



Prison Conditions in Nigeria

November 2019 (COI included between 1st January 2018 and 25 September 2019)

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Introduction

This report on prison conditions in Nigeria is the second in a series which follows the September 2019 ARC Foundation/Garden Court Chambers publication, [Prison Conditions in Afghanistan: A commentary](#).

Both documents present COI on prison conditions according to those issues identified by UK¹ and European Court of Human Rights case law², the Istanbul Protocol: *Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*³ and the United Nations *Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)*⁴.

Research has therefore been presented on the following issues in the context of Nigerian detention facilities and where possible, this has been disaggregated by actor administering the detention facility: detention in general (control of facility unknown); police; State Security Service (SSS); Special Anti-Robbery Squad (SARS); and military:

1. Physical or psychological torture, inhuman or degrading treatment
2. Use of forced confessions
3. Deaths in custody
4. Size of cells, overcrowding [less than 3m² of personal space]
5. Solitary confinement, social isolation, incommunicado detention, constraints to out of cell activities and freedom of movement
6. Unhygienic conditions
7. Restrictions to medical care
8. Irregular or contaminated food and water
9. Deprivation of normal sensory stimulation, such as sound, light, sense of time, isolation, manipulation of brightness of the cell, abuse of physiological needs, restriction of sleep, motor activities, denial of privacy and forced nakedness, exposure to extreme temperatures
10. Number of prisoners on remand and length of pre-trial detention
11. Factors that affect length of pre-trial detention
12. Effective monitoring
13. Investigations and accountability
14. Redress
15. Impunity for state human rights abuses
16. Death penalty, especially after unfair trials
17. Access to legal representation
18. Separation of and situation for women detainees
19. Situation of detained children
20. Discrimination including freedom to practice religion, special needs including treatment of disabled prisoners

¹ See 'Legal Notes' in the [Appendix](#)

² See for example, European Court of Human Rights, [Detention conditions and treatment of prisoners](#), July 2019

³ UN, [Istanbul Protocol: Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](#), 2004

⁴ UN, [United Nations Standard Minimum Rules for the Treatment of Prisoners \(the Nelson Mandela Rules\)](#), 17 December 2015

At the time of drafting, a Home Office Country Policy and Information Note (CPIN) was available on Nigeria: Prison Conditions which raised a number of additional relevant issues for research. Whilst the CPIN was archived before the publication of this report, the following issues have still been addressed in this report:

21. Incidence of arbitrary detention / detention without trial
22. Factors increasing vulnerability to (arbitrary) detention
23. Rise in implementation of Sharia law, including being imposed against those not of Muslim faith
24. Military deployed to do the work of the police and related accountability issues
25. Appropriation of state powers by individual police/prison officers for personal gain
26. Confinement in IDP camps

Explanatory Note

This report presents Country of Origin Information (COI) researched by ARC Foundation between 1st January 2018 and 25 September 2019 on issues identified to be of relevance for an assessment of conditions in Nigerian detention facilities. It is presented by the themes identified above in chronological order.

The COI presented is illustrative, but not exhaustive of the information available in the public domain, nor is it determinative of any individual human rights or asylum claim.

All sources are publicly available and a direct hyperlink has been provided. A list of sources and databases consulted is also provided in this report, to enable users to conduct further research and to undertake source assessments.

ARC Foundation is grateful to David Neale, Legal Researcher at Garden Court Chambers, for preparing the legal notes and for his guidance in shaping this report.

The following reports pre-date the cut-off point of this report and have therefore not been included but provide detailed historical information of police abuses in Nigeria:

- ❖ Human Rights Watch, [“Everyone’s in on the Game” Corruption and Human Rights Abuses by the Nigeria Police Force](#), 17 August 2010
- ❖ Amnesty International, [“Welcome to Hell Fire”: Torture and other ill-treatment in Nigeria](#), 18 September 2014
- ❖ Immigration and Refugee Board of Canada Nigeria, [Whether the police in Nigeria detain family members or friends of wanted persons, and, if so, the manner in which they are treated; whether this includes persons wanted for breaking laws related to same-sex](#), 4 August 2015

Information was not found as to what the current officially prescribed minimum space per prisoner is in Nigeria. However, note the following write up of the National Human Rights Commission's 2008 National Prison Audit (which was not found in the public domain) on this point (emphasis added):

- ❖ [Ayade Emmanuel Ayade, Problem of Prison Overcrowding in Nigeria: Some Lessons from South Africa and America, 2010](#)
[...] 3.2 OVERCROWDING IN NIGERIA
[...] In Nigeria overcrowding is generally called congestion. It constitutes a serious challenge in Nigeria prisons especially in prison located in the metropolitan cities. In such prisons cells in Nigeria, facilities hold as many as twice or thrice their capacity. In such cells there is hardly enough room for prison inmates to move body and limbs freely. In such state **each prisoner is allocated a “post” which approximately is a space of a foot and a half** ¹⁰⁹ [...]

56 National prison Audit, The National Human Rights Commission; blues land communications Ltd, 2007-2008 pp1- 213, p 21 This prisons Audit was conducted in Nigerian prisons nation wide and Published by the National Human Right Commission in Collaboration with United Nations National Development Programme “UNDP” and Nowagain organization For Reform Agency and Development “NORAD”

109 Supra note 56 Para.2 at 27

The following article also provides an indication of cell size (emphasis added)

- ❖ Simpson PL, Simpson M, Adily A, et al. [Prison cell spatial density and infectious and communicable diseases: a systematic review](#), BMJ Open 2019;9:e026806. doi:10.1136/bmjopen-2018-026806, Received 5 October 2018, Revised 9 April 2019, Accepted 13 June 2019

[...] In the two studies conducted with mostly male (97%) prisoners in Nigeria, the prevalence of infectious and non-infectious skin conditions among prisoners living in **single cells (0.9 m2 per person) and dormitories (2.4 m2 per person)** was significantly different at 61.7% vs 43.2%³⁷ and 82.9% vs 69.7%.³⁸

37. Oninla OA , Onayemi O . Skin infections and infestations in prison inmates. Int J Dermatol 2012;51:178–81.doi:10.1111/j.1365-4632.2011.05016.x CrossRefPubMedGoogle Scholar

38. Oninla OA , Onayemi O , Olasode OA , et al . Pattern of dermatoses among inmates of Ilesha Prison, Nigeria. Niger Postgrad Med J 2013;20:174–80.PubMedGoogle Scholar

Disclaimer

This document is intended to be used as a tool to help to identify relevant COI and the COI referred to in this report can be considered by decision makers in assessing asylum applications and appeals. **This report is not a substitute for individualised case-specific research and therefore this document should not be submitted in isolation as evidence to refugee decision-making authorities.** Whilst every attempt has been made to ensure accuracy, the authors accept no responsibility for any errors included in this report.

List of sources consulted

Not all of the sources listed here have been consulted for each issue addressed in the report. Additional sources to those individually listed were consulted via database searches. This non-exhaustive list is intended to assist in further case-specific research. To find out more about an organisation, view the 'About Us' tab of a source's website.

Databases

[Asylos Research Notes](#)
[EASO COI Portal](#)
[European Country of Origin Information Network \(ECOI\)](#)
[Relief Web](#)
[UNHCR Refworld](#)

Media sources

[Africa Review](#)
[Afrol News](#) [Nigeria pages]
[Al Jazeera](#)
[All Africa](#)
[Assessment Capacities Project](#) [Nigeria country page]
[Associated Press](#)
[BBC News](#)
[Daily Independent](#) [state daily]
[Daily Trust](#)
[Federal Radio Corporation of Nigeria \(FRCN\)](#) [state-owned]
[Freedom Radio](#) [private]
[Institute for War and Peace Reporting](#)
[Inter Press Service](#)
[IRIN news](#) [Nigeria country page]
[Leadership](#)
[Nigerian Television Authority \(NTA\)](#) [state-run]
[Nigeriaworld](#)
[Premium Times](#) (Nigeria)
[Reuters Africa](#) [Africa pages]
[The Daily Sun](#)
[The Guardian](#) (Nigeria)
[The Herald](#) (Nigeria)
[The New Humanitarian](#) [formerly IRIN]
[The Nigerian Observer](#)
[The Punch](#) [private]
[This Day](#)
[Vanguard](#) (Nigeria)
[ViewPointNigeria](#)
[Voice of Nigeria](#) [FRCN's external service; state-owned]

