/Rev.1 (2010) para 12.
- <sup>51</sup> Amnesty International interview in Lagos, 28 May 2014.
- <sup>52</sup> Amnesty International interview in Lagos, 5 May 2014.
- <sup>53</sup> Amnesty International interview in Lagos, 6 May 2014.
- <sup>54</sup> Amnesty International interview in Lagos, 6 May 2014.
- <sup>55</sup> Article 15, CAT and Human Rights Committee General Comment 32 concerning Article 14: right to equality before courts and tribunals and to a fair trial, para. 6.

<sup>56</sup> Section 28 of the Evidence Act Chapter 112, Laws of the Federation of Nigeria 1990, states "A confession made by an accused person is irrelevant in a criminal proceeding, if the making of the confession appears to the court to have been caused by any inducement, threat or promise having reference to the charge against the accused person, proceeding from a person in authority and sufficient, in the opinion of the court, to give the accused person grounds which would appear to him reasonable for supposing that by making it he would gain any advantage or avoid any evil of a temporal nature." [http://www.wipo.int/wipolex/en/text.jsp?file\\_id=218230](http://www.wipo.int/wipolex/en/text.jsp?file_id=218230) (last accessed 26 August 2014).

<sup>57</sup> A lawyer explained to Amnesty International: "The truth is that most of the cases where the accused are tortured never reach the high court. The police either execute the suspect or take them to the magistrate court where they are remanded for a long period in prison custody. Most high court judges always reject confessional statement obtained through torture as long as the defense can prove that the statement was not voluntarily made. However, for those (torture victims) who ended up in court, they might not afford a lawyer to prove their cases and the court will end up convicting them based on their confessional statement." Amnesty International interview in Enugu, 15 May 2014.

<sup>58</sup> Amnesty International interview in Lagos, July 2008.

<sup>59</sup> Amnesty International telephone interview, 7 July 2014.

<sup>60</sup> "Stop torture Global Campaign – Illustrative cases", 13 May 2014, <http://www.amnesty.org/en/library/info/ACT40/009/2014/en>

<sup>61</sup> Interview with Human Rights Social Development and Environmental Foundation (HURSDEF), 7 August 2014.

<sup>62</sup> Amnesty International interview in Lagos, 6 May 2014.

<sup>63</sup> "Nigeria rape - the silent weapon," 28 November 2014, <http://www.amnesty.org/en/library/info/AFR44/020/2006>

<sup>64</sup> Amnesty International Interview in Lagos, 7 May 2013. She was charged in court on 23 April 2014 and remanded at Kirikiri Prison Lagos, with no legal representation.

<sup>65</sup> Amnesty International Interview in Lagos, 7 May 2014. Nkiru was charged with theft and remanded in Kirikiri prison on 5 April 2014. She was not represented by a lawyer.

<sup>66</sup> Amnesty International Interview in Lagos, 28 May 2014.

<sup>67</sup> Nigerian Criminal Code Act (Chapter 77) Part 1, Chapters 21 and 24.

<sup>68</sup> Amnesty International Interview in Port Harcourt, October 2011.

<sup>69</sup> In a widely reported incident, police officers and officials of Lagos state Task Force on Environmental and Special Offences raided four nightclubs in Allen, Avenue Ikeja area of Lagos, in November 2009 and arrested at least 33 strip dancers. The officials accused the girls of being a "a social nuisance". They were charged and most of them were remanded in prison. See <http://www.vanguardngr.com/2009/11/lagos-arrests-33-strip-dancers/> (last accessed 26 August 2014).

<sup>70</sup> "Leave Abuja now or... Bala tells prostitutes, beggars, hawkers, etc" – Vanguard Newspaper. <http://www.vanguardngr.com/2014/03/leave-abuja-now-bala-tells-prostitutes-beggars-hawkers-etc/#sthash.q99rPyAu.dpuf> (last accessed 26 August 2014)

<sup>71</sup> Amnesty International interview in Abuja, May 2014.

<sup>72</sup> Amnesty International interview in Lagos, 4 May 2014.

<sup>73</sup> Amnesty International Interview in Lagos, 3 May 2014.

<sup>74</sup> Amnesty International interview in Lagos, 5 May 2014.

<sup>75</sup> Amnesty International interview in Port Harcourt, October 2011.

<sup>76</sup> Amnesty International interview in Port Harcourt, October 2011.

<sup>77</sup> Amnesty International interview in Port Harcourt, October 2011.