Organisations

[Africa Center for Strategic Studies](#)
[African Arguments](#)
[African Studies Centre Leiden](#)
[Amnesty International \[Nigeria country page\]](#)
[Armed Conflict Location & Event Date Project \(ACLED\)](#)
[Article 19 \[Freedom of expression and information\]](#)
[Assessment Capacities Project \(ACAPS\)](#)
[Atlas of Torture](#)
[Brookings Institution](#)
[Carnegie Endowment for International Peace](#)
[Centre for Health, Ethics, Law and Development \(CHELD\)](#)
[Centre for Strategic and International Studies](#)
[CHR. Michelsen Institute \(CMI\)](#)
[Christian Science Monitor \[Nigeria pages\]](#)
[Christian Solidarity Worldwide \[Nigeria country page\]](#)
[Council for Foreign Relations](#)
[Death Penalty Worldwide \(Cornell Law School\)](#)
[Democracy in Africa](#)
[End Child Prostitution Child Pornography & Trafficking of Children for Sexual Purposes \(ECPAT\)](#)
[Foreign Affairs \(published by Council on Foreign Relations\) \[Nigeria country page\]](#)
[Freedom House \[Nigeria country page\]](#)
[Global Detention Project](#)
[Global Security](#)
[Hands off Cain](#)
[Human Rights Watch \[Nigeria country page\]](#)
[Humanitarian Aid Relief Trust \[Nigeria country page\]](#)
[Immigration and Refugee Board of Canada \['Responses to Information Requests'\]](#)
[Institute for Human Rights and Development in Africa](#)
[Institute for the Study of War](#)
[Internal Displacement Monitoring Centre](#)
[International Bar Association](#)
[International Centre for Prison Studies](#)
[International Commission of Jurists](#)
[International Committee of the Red Cross \(ICRC\)](#)
[International Crisis Group \[Nigeria country page\]](#)
[International Federation for Human Rights](#)
[International Organization for Migration - Nigeria](#)
[International Refugee Rights Initiative](#)
[International Rehabilitation Council for Torture Victims](#)
[Jamestown Foundation](#)
[Long War Journal](#)
[Minorities at Risk Project](#)
[Minority Rights Group International](#)
[Nigeria Watch](#)
[Oakland Institute](#)
[Open Society Foundations](#)
[Penal Reform](#)
[PRAWA \(Prisoners' Rehabilitation and Welfare Action\)](#)
[Prison Insider](#)
[Samuel Hall](#)

[Stepping Stones Nigeria](#)
[The Fund for Peace \(FFP\): Unlock Nigeria](#)
[Transparency International \[Nigeria country page\]](#)
[UK Foreign and Commonwealth Office](#)
[United Nations Children's Fund \(UNICEF\)](#)
[United Nations High Commissioner for Refugees \(UNHCR\)](#)
[United Nations Human Rights Council](#)
[United Nations News Centre](#)
[United Nations Office for the Coordination of Humanitarian Affairs \(UNOCHA\) \[Nigeria country page\]](#)
[United Nations Office of the High Commissioner for Human Rights \(OHCHR\)](#)
[United Nations Secretary General](#)
[United Nations Special Rapporteur on minority issues](#)
[United States Commission on International Religious Freedom](#)
[United States Department of State](#)
[United States Institute of Peace \[Nigeria country page\]](#)
[Unrepresented Nations and People's Organisation](#)
[World Organisation Against Torture](#)
[World Prison Brief](#)
[World Watch Monitor \[Nigeria country page\]](#)

Issues for research

1. Physical or psychological torture, inhuman or degrading treatment
2. Use of forced confessions
3. Deaths in custody
4. Size of cells, overcrowding [less than 3m² of personal space]
5. Solitary confinement, social isolation, incommunicado detention, constraints to out of cell activities and freedom of movement
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15. Impunity for state human rights abuses
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18. Separation of women
19. Situation of detained children
20. Discrimination including freedom to practice religion, special needs including treatment of disabled prisoners
21. Incidence of arbitrary detention / without pretrial
22. Factors increasing vulnerability to (arbitrary) detention
23. Rise in implementation of Sharia law, including imposed against those not of Muslim faith
24. Military deployed to do the work of the police and related accountability issues
25. Appropriation of state powers by individual police/prison officers for personal gain
26. Confinement in IDP camps

1. Physical or psychological torture, inhuman or degrading treatment

Detention in general

[United National General Assembly, Human Rights Council, Working Group on the Universal Periodic Review, Thirty-first session, 5-16 November 2018, Summary of Stakeholders' submissions on Nigeria: Report of the Office of the United Nations High Commissioner for Human Rights \(24 August 2018\)](#)

[...] III. Information provided by other stakeholders

[...] C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross-cutting issues

[...] Human rights and counter-terrorism³⁶

[...] 20. LEPAD [Legal Defence and Assistance Project, Lagos, Nigeria] stated that security operatives had committed grave human rights violations in their response to the Boko Haram insurgency. Innocent citizens had been arrested, tortured and unlawfully detained.³⁸

2. Civil and political rights

Right to life, liberty and security of person³⁹

[...] 22. JS10 [The Coalition of Nigerian Human Rights CSOs on UPR comprising of: Partnership for Justice, Lagos, Nigeria; Sterling law Centre, Abuja, Nigeria; Centre for Citizens Rights, Abuja, Nigeria; CLEEN Foundation Lagos, Nigeria; Women Africa, Abuja, Nigeria; Lux Terra Leadership Foundation, Abuja, Nigeria; West African Human Rights Defenders' Network, Lome, Nigeria; Rural Integrated Dev. Initiative, Bauchi; Jalnyo, Taraba State, Nigeria; Women's Rights and Health Project, Lagos, Nigeria; Kebetkache Women Dev. & Resource Centre, Portharcourt, Nigeria; African Centre for Leadership, Strategy & Development, Abuja; Centre LSD, South South, Nigeria; Centre for Sustainable Development, Yobe State, Nigeria; Youths for Peace and Development; Bauchi, Nigeria; Beautiful Eves of Africa Organisation, Eungu, Nigeria; Partners West Africa-Nigeria, Abuja, Nigeria; Nigerian Women Trust Fund, Abuja, Nigeria; FIDA, Abuja, Nigeria; PEDANET, Edo State, Nigeria; AFRICMIL, Abuja; NCICC, Abuja, Nigeria; Education as a Vaccine, Abuja, Nigeria; Community Centre for Development, Sokoto, Nigeria; Conference of Rights Nigeria, PLAC, Abuja, Nigeria; CASER, Abuja, Nigeria; EVA, Abuja; Alliances for Africa, Owerri, Nigeria; Development Dynamics, Owerri, Nigeria; Michael Adedotun Oke Foundation, Abuja, Nigeria; Network on Police Reform in Nigeria, Lagos, Nigeria; Foundation For Environmental Rights Advocacy & Development, Eungu, Nigeria; Partnership to Inspire, Transform and Connect the HIV Response Abuja, Nigeria; Parent Child Intervention Centre, Eungu, Nigeria; JCI Hope Project, Eungu, Nigeria; Agents of Communication and Development, Eungu, Nigeria; African Women and Children Care Support Initiative, Eungu; International Centre for Development and Budget Advocacy, Eungu; Universal Career Discovery and Development Initiative, Eungu; Bold And Beautiful Girls Initiative, Womenaid Collective, Eungu; Prisoners Rehabilitation and Welfare Action, Eungu, Nigeria; FIDA, Eungu, Nigeria; AFRILAW, Abuja, Nigeria; Centre for Citizens with Disabilities, Lagos, Nigeria; WARD, Lagos, Nigeria; REPLACE, Abuja, Nigeria; and LEDAP, Lagos, Nigeria (Joint Submission 10)] stated that security agencies, particularly the police and the military, had been implicated in widespread human rights violations including excessive use of force, extrajudicial killings, torture, arbitrary arrests and detention, enforced disappearances and extortion.⁴¹

[...] 28. Referring to relevant supported recommendations from the previous review, AI stated that in December 2017, the President of Nigeria signed the Anti-Torture Act, which penalized acts of torture and other cruel, inhuman and degrading treatment.⁴⁸ PRAWA [Prisoners' Rehabilitation and Welfare Action, Denmark] stated that this law had significant gaps for example, in relation to investigations and victims right to reparation and rehabilitation.⁴⁹

[...] 30. PRAWA stated that the National Committee on Prevention of Torture had been established to monitor the treatment of persons deprived of their liberty. However, this Committee had been unable to fully execute its mandate pursuant to OP-CAT due to a wide variety of problems, including inadequate resources; the lack of a central database or register of all places of detention, their location, and number of detainees; and the lack of effective access to all places of detention.⁵¹ [...] (pp. 3-4)

36 For relevant recommendations see A/HRC/25/6, paras. 135.73, 135.75 -135.78, 135.81 and 135.170-135.172.

37 AI, p. 3. AI made a recommendation (p. 6).

38 LEPAD, p. 4. LEPAD made recommendations (p. 6).

39 For relevant recommendations see A/HRC/25/6, paras. 135.68-135.70, 135.72, 135.73, 135.75, 135.80, 135.82, 135.106-135.112, 137.10-137.13, 137.22, 137.24, 137.28-137.30.

[...] 41 JS10, para. 3.5.1. JS10 made recommendations (para. 3.5.6).

[...] 48 AI, p. 1 and footnote 1, referring to A/HRC/25/6, para. 135.69 (Switzerland), para. 135.72 (Canada), para. 135.73 (Hungary), and para.135.74 (Sweden); See also HRF, para. 11.

49 PRAWA, para. 9. PRAWA made recommendations (para. 11).

[...] 51 Ibid, para. 10. PRAWA made recommendations (para. 11).

[United Nations General Assembly, Human Rights Council, Working Group on the Universal Periodic Review, Thirty-first session, 5–16 November 2018, Compilation on Nigeria, Report of the Office of the United Nations High Commissioner for Human Rights \(27 August 2018\)](#)

[...] IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

[...] 3. Human rights and counter-terrorism²⁴

[...] 21. OHCHR had received preliminary reports of violations of human rights and international humanitarian law allegedly committed by some government forces during counter-insurgency operations, including extrajudicial killings, enforced disappearances, arbitrary arrests and detention, and ill-treatment. Failures to adequately protect people from Boko Haram had also been documented. OHCHR recommended that Nigeria conduct prompt, thorough and independent investigations into those allegations, and ensure accountability for all violations of international human rights law and international humanitarian law, regardless of the position or rank of the perpetrator.²⁶

B. Civil and political rights

1. Right to life, liberty and security of person²⁷

22. Referring to the relevant recommendations from the previous review, the United Nations country team stated that, while several investigations had been launched, they had not led to any prosecutions. Allegations of extrajudicial executions, enforced disappearances and excessive use of force by security agencies continued to be made. The country team considered those recommendations to have been partially implemented.²⁸

23. Referring to the relevant recommendations from the previous review, the United Nations country team noted that the Anti-Torture Act 2017 did not have national application and states were required to adopt complementary legislation to ensure its enforceability. Moreover, the rules and regulations for the implementation of the Act had yet to be formulated. The country team considered those recommendations to have been partially implemented.²⁹ [...] (pp. 3-4)

24 For relevant recommendations, see A/HRC/25/6, paras. 135.73, 135.75–135.78, 135.81 and 135.170–135.172.

[...] 26 See A/HRC/30/67, paras. 79 and 81 (b).

27 For relevant recommendations, see A/HRC/25/6, paras. 135.68–135.70, 135.72–135.73, 135.75, 135.80, 135.82, 135.106–135.112, 137.10–137.13, 137.22, 137.24 and 137.28–137.30.

28 United Nations country team submission, p. 4, referring to A/HRC/25/6, para. 135.70 (United Kingdom of Great Britain and Northern Ireland), para. 135.71 (United States of America) and para. 135.72 (Canada).

29 United Nations country team submission, p. 4, referring to A/HRC/25/6, para. 135.73 (Hungary) and para. 135.74 (Sweden).

EASO, Country of Origin Report: Nigeria – State Actors of Protection (November 2018)

[...] 3.3.2 Abuse of power, ill treatment and use of excessive force

Consulted sources mention several accounts of the NPF [Nigeria Police Force], army, and other security services using lethal and excessive force to disperse protesters, apprehend criminals and suspects, as well as committing extrajudicial killings and obtaining confessions through torture.¹⁰³ Police are mentioned to repeatedly mistreat civilians in order to extort money.¹⁰⁴ In particular, SARS officers were reported by Amnesty International (AI) in September 2016 to regularly torture detainees in custody for the purpose of extracting confessions and bribes. In August 2015, the IGP reportedly announced the intention to reorganise SARS units.¹⁰⁵

In a more recent example, in November 2017, Kano State police killed three members of the Islamic Movement in Nigeria during its annual Ashura¹⁰⁶ procession, when firing tear gas and bullets.¹⁰⁷

103 AI, Amnesty International Report 2017/18 – Nigeria, 22 February 2018, <https://www.amnesty.org/en/countries/africa/nigeria/report-nigeria/>; Odisu, T. A., Law Enforcement in Nigeria by the Police Force and the Travails of Rule of Law, 10 August 2016, <https://www.omicsonline.org/open-access/law-enforcement-in-nigeria-by-the-police-force-and-the-travails-of-ruleof-law-2169-0170-1000204.pdf>; US DoS, Country Report on Human Rights Practices 2017 – Nigeria, 20 April 2018, <https://www.state.gov/404>

104 US DoS, Country Report on Human Rights Practices 2017 – Nigeria, 20 April 2018, <https://www.state.gov/404>

105 AI, Nigeria: ‘You have signed your death warrant’, September 2016, https://www.amnestyusa.org/files/nigeria_sars_report.pdf

106 The day of Ashura is a religious commemoration for Shia Muslims of the martyrdom of Hussein, a grandson of the Prophet Muhammad, at Karbala in 680 AD. For details, see: BBC, What is Ashura?, 6 December 2011, <https://www.bbc.com/news/world-middle-east-16047713>

107 US DoS, 2017 Report on International Religious Freedom – Nigeria, 29 May 2018, <https://www.state.gov/404>

United Nations General Assembly, Human Rights Council, Fortieth session, Report of the Working Group on the Universal Periodic Review: Nigeria (25 February–22 March 2019)

[...] I. Summary of the proceedings of the review process

2. Presentation by the State under review

[...] 14. In response to the advance questions, the delegation stated that section 34 (1) of the Constitution prohibited torture. During the period under review, Nigeria had enacted the Anti-Torture Act 2017, which prohibited torture and other cruel, inhuman or degrading treatment or punishment by law enforcement agents and provided for punishment for perpetrators of such acts. Military and law enforcement personnel were being retrained to use modern and scientific means of interrogation. [...] (p. 3)

United States Department of State, Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2018: Nigeria (13 March 2019)

[...] Section 1. Respect for the Integrity of the Person, Including Freedom from:

[...] c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

[...] The constitution and law prohibit torture and other cruel, inhuman, or degrading treatment. In December 2017, the president signed the Anti-Torture Act, which defines and specifically criminalizes torture. The Act prescribes offences and penalties for any person, including law enforcement officers, who commits torture or aids, abets, or by act or omission is an accessory to torture. It also provides a basis for victims of torture to seek civil damages. The Administration of Criminal Justice Act (ACJA), passed in 2015, prohibits torture and cruel, inhuman, or degrading treatment of arrestees; however, it fails to prescribe penalties for violators. Each state must also individually adopt the ACJA for the legislation to apply beyond the FCT and federal agencies. As of November the states of Akwa Ibom, Anambra, Cross Rivers, Delta, Ekiti, Enugu, Kaduna, Lagos, Ogun, Ondo, Oyo, and Rivers had adopted ACJA-compliant legislation.

The Ministry of Justice previously established a National Committee Against Torture (NCAT). Lack of legal and operational independence and lack of funding, however, prevented NCAT from carrying out its work effectively.

The law prohibits the introduction into trials of evidence and confessions obtained through torture. Authorities did not respect this prohibition, however, and, according to credible international organizations, the Special Antirobbery Squad (SARS) often used torture to extract confessions later used to try suspects. Police also repeatedly mistreated civilians to extort money.

In 2016 AI reported police officers in the SARS regularly tortured detainees in custody as a means of extracting confessions and bribes. In response to AI's findings, the inspector general of police reportedly admonished SARS commanders and announced broad reforms to correct SARS units' failures to follow due process and their use of excessive force. Allegations of widespread abuse by SARS officers, however, continued throughout the year. In late 2017 citizens began a social media campaign (#EndSARS) to document physical abuse and extortion by SARS officers and demand SARS units be disbanded. In December 2017 the inspector general of police announced plans to reorganize SARS units, but complaints of abuse continued. Several SARS officers were dismissed from the force and, in some instances, prosecuted, and the National Police Force (NPF) sought technical assistance for investigations of SARS officers. The vast majority of misconduct cases, however, went uninvestigated and unpunished. In August then-acting President Yemi Osinbajo ordered the inspector general of police to overhaul the management and activities of SARS, and ordered the NHRC [National Human Rights Commission] to set up a "Special Panel" with public hearings on SARS abuses. The panel's work was ongoing at the end of the year and it had not yet issued a report.