- <sup>78</sup> Amnesty International interview in Port Harcourt, October 2011.
- <sup>79</sup> Committee on the Rights of the Child, Concluding observations: Nigeria, CRC/C/NGA/CO/3-4, 21 June 2010, para 38.
- <sup>80</sup> UN Convention on the Rights of the Child, Article 1, <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx> (last accessed 26 August 2014).
- <sup>81</sup> Nigeria Criminal Procedure Act (Chapter 80), [http://www.wipo.int/wipolex/en/text.jsp?file\\_id=218192](http://www.wipo.int/wipolex/en/text.jsp?file_id=218192) (last accessed 26 August 2014).
- <sup>82</sup> Amnesty International interview in Abuja, October 2013.
- <sup>83</sup> Article 3, 4, 23(4) of the UN Convention on the Rights of the Child.
- <sup>84</sup> Amnesty International interview 19 August 2010.
- <sup>85</sup> Amnesty International interview in Port Harcourt, 4 July 2013.
- <sup>86</sup> According to HURSDEF, all 22 were suspected of stealing a golden necklace. They were all brought to court on 17 June and released on bail.
- <sup>87</sup> Amnesty International interview in Bauchi, 26 July 2013.
- <sup>88</sup> This report does not include information on conditions of detention in Nigerian prisons. However, many of the concerns were covered extensively in a previous Amnesty International report. "Prisoners' rights systematically flouted," February 2008, <http://www.amnesty.org/fr/library/asset/AFR44/001/2008/en/4bd14275-e494-11dc-aaf9-5f04e2143f64/afr440012008eng.pdf>
- <sup>89</sup> Article 10, International Covenant on Civil and Political Rights , <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>
- <sup>90</sup> UN Standard Minimum Rules for the Treatment of Prisoners (SMR), Rule 10: "All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation." The SMR further state that "every prisoner shall be provided by the administration at the usual hours with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served. Drinking water shall be available to every prisoner whenever he needs it."
- <sup>91</sup> UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, <http://www.un.org/documents/ga/res/43/a43r173.htm> (last accessed 26 August 2014).
- <sup>92</sup> Report of the Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment, Para 50.
- <sup>93</sup> Amnesty International Interview in Lagos, 5 May 2014.
- <sup>94</sup> Amnesty International interview in Bauchi, 26 July 2013.
- <sup>95</sup> Amnesty International interview in Onitsha, 8 May 2014.
- <sup>96</sup> Amnesty International interview in Onitsha, 8 May 2014.
- <sup>97</sup> At least 650 of those that escaped were rounded up and killed by the Nigerian military on the same day. Many more are unaccounted for. See Amnesty International's "Nigeria: more than 1,500 killed in armed conflict in north-eastern Nigeria in early 2014.
- <sup>98</sup> Amnesty International interview in Maiduguri, July 2014.
- <sup>99</sup> Amnesty International interview in Maiduguri, July 2014.
- <sup>100</sup> Amnesty International interview in Maiduguri, July 2014.
- <sup>101</sup> Amnesty International interview in Bauchi, 26 July 2013.
- <sup>102</sup> Amnesty International interview in Bauchi, 26 July 2013.

<sup>103</sup> Amnesty International interview in Abuja, April 2013.

<sup>104</sup> Amnesty International's meeting with senior military officers at Defence headquarters in Abuja, 31 July 2013.

<sup>105</sup> Human Rights Committee General Comment 21, concerning humane treatment of persons deprived of liberty, para. 4, [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/3327552b9511fb98c12563ed004cbe59?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/3327552b9511fb98c12563ed004cbe59?Opendocument) (last accessed 26 August 2014).

<sup>106</sup> Amnesty International interview in Abuja, April 2013.

<sup>107</sup> "Nigeria: deaths of hundreds of Boko Haram suspects in custody requires investigation," <http://www.amnesty.org/en/news/nigeria-deaths-hundreds-boko-haram-suspects-custody-requires-investigation-2013-10-15>

<sup>108</sup> Approximately 150 dead bodies were brought by the military to the State Specialist hospital Mortuary in Maiduguri in this period. Most are likely to have died in Giwa barracks. See "Nigeria: more than 1,500 killed in armed conflict in north-eastern Nigeria in early 2014," <http://www.amnesty.org/en/library/asset/AFR44/004/2014/en/543f7ac9-6889-4f02-bf5a-d73832e04229/afr440042014en.pdf>

<sup>109</sup> The recommendations of past Presidential Committees and working groups, including the National Working Group on Prison Reform and Decongestion, Inter-Ministerial Summit on the State of Remand Inmates in Nigeria's Prisons, Presidential Committee on Prison Reform and Rehabilitation, Presidential Commission on the Reform of the Administration of Justice, and the Committee on the Harmonization of Reports of Presidential Committees Working on Justice Sector Reform, are yet to be implemented.