Local nongovernmental organizations (NGOs) and international human rights groups accused the security services of illegal detention, inhuman treatment, and torture of criminal suspects, militants, detainees, and prisoners. Military and police reportedly used a range of torture methods including beatings while bound, rape and other forms of sexual violence. According to reports, security services committed rape and other forms of violence against women and girls, often with impunity. As of December the government had not held any responsible officials to account for reported incidents of torture in detention facilities in the Northeast, including Giwa Barracks.

Police used a technique commonly referred to as "parading" of arrestees, which involved walking arrestees through public spaces and subjecting them to public ridicule and abuse. Bystanders often taunted and hurled food and other objects at arrestees.

The sharia courts in 12 northern states may prescribe punishments such as caning, amputation, and death by stoning. The sharia criminal procedure code allows defendants 30 days to appeal sentences involving mutilation or death to a higher sharia court. Statutory law mandates state governors treat all court decisions equally, including amputation or death sentences, regardless of whether issued by a sharia or a nonsharia court. Authorities, however, often did not carry out caning, amputation, and stoning sentences passed by sharia courts because defendants frequently appealed, a process that could be lengthy. Federal appellate courts had not ruled on whether such punishments violate the constitution because no relevant cases reached the federal level. Although sharia appellate courts consistently overturned stoning and amputation sentences on procedural or evidentiary grounds, there were no challenges on constitutional grounds.

There were no reports of canings during the year. Defendants generally did not challenge caning sentences in court as a violation of statutory law. In the past sharia courts usually carried out caning immediately. In some cases convicted individuals paid fines or went to prison in lieu of caning.

The United Nations reported that it had received four allegations of sexual exploitation and abuse against peacekeepers from Nigeria deployed to the United Nations Mission in Liberia. The cases involve both sexual exploitation (three allegations) and abuse (one allegation). Investigations both by the United Nations and Nigeria were pending. Three allegations were reported in 2017. [...] (pp. 5-7)

[Amnesty International, Nigeria: Submission to The United Nations Human Rights Committee 126th Session, 1-26 July 2019 \(2019\)](#)

[...] 6. TORTURE AND OTHER ILL-TREATMENT (ARTS.7 & 14)

Recent Amnesty International research indicate that police and military personnel continue to routinely use torture and other ill-treatment to extract information and “confessions”, and to punish detainees. 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. Some of the most common ones documented by Amnesty International include beatings, hanging, rape and sexual violence, extraction of teeth, suspending detainees by their feet, starvation, forcing detainees to sit on sharp objects etc.²⁰

In contravention of national and international law, information extracted by torture and other ill-treatment is routinely accepted as evidence in court. The Nigerian Constitution prohibits torture and other inhuman or degrading treatment.²¹ In December 2017, President Buhari signed the Anti-Torture Act, which penalizes acts of torture and other cruel, inhuman and degrading treatment. While the Act prescribes a punishment of up to 25 years’ imprisonment for torture offenders, it makes no provisions for the rehabilitation of victims and legal assistance to victims is limited to support for making complaints.²² Security officials are rarely held accountable for failures to follow due process or for perpetrating human rights violations such as torture. [...] (p. 9)

20 <https://www.amnesty.org/en/documents/AFR44/011/2014/en/>

21 Section 34(1) of the 1999 Constitution of the Federal Republic of Nigeria 22 Section 9, Anti-Torture Act 2017.

Nigerian Prisons Service (recently renamed Nigerian Correctional Service)

[EASO, Country of Origin Information Report: Nigeria: Targeting of individuals \(November 2018\)](#)

[...] 3.12 Lesbian, Gay, Bisexual, and Transgender persons (LGBT)

[...] 3.12.2 Human rights violations and/or discrimination

[...] 3.12.2.2 Treatment in prison

Imprisoned gay persons reportedly are confronted with rape in prison [...] ¹⁰³⁷ [...] (p. 124)

1037 ABCNews, 'I didn't want my mum to know': The men and boys arrested for being gay in Nigeria, updated 22 October 2017, <https://www.abc.net.au/news/2017-10-22/arrested-for-being-gay-in-nigeria/9069350>; Erasing 76 crimes, New initiative works to free suspected gay Nigerian prisoners, 18 October 2017, <https://76crimes.com/2017/10/18/new-initiative-works-to-free-suspected-gay-nigerian-prisoners/>; Erasing 76 crimes, Nigeria: Man facing homosexuality charges languishes in prison, 10 May 2018, <https://76crimes.com/2018/05/10/nigeria-man-facing-homosexuality-charges-languishes-in-prison/>

[Sahara Reporters, Child Prostitution, Sodomy, Forced Abortions... It's Hell Inside Maiduguri Maximum Security Prison \(23 March 2019\)](#)

The trio of Goni Ali Shettima, Abba Musa, and Salisu Usman are three children locked inside death row cells in MMSP. He appealed to Femi Falana, human rights activist and Senior Advocate of Nigeria (SAN), “to bring a fundamental human rights lawsuit against the Federal Government of Nigeria, naming the Minister of Interior and the Controller General of Prison among others as defendants”.

Inside the confines that house the Maiduguri Maximum Security Prison in Borno State is a booming array of illegal activities that tether on the dangerous brink of life and death.

From child prostitution to sodomy, abortions, and even outright murder, the situation within the MMSP is a stark reality of the wildest imaginations.

A 31-page piece entitled 'Sodomy of Children in Maiduguri Prison and The ICRC Conspiracy of Silence', released on Friday, March 22, 2019 by Charles Okah, chronicles the experience the inmates of the prison are subjected to, sometimes with the cooperation of prison officials.

MMSP is divided into four separate compounds: Clusters 1, 2, 3 and 4. Clusters 1, 2 and 3 are to accommodate men, while another "much smaller compound, 'Gidan Mata', is for the female inmates."

Charles Okah currently occupies Cell 9, Unit 1, Cluster 2 in MMSP.

For some reason, among the 71 persons on death row in MMSP is 13-year-old Suleiman Salisu, who bludgeoned his father to death as a way of saying 'no more' to being sexually defiled. The older Salisu had been defiling his son since he was five years old, an action he took after sniffing glue. However, according to Okah's account, Suleiman's maternal uncle, Usman Durkwa, who is also Deputy Governor of Borno State, had told the teenager to say during trial that he killed his father because he was unhappy with his sniffing glue.

However, Suleiman, like his peers in prison are far from safe as they have become victims of sexual molestation by older inmates.

It's also a fight for territory between cats and rats, and within that space is an inmate identified as Yaya, who has taken to raising cats within the walls. Yaya has been on death row for 23 years.

There is also a booming farming business within the prison, as inmates take to bribing prison warders to get access to the available land within the premises to cultivate vegetables. For this, human waste comes to the rescue as manure.

And then, there is child prostitution.

Okah narrates: The first I saw a frightened child same age range as mine locked up inside cages; it had such a profound and a heart-rending effect on me. But of a particular poignancy was the day a pimp approached me to prostitute the boys.

"The pimp, a notorious armed robber serving a fourteen-year jail sentence, a life sentence, and a death sentence, has been on a death row since 2013, but still retained his villainous features. His large red protuberant eyes can be compared to that of a fly; a tsetse fly to be precise. I can imagine that together with a gun, those eyes must have frightened his victims to total submission. He asked me in halting English if I liked little boys and I replied that 'of course, I do'. And I went on and on, without him prompting, to tell him I have a nine-year-old boy myself, who I saw last when he was one, and how much I miss him... blah, blah, blah.

"At a point, while I droned on, he began shaking his large head, broad across his temples slowly from side to side. What I was telling him was literally entering into one ear and coming out unfiltered through the other ear that had been deformed by bullet wound. He then proceeded to demonstrate what he actually meant by joining the index finger and thumb tips of his left hand to form a circle, and then with his index finger of his right hand, he poked in and out of the circle.

"As the pimp was poking a dirty finger into the circle, those big eyes bore into me like a laser beam, as if trying to read my thoughts and gauge my seriousness. As he did that, his thick black lips looking like roasted animal hide, curled into certain slyness. I nodded my head to indicate that I understood, but I was in shock. Instead of showing disgust, I decided to play along, maintaining that face many would wear at the visa section of the American embassy when lying to the interviewer as the only way out when candor fails.

"Convinced I was game, he gave me the rates with which to have anal sex or fellatio with a little boy of my choice. The younger the boy, the higher the price, while the mentally challenged or imbeciles as he referred to them, are the costliest because of their fetish/ritual values based on a fallacy that one's problems or trying circumstances can be transferred to them through intercourse. The cheapest goes for fellatio offered by the children and known as 'quick relief'.

"Out of curiosity, I opted for an 'imbecile' and was taken the next day to cell number 16 in unit 3 of cluster 2 where I met Goni Ali Shettima for the first time, huddled up in a corner with resignation and confusion in those angelic eyes of a child.

“After I expressed disinterest in Goni Ali, I was sworn to secrecy, that night I annulled the oath with solemn vow to spill the beans and do everything within my limits to save the children by telling their story to the world, even at the risk of my life.”

Sexual exploitation within MMSP is not limited to child prostitution among inmates, but to warders who “take undue advantage of female prisoners and detainees under their custody”.

“The trafficking of female inmates for sex with senior prison officers is done through the staff canteen situated inside the bungalow administration building in MMSP. The canteen serves two purposes. On the surface, it looks like any other staff canteen where food and drinks are prepared and served. But beneath the surface, under the supervision of a large imposing female wardress with the rank of senior inspector of prison (SIP), the MMSP staff canteen, like a chameleon, can transform itself in a jiffy into a brothel where the female inmates, used as waitresses and cooks are arranged for quick sex in exchange for cash.”

There is the account of Hauwa ‘Shuwa’ Mohammed, who became pregnant and had to endure a forceful termination of her pregnancy right inside the prison. She came close to losing her life during the incident.

And then there’s the allegation bordering on the conspiracy of the International Committee of Red Cross (ICRC).

“On Thursday, the 12th of April 2018, led by one Zainab, several ICRC officials visited cluster 2 to see things for themselves. They even entered unit 3 and peeped into cell number 16, holding their breath to see Goni Ali like visitors in a zoo. They spoke to all three boys incarcerated in the death row cells.

“Jotting down notes and pretending to look shocked, the ICRC team, relieved to be out in the fresh air, promised the victims to take up their matter at the ‘highest level’ of government. Nothing was heard from them. Again on September 10th, 2018, Zainab, a regular visitor to the prison who acts superciliously around prisoners, visited MMSP in the company of two female ICRC officials and stopped by cluster 2. When asked why nothing had been done about the plight of abused children and prostituted women, they came up with a lame excuse that, ‘the ICRC is not a human rights body, and would not meddle into sexual abuse or human right issues.’”

Okah’s account, particularly refers to the trio of Goni Ali Shettima, Abba Musa, and Salisu Usman, the three children locked inside death row cells in MMSP. He appealed to Femi Falana, human rights activist and Senior Advocate of Nigeria (SAN), “to bring a fundamental human rights lawsuit against the federal government of Nigeria, naming the Minister of Interior and the Controller General of Prison among others as defendants”.

“The plaintiffs are asking for one billion naira each as damages. They also want the court to declare their continued detention as null, void the court and cruel. They look forward to plunge again into that whirlpool of life, get an education and lead a normal existence as bona fide Nigeria citizens.

“Modibo Musa, whose entire family was arrested along with his late father also wish to bring a similar fundamental human rights law suit against the federal government of Nigeria, naming the Minister of Interior and the Controller-General of Prisons among others, as defendants.

“Modibo and the other plaintiffs made up of his six siblings — Hauwa, Aisha, Halima, Maryam, Usman and Mohammed — are demanding five hundred million naira each as damages. They want the court to declare their continued incarceration null and void and cruel. The ten children wish to find out if the ICRC is culpable and be taken to the International criminal court. They plead to be represented pro bono.”

Okah extended his regards to his family members and a few friends who have not deserted him, as well as comrades and well-wishers who have not heard from him since his transfer from Kuje Prison to MMSP on March 13, 2018. [...]

[Amnesty International, Nigeria: Children and women face sexual violence in Borno prisons \(29 April 2019\)](#)

An Amnesty International investigation has exposed sexual violence against children and women by security agents and inmates at two high-security prison facilities in Borno State, Nigeria.

The harrowing violations took place at Maiduguri Maximum Security Prison and Giwa Barracks, where thousands of civilians arrested due to claimed links to the Boko Haram armed group are being held. Amnesty's research also found that scores of children are being unlawfully detained alongside adults in Maiduguri Prison.

"This is another sad and disturbing case of human rights violations against civilians caught up in the Boko Haram crisis in northeast Nigeria," said Osai Ojigho, Amnesty International's Nigeria Director.

"It is inexcusable that children are subjected to such vile treatment under government care, and likewise it is intolerable that women are once again bearing the brunt of abuse by the Nigerian security forces that are meant to protect them."

Children detained and abused at Maiduguri Prison

An Amnesty International research team visited Maiduguri earlier this month to investigate claims made by inmate Charles Okah – first documented by Sahara Reporters – that children were being abused and unlawfully detained in Maiduguri Prison.

Okah alleged that three children detained on death row in Maiduguri were among the many victims of sexual abuse. [...]

Amnesty International interviewed a Maiduguri Prison detainee as well as a former prison warder who both confirmed that sexual abuse of children was widespread in the prison. The detainee said he had observed the abuse of children by adult inmates.

"It is not a secret in the prison what is happening with the little boys," said the detainee, who spoke to Amnesty International via a contact to protect his identity.

The source also told Amnesty that it was sometimes possible to hear what was happening in the stalls, and this confirmed his understanding that sexual assault was occurring.

"Sometimes, you see that a little boy goes into the toilet and immediately, an adult detainee goes after them, and when the boy comes out, you don't need to be told what has happened to him."

The Maiduguri Prison former warder, who was also too afraid to meet Amnesty International in person, confirmed that he had been aware of sexual abuse of children.

According to the former warder: "The condition there [in the prison] is not good for children and it is difficult to stop what is going on with the boys. The only way is for them to be taken out of there. What do you expect when you keep children with grown up men?"

[...] Background

On 23 March 2019, Sahara Reporters revealed details of a 30-page eyewitness report by Charles Okah which described a pattern of sexual violence perpetrated against women and young boys in the prison. According to the media report, there are at least 106 young boys aged between 11 and 17 in detention in the prison.

A Borno State government committee visited the prison shortly after its inauguration to investigate the allegations in the Okah report. Some prison officials were arrested but released the following day. Nothing has been heard of the committee since. Amnesty International is calling on the Borno State government to make public the committee's findings.

The Nigerian Prisons Service denied the allegations of sexual violence at the Maiduguri Prison, saying a committee set up to investigate the allegations did not find evidence of sexual violence.

The Public Relations Officer of the Nigerian Prisons Service said the service would not share the report with the organization for security reasons because the report contains other security concerns.

The official, however, suggested that children were being detained in the same area with adult inmates at the Maiduguri Prisons.

According to the official: "Because of the nature of the crime, you may have people who are not supposed to be where they are. Maiduguri is an unusual situation due to the Boko Haram crisis."

In April 2019 Amnesty International interviewed one adult detainee and one former prison warder at Maiduguri Prison, along with 18 former Giwa Barracks detainees, 15 boys and three women. It

also spoke with relatives of detainees in Maiduguri Prison, court officials and sources with inside knowledge of Maiduguri Prison, including a former prison official. [...]

Police

[Amnesty International, NIGERIA 2017/2018 \(22 February 2018\)](#)

[...] Torture and other ill-treatment

Torture and other ill-treatment and unlawful detention by the police and the State Security Service (SSS) continued. [...]

[Australian Government, Department of Foreign Affairs and Trade, DFAT Country Information Report: Nigeria \(9 March 2018\)](#)

[...] 4. Complementary Protection Claims

[...] TORTURE

4.10 While the federal Constitution prohibits torture, it is not criminalised. The National Assembly is yet to pass into law an anti-torture bill, which would criminalise torture. The House of Representatives passed the bill in 2015, which was revised by the Nigeria Law Reform Commission. The bill returned to the Senate and was pending as of November 2017.

4.11 In a study published in 2000, the Nigerian Human Rights Commission reported that almost eighty per cent of detainees in Nigerian prisons claimed to have been beaten by police. Human Rights Watch (2003) and Amnesty International (2014 and 2016) reported widespread ill-treatment and torture of detainees in Nigerian prisons. In May 2014, Amnesty International accused the NPF [Nigeria Police Force] of arresting and torturing a sixteen-year-old male, Moses Akatugba. Mr Akatugba reported the NPF had beaten him, shot him in the hand and hung him by his limbs for several hours in police custody. In September 2016, Amnesty International highlighted widespread use of torture by the Special Anti-Robbery Squad (SARS) in order to obtain confessions.