<sup>110</sup> The Universal Periodic Review is a mechanism of the Human Rights Council under which it reviews, on a regular basis, the fulfilment of the human rights obligations and commitments of all 193 UN Member States. The UPR is an inter-state review process aimed at the improvement of the human rights situation on the ground.

<sup>111</sup> Report of the Working Group on the Universal Periodic Review, Nigeria, A/HRC/11/26.

<sup>112</sup> See UPR recommendations made to Nigeria: [http://www.upr-info.org/sites/default/files/document/nigeria/session\\_17\\_-\\_october\\_2013/recommendations\\_and\\_pledges\\_nigeria\\_2014.pdf](http://www.upr-info.org/sites/default/files/document/nigeria/session_17_-_october_2013/recommendations_and_pledges_nigeria_2014.pdf)

<sup>113</sup> The Bill has been sponsored by the Honourable Nkiruku Onyejeocha, at the House of Representatives. It was awaiting consideration in the Committee of the Whole before the expiration of the tenure of the last assembly. It was reintroduced in 2012 and according to the sponsor, has gone through a third reading in the House of Representatives.

<sup>114</sup> The National Human Rights Commission (Amendment) Act 2011.

<sup>115</sup> As this report was going to press, AI received information from the NCAT that the committee had been transferred from the Ministry of Justice to the Presidency, i.e. Office of the Secretary to the Government of the Federation. The ramifications of this are yet unclear

<sup>116</sup> "Nigeria: UN torture prevention body concludes its high level advisory visit, as a first step to strengthen the national capacity to prevent torture" <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14472&LangID=E#sthash.F7WsKloB.dpuf> (last accessed 26 August 2014).

<sup>117</sup> Report of the Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment, Para 41.

<sup>118</sup> Amnesty International's meeting with Deputy Inspector-General of Police (in charge of Criminal Investigations) in Abuja, Nigeria on 1 August 2013.

<sup>119</sup> Amnesty International Interview in Lagos, 28 May 2014.

<sup>120</sup> See also, "Stop the delay in probing DPO accused of rape" – NOPRIN, <http://porscheclassy.com/13292/stop-delay-probing-dpo-accused-rape-noprin>, Enugu High Court suit No. E/79/M/2002 as cited in "Insider Weekly, Gang rape in Enugu," 15 November 2004, pp. 14-15

<sup>121</sup> Human Rights Committee, General Comment 31, Nature of the General Legal Obligation on States Parties to the Covenant, U.N. Doc. CCPR/C/21/Rev.1/Add.13 (2004).

<sup>122</sup> Article 14 of the Convention against Torture.

<sup>123</sup> Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, paragraph 75(h).

<sup>124</sup> Suit no. PLD/J105/2014, decided by the High Court of Justice of Plateau State, 31 March 2014

<sup>125</sup> Suit no. PLD/J199/2014, decided by the High Court of Justice of Plateau State, 13 May 2014



# WHETHER IN A HIGH-PROFILE CONFLICT OR A FORGOTTEN CORNER OF THE GLOBE, **AMNESTY INTERNATIONAL** CAMPAIGNS FOR JUSTICE, FREEDOM AND DIGNITY FOR ALL AND SEEKS TO GALVANIZE PUBLIC SUPPORT TO BUILD A BETTER WORLD

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## **TORTURE AND OTHER ILL-TREATMENT IN NIGERIA**

Torture is a routine occurrence in Nigeria, largely to extract “confessions” or as punishment for alleged crimes. Hundreds of suspects in police and military custody across the country are being subjected to a range of physical and psychological torture or other ill-treatment. Security forces are able to act in a climate of impunity.

This report reveals the experiences of former detainees who have been tortured in police and military custody and the government’s failure to prevent such violations or to bring suspected perpetrators to justice. Amnesty International’s research exposes a fundamental lack of respect for due process rights – vital safeguards against torture – which are routinely flouted by Nigeria’s police and military.

Amnesty International calls on the Nigerian government to take urgent action to stop the use of torture and other ill-treatment and calls for thorough, independent and impartial investigations into all allegations, and for suspected perpetrators to be held accountable.

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