4.12 DFAT considers credible claims that the NPF continues to use torture to extract confessions from suspects held in police detention as an alternative to investigating and gathering evidence for use at trial. The government has taken some steps to address the incidence of torture in police custody and local NGOs report an overall decrease. Human rights officers are deployed in all police stations (see Police) and police trainees are required to undertake human rights training as part of their induction. (p. 27)

[...] Detention and Prison

5.17 Nigeria has a high rate of deaths in custody. The majority of deaths relate to health problems, both pre-existing and as a result of detention conditions or treatment. Disease remains a major cause of death in cramped, unsanitary conditions with shortages of medical supplies. DFAT understands officials also assault and, in some cases, torture detainees (see Torture). [...] (p. 31)

[NigeriaWorld, 30-year-old man tortured by police dies in Kogi prison \(23 July 2019\)](#)

The family of a 30-year-old man, Emeka Uyamadu, has accused policemen attached to the Kabba Police Station of torturing him, which led to his eventual death at the Federal Prison, Kabba, Kogi State.

The family alleged that the policemen had accused Emeka of assault before a magistrates' court, which remanded him in prison.

PUNCH Metro gathered that Emeka had a disagreement with his brother, Chibuike, over the use of a motorcycle they both shared.

In the course of the disagreement, some soldiers reportedly intervened and handed the brothers over to policemen to resolve the dispute.

The policemen took the brothers to the station and allegedly forced Chibuike to make a criminal complaint of assault against his brother before they could be released.

It was learnt that the policemen instructed the brothers to come back the following day to "close the case" with the sum of N40,000.

Their mother, Justina, said the policemen came to her shop the following day to pick up Emeka for failing to show up at the station.

The Anambra State indigene said her son resisted arrest on the grounds that the matter had been resolved, adding that he was subsequently apprehended and tortured.

She said, "On June 12, Emeka and his brother had a misunderstanding in front of my shop. Some soldiers were passing by and they handed the two of them over to the police to settle the issue. The policemen thereafter asked us to come to the station to write a statement; Chibuike said that he was not pressing any charge against his brother but wanted the matter settled amicably.

"We were told to come the following day to close the case, but my children decided not to go because they had already resolved the matter. The policemen showed up at my shop to pick up Emeka the following day.

"They insisted that they must collect N40,000 to close the case and they started beating Emeka when he resisted arrest.

"They continued to beat him till he slumped and while he was on the ground, the policemen used their boots to kick him in the stomach and chest. One of the policemen, called Obasa, said he would deal with him and my son was forcefully bundled into the police van. He was detained in the police station till he was arraigned before the Chief Magistrates' Court in Kabba."

The 53-year-old Justina said Emeka was arraigned on three counts bordering on assault and injury at the instance of his brother, and resisting lawful arrest at the instance of the police.

She stated that the court admitted him to bail on the allegation of assault but suspended the ruling on the bail application on the allegation of resisting arrest till June 17, and ordered that he should be remanded in the Federal Prison, Kabba, till then.

Justina, however, explained that her son was already complaining of feeling unwell in his stomach as a result of the internal injury he sustained while being tortured, but his complaint was dismissed because the prison officials felt that he was pretending.

She stated, "Before he was remanded, he was already complaining that he was feeling unwell in his stomach but they said he was pretending. The following morning, I was called by a prison official that my son was becoming pale and coughing out blood. When I got there, I requested to take him to hospital but they said they had doctors and medical personnel.

"I insisted on taking him to hospital and I was directed to go and get a note from the magistrate. When I went to meet the magistrate, he told me that the prison authority was at liberty to take an inmate for treatment. When I went back to the prison, I was asked to go and buy some drugs, but they were not administered to him as well.

"On Saturday morning, I was called to come and see my son but on getting there, they didn't allow me to see him because he was already dead. They said I should go and get a vehicle to convey him to hospital, but when I brought the vehicle with a driver, they said they had changed their mind and would rather take him in their own vehicle.

"They did not allow me to see my son till they got to the General Hospital, Kabba, and while they took him in, they did not allow me to see him. It was the hospital workers, who later made comments that the prison officials brought in a dead man while pretending that he was still alive."

In a petition addressed to the Inspector-General of Police titled, 'Re: Brutal and callous beating of Mr Emeka Uyamadu by the officers of the Nigeria Police, Kabba, resulting in his death in prison amidst gross negligence of officers of the Nigeria Prisons Service, Kabba', the family requested the IG to order an investigation into the circumstances that led to the death of the Federal Polytechnic, Oko, Anambra State graduate, who just concluded his one-year compulsory service with the National Youth Service Corps in February.

The petition read in part, "This was how the woman lost her 30-year-old graduate to the police and prison authorities.

"To worsen an already bad situation, the prison officers said that the body of the boy would not be released until they obtained a document from the court and a medical report. The widowed mother of the deceased demanded to see the doctor's report on the deceased before the release of the body to the prison officers but to no avail

"The body of Emeka Uyamadu is still with the prison authorities at the Kabba Federal Prison. The police and prison authorities have obtained the medical report on the deceased and have refused to make same available to the family of the deceased despite repeated demand.

"We cannot but strongly appeal to the Inspector-General of Police to set up a high-powered team to investigate this the murder of this young graduate."

The Public Relations Officer, Kogi Command, Nigeria Prisons Service, Mr Nihi Sesan, however, said Emeka did not die in prison custody.

He added that investigation into the cause of death was ongoing.

Sesan stated, "The victim did not die in prison custody. Investigation into the matter is still ongoing and all the documents that are supposed to be submitted with respect to the event have been submitted to the national headquarters.

"When he was brought in by the police, he was checked, because there is always an admission board to check the health condition of an inmate. The day he was brought in, bloodstains were observed on his eyelid but he was fit to be remanded pending the adjourned day.

"The following day, he was complaining of a headache and the nurse on duty administered analgesic. But at night, when the prison warders realised that his condition was not improving, they had to take him to hospital for proper and further check-up and treatment, and that was where he died.

"If he died in prison custody, we will own up. We have a proper medical facility for emergencies and it is when we cannot handle the treatment that we take the inmate to hospital. It is so unfortunate that he died, but I believe that at the end of the day, everything will be resolved."

When contacted, the Kogi State Police Public Relations Officer, Mr William Aya, said he would get back to our correspondent on the matter.

"I will have to call the Divisional Police Officer for him to check and give me feedback. As soon as I hear from him, I will let you know," he stated.

Aya had yet to get back to our correspondent as of the time of filing this report. Calls put across to his telephone were subsequently not answered.

When the Force spokesperson, Frank Mba, was contacted, he said he could not tell if the matter had been assigned, adding that every questionable death in police or prison custody was always subjected to investigation.

He said, "I have seen the copy of the petition, but I have no way of knowing whether the petition has been properly submitted to the IG, and also, I don't have any way of knowing whether investigation has commenced or not.

"But, as a general rule, every death that occurs in police or prison custody is usually subjected to a coroner's inquest or an investigation to determine whether the person died of natural causes or of other external causes, and I want to believe that this will not be an exception.

"The complainant ought to have reported at the Kogi State Police Command. It is only when the State Criminal Investigation and Intelligence Department, Lokoja, does not have the capacity to handle the matter that a petition can be sent to the Inspector-General of Police."

State Security Service (SSS)

[Amnesty International, NIGERIA 2017/2018 \(22 February 2018\)](#)

[...] Torture and other ill-treatment

Torture and other ill-treatment and unlawful detention by the police and the State Security Service (SSS) continued. In February, Nonso Diobu and eight other men were arrested and detained by Special Anti-Robbery Squad (SARS) officers in Awkuzu, Anambra state. They were tortured and all, except Nonso Diobu, died in custody. Nonso Diobu was charged with robbery and released four months after arrest.

In May, a high court ordered the SSS to release Bright Chimezie, a member of the Indigenous People of Biafra (IPOB). Instead, the SSS included his name in another case. Bright Chimezie had not been brought to court by the end of the year; the SSS had held him in incommunicado detention for more than one year.

Ibrahim El-Zakzaky, leader of the Islamic Movement of Nigeria (IMN), and his wife remained in incommunicado detention without trial since their arrest in December 2015 despite a court ordering their release and compensation.

In September, the Nigerian police launched Force Order 20 which sought to reduce the excessive use of pre-trial detention by providing free legal advice to suspects at police stations. In December, the Anti-Torture Bill – intended to prohibit and criminalize the use of torture – was signed into law. [...]

[Premium Times, SPECIAL REPORT: How Buhari's govt detained Nigerian journalist for two years without trial \(1 July 2018\)](#)

[...] On July 21, 2016, a dozen heavily-armed agents of the self-styled Department of State Services arrested Mr Abiri, the publisher of Weekly Source newspaper, outside his office at 288 Chief Melford Okilo Expressway, Yenagoa, Bayelsa State. Eyewitnesses said the SSS agents, who came in three cars, did not read him his rights and did not produce a warrant before handcuffing him, raiding his office, and taking him into custody.

[...] Ex-SSS Detainee Narrates Experience

Comrade (name withheld), a Niger Delta Ijaw activist whose identity is being protected for his safety, said he met Mr Abiri in SSS custody while detained for nearly two years on allegations of being a militant. Comrade said that before his release in 2017, he was detained with over 50 Ijaw and Niger Delta youth, numerous Boko Haram suspects and members of the Independent People of Biafra (IPOB) secessionist group, who were all routinely tortured at the SSS Headquarters in Nigeria's capital, Abuja.

"We were all together for over one year so we knew ourselves. I was in New Depot detention facility while Jones was in Old Depot. I remember one particular day Jones was shouting: "They wan go beat me again. They wan go beat me again." It pained me so much I cried," Comrade said.

[...] SSS 'Above The Law'

Comrade said suspects in SSS custody were habitually tortured. In tears, he narrated how the SSS at different times used beating, electrocution, and exposure of radiation to his testicles to force him to confess being a militant. Comrade quoted his case officer as once telling him "the DSS is above the laws of the land. DSS only listens to the instruction of Mr President. Anything short of that, including court orders, you are just wasting your time."

Femi Falana, a foremost human rights lawyer, wrote an open letter to President Buhari in December 2017 asking him to end the illegal arrest and detention without legal justification of Nigerians and foreigners by security agencies, especially the SSS, which he described an embarrassment to the country by its continued violation of the Nigerian constitution, the African Charter on Human and Peoples Rights Act, and the Nigerian Administration of Criminal Justice Act.

"From the information at our disposal, the DSS has detained several Nigerians and foreigners to settle personal scores," Mr Falana said to President Buhari. "Others have been arrested and detained by the DSS on the suspicion that they have committed criminal offences, a matter that is within the purview of the Police and the anti-graft agencies. To compound the illegality of such arrest and detention, the orders made by competent courts of law directing the DSS to either release or produce detainees in court have been treated with contempt."

In the past three years since President Buhari appointed Lawal Daura, his kinsman from Katsina State, as SSS director general, the agency's mode of operations has been reminiscent of past Nigerian military dictatorships, which created the organisation and deployed it with impunity to intimidate, indefinitely detain without charge, and habitually torture individuals, including journalists, activists, and political figures, deemed critical of the military government.

Under Mr Buhari's rule as military Head of State in the 80s, the SSS, then known as the National Security Organisation, became an agency of repression and a crack violator of human rights. Mr Buhari promulgated and implemented several laws, including Decree 2 which granted the SSS arbitrary powers to indefinitely detain any person without charges, and Decree 4 which provided imprisonment to any person who published any information deemed false or ridiculed his government.

Leading to the 2015 general elections, the SSS under former President Jonathan had become politically partisan, targeting journalists, activists and political opponents, including Mr Buhari and his political party. Mr Buhari while campaigning said he had become a reformed democrat and, if elected, promised to uphold the rule of law, respect fundamental rights, and ensure access to justice for all Nigerians.

Yet, in the past three years, the SSS has been heavily criticised for operating with utmost secrecy, crass impunity, and total disregard for the rule of law, including serially disobeying court orders and violating federal laws in lopsided recruitment to favour people from President Buhari's part of Nigeria. [...]

[Human Rights Watch, Nigeria: Journalists, Activists Detained, Allege Torture: End Harassment, Attacks on Freedom of Expression \(21 August 2018\)](#)

(Abuja) – Several recent arrests and detentions of journalists and activists in Nigeria suggest a disturbing trend toward repression of freedom of expression, Human Rights Watch said today. In one case, it was revealed that a journalist had been held incommunicado for nearly two years, and in another, an activist said he was tortured.

[...] IState Security agencies, including the State Security Service and the Special Anti-Robbery Squad, have previously been implicated in abuse of power and human rights violations across the country, including illegal arrests, detention, and torture. In a 2010 report, Human Rights Watch documented abuses ranging from arbitrary arrest and unlawful detention to threats and acts of violence, including physical and sexual assault, torture, and even extrajudicial killings. Human Rights Watch continues to document similar allegations against the police.

A 38-year-old Niger Delta activist, whose name is withheld for his protection, described to Human Rights Watch torture he said he suffered while in State Security Service detention for 15 months. He said he was arrested on August 2, 2016 in Warri, Delta state in the Niger Delta, by six men "gestapo style" and flown to Abuja on a presidential jet. He said he was beaten, strapped to a bench face up for hours in the sun, and given shocks to his genitals to force a false confession of involvement with a militant group known as the Niger Delta Avengers.

Even now, several months after his release without charge or trial, he continues to suffer terrible pain from the injuries he suffered during torture. "I am receiving regular medical treatment for the severe pains I still suffer in my private parts," he said.

Osinbajo dismissed Lawal Daura, the State Security Service director general, on August 7, after masked officials of the agency sealed up the National Assembly, preventing federal legislators from entering. The National Human Rights Commission reported that in the three years of Daura's leadership, the agency repeatedly violated rights, including carrying out unlawful arrests, prolonged detention without trial, and torture of detainees. [...]

Special Anti-Robbery Squad (SARS)

[The Daily Trust, Ending security agencies' torture of suspects \(16 January 2018\)](#)

A member on the delegation of a human rights organisation on a visit to the Special Anti-Robbery Squad (SARS) detention facilities at Garki in Abuja narrated the sordid state of the detainees in the cells.

"I saw several of the over 300 detainees looking very skinny and with bodily injuries, while others had gunshot wounds. Some of the inmates told us that so many detainees whose conditions are worse were quickly moved out because they knew we were visiting," he said.

Many security agencies in Nigeria have been accused of using both physical and psychological torture against individuals suspected of committing offence.

Worried by the human rights violation through torture, many countries, including Nigeria, in 1985 signed the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. United Nations Convention against Torture (UNCAT) is an international human rights treaty for the prevention of torture and other cruel, inhuman, or degrading treatment or punishment around the world.

There is no comprehensive data on torture in Nigeria, but Amnesty International in its 2016/2017 report wrote that "the police and military continue to commit torture and other ill-treatment during the interrogation of suspects or detainees to extract information and confessions." It added that "the Special Anti-Robbery Squad (SARS) of the police frequently committed torture and other ill-treatment during interrogations."

Perhaps in realization of the human rights implications of torture, President Muhammadu Buhari in December 2017 signed into law the Anti-Torture Act of 2017. The law makes provisions for penalizing acts of torture and other cruel, inhuman and degrading treatment or punishment.

Reacting to the new enactment, the Avocats Sans Frontières France (ASF France), otherwise known as Lawyers Without Borders, has hailed the contents of the Act, which provides 25 years imprisonment for perpetrators of torture which will hold them accountable for their action and ensure justice for torture victims in Nigeria.

In a statement over the weekend, the Head of Office of Avocats Sans Frontières France in Nigeria, Angela Uwandu, said the NGO has worked with the National Human Rights Commission (NHRC) between 2014 and 2017 to provide justice for about 253 victims of torture across three states under its ProCAT project and towards promoting the principles of the UN Convention Against Torture in Nigeria.

"Coming at an important point where there is an ongoing demand by the public for reforms within the police units, especially the Special Anti-Robbery Squad which had been notorious for use of torture, it is hoped that prompt implementation of this legislation will successfully address the challenge of rampant use of torture by security agencies in Nigeria and provide justice for the countless victims of torture in Nigeria," she said in the statement.

Also, the Executive Director, Citizens United for the Rehabilitation of Errants (CURE), Sylvester Uhaa, expressed hope that the new law, which penalizes torture, will end the use of torture by law enforcement agencies to obtain information from suspects.

"To this end, government must train law enforcement officers in scientific and modern methods of interrogation and equip them with scientific and modern tools. It is only then that a full compliance with the law will be legitimately expected of law enforcement," he said.

Speaking in this vein, the second vice president of the Nigerian Bar Association (NBA), Onyekachi Ubani, called for faithful implementation of the new law against torture to yield the expected result as there are already in place provisions in the country's Criminal Code that outlaw inflicting bodily harm on an individual, while the constitution condemns maltreatment of persons.

"So, we are not short of good laws, it is the implementation that is always the issue. Let them insist on implementing those laws in order to reduce the level of torture. The security agencies are violators, they sometimes torture people whom they arrest in order to obtain confessional statements," he said.

In December, 2017 the Inspector General of Police (IGP), Ibrahim Idris, announced major reforms in the operations of SARS as well as investigation into allegations against the department by members of the public.

It is expected that the reforms and increased commitment to end torture in Nigeria will contribute to human rights and democracy in the country.

[Amnesty International, NIGERIA 2017/2018 \(22 February 2018\)](#)

[...] Torture and other ill-treatment

[...] In February, Nonso Diobu and eight other men were arrested and detained by Special Anti-Robbery Squad (SARS) officers in Awkuzu, Anambra state. They were tortured and all, except Nonso Diobu, died in custody. Nonso Diobu was charged with robbery and released four months after arrest. [...]

[Australian Government, Department of Foreign Affairs and Trade, DFAT Country Information Report: Nigeria \(9 March 2018\)](#)

[...] 4. Complementary Protection Claims

Extra-Judicial Killings

[...] 4.2 Human rights groups have accused the Special Anti-Robbery Squad (SARS), a special branch of the Nigeria police created to fight violent crime, mainly armed robbery and kidnapping, of brutal interrogation methods and extrajudicial killings. [...]

[United National General Assembly, Human Rights Council, Working Group on the Universal Periodic Review, Thirty-first session, 5-16 November 2018, Summary of Stakeholders' submissions on Nigeria: Report of the Office of the United Nations High Commissioner for Human Rights \(24 August 2018\)](#)

[...] III. Information provided by other stakeholders

[...] C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

2. Civil and political rights

Right to life, liberty and security of person³⁹

29. PRAWA [Prisoners' Rehabilitation and Welfare Action, Denmark] stated that there had been consistent allegations of torture by members of the Special Anti-Robbery Squad to extort confessions from detainees and arrested persons and conditions in most places of detention constitute at the very least cruel, inhuman or degrading treatment. Unfortunately, those allegations had not been effectively investigated, alleged perpetrators had not been prosecuted, and victims had no access to reparation and rehabilitation.⁵⁰ [...] (p. 4)

50 Ibid, para. 9. PRAWA made recommendations (para. 11); See also HRF, para. 12. HRF made recommendations (para. 18).

[United States Department of State, Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2018: Nigeria \(13 March 2019\)](#)

[...] Section 1. Respect for the Integrity of the Person, Including Freedom from:

[...] c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

[...] The law prohibits the introduction into trials of evidence and confessions obtained through torture. Authorities did not respect this prohibition, however, and, according to credible international organizations, the Special Antirobbery Squad (SARS) often used torture to extract confessions later used to try suspects. Police also repeatedly mistreated civilians to extort money.

In 2016 AI reported police officers in the SARS regularly tortured detainees in custody as a means of extracting confessions and bribes. In response to AI's findings, the inspector general of police reportedly admonished SARS commanders and announced broad reforms to correct SARS units' failures to follow due process and their use of excessive force. Allegations of widespread abuse by SARS officers, however, continued throughout the year. In late 2017 citizens began a social media campaign (#EndSARS) to document physical abuse and extortion by SARS officers and demand SARS units be disbanded. In December 2017 the inspector general of police announced plans to reorganize SARS units, but complaints of abuse continued. Several SARS officers were dismissed from the force and, in some instances, prosecuted, and the National Police Force (NPF) sought technical assistance for investigations of SARS officers. The vast majority of misconduct cases, however, went uninvestigated and unpunished. In August then-acting President Yemi Osinbajo ordered the inspector general of police to overhaul the management and activities of SARS, and ordered the NHRC [National Human Rights Commission] to set up a "Special Panel" with public hearings on SARS abuses. The panel's work was ongoing at the end of the year and it had not yet issued a report. [...]

[Amnesty International, Nigeria: Human Rights Agenda \(May 2019\)](#)

[...] 3.5. END TORTURE, ENFORCED DISAPPEARANCES AND EXTRAJUDICIAL EXECUTIONS

[...] Amnesty International's research shows that the Special Anti-Robbery Squad (SARS), is responsible for widespread torture and other ill-treatment of detainees. Such methods of torture and other ill-treatment include severe beating, hanging, starvation, shooting in the legs, mock executions and threats of execution.⁴⁰

In 2018, Nigeria's Vice President Yemi Osinbajo ordered an overhaul of the SARS. The National Human Rights Commission (NHRC) inaugurated a panel in line with the presidential directive and held sittings in the six geo-political zones in Nigeria.⁴¹ While this is a positive step, it is crucial that the overhaul of SARS must be far-reaching and translate to adequate protection for all Nigerians.⁴² [...]

38 Amnesty International, Nigeria: Security forces must be held accountable for killing of at least 45 peaceful Shi'a protesters <https://www.amnesty.org/en/latest/news/2018/10/nigeria-security-forces-must-be-held-accountable-for-killing-of-at-least-45-peaceful-shia-protesters/> [Accessed 27 February 2019]

39 Amnesty International, Nigeria: 'Bullets were Raining Everywhere,' Deadly Repression of Pro-Biafra Activists (Index: AIN 411/002/2016) <https://www.amnesty.org/en/documents/afr44/5211/2016/en/> [Accessed 27 February 2019]

40 Amnesty International, 'You Have Signed Your Death War-rant,' Torture and Other Ill Treatment by Nigeria's Special Anti-Robbery Squad (SARS) (Index: AFR 44/4868/2016) <https://www.amnesty.org/en/documents/afr44/4868/2016/en/> [Accessed 27 February 2019]

41 The Punch online, "NHRC inaugurates probe panel on SARS, calls for memoranda," 5 September 2018 <https://punchng.com/nhrc-inaugurates-probe-panel-on-sars-calls-for-memoranda-2/> [Accessed 2 May 2019]

42 Amnesty International, Nigeria: SARS overhaul is positive step but reforms must be robust, <https://www.amnesty.org/en/latest/news/2018/08/nigeria-sars-overhaul-is-positive-step-but-reforms-must-be-robust/> [Accessed 29 April 2019]

[OHCHR, End of visit statement of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her visit to Nigeria, Agnes Callamard, United Nations Special Rapporteur for Extrajudicial, Summary or Arbitrary Executions \(2 September 2019\)](#)

[...] 58. There are countless allegations of excessive use of force by the police force. Officers of the unit established in 2006 to fight violent crimes including armed robbery and kidnapping (Special Anti-Robbery Squad or SARS) have been accused of human rights violations, including widespread torture, in some cases leading deaths in custody, and extrajudicial killings. The majority of the cases occurred in Southern Nigeria.

59. A social media campaign called #ENDSARS was launched in November 2017, and led to street protests in some parts of the country. The movement prompted the immediate past Inspector General of Police to call for a reform of SARS.

60. In August 2018, the Acting President directed the NHRC to set up a Special Panel to conduct an investigation of the alleged unlawful activities of SARS in order to afford members of the general public the opportunity to present their grievances with a view to ensuring redress. Public hearings confirmed 95% of the allegations of extrajudicial killings by SARS. The findings of this Panel are yet to be made available to the public. [...]

Military

[United Nations General Assembly, Human Rights Council: Working Group on Arbitrary Detention, Opinions adopted by the Working Group on Arbitrary Detention at its eighty-third session \(19–23 November 2018\)](#)

Opinion No. 81/2018 concerning Ibraheem El-Zakzaky and Zeenah Ibraheem (Nigeria)

[...] 12. According to the source, the attack on Mr. Zakzaky's residence ended on 14 December 2015 with the arrest of Mr. Zakzaky and his family. Three of his sons and his elder sister were shot dead while Mr. Zakzaky and his wife were both shot and injured immediately before their arrest. Hundreds of other people were also reportedly arrested that day. Afterwards, evidence started circulating showing Mr. Zakzaky severely injured and bleeding while in military custody, with six gunshot wounds to his face, right leg, hand, arm and chest. Other photographic evidence showed him injured and being mistreated by Nigerian soldiers, forced to sit on the ground, brutalized and possibly tortured. He was subsequently ferried in a wheelbarrow to a waiting truck and taken to an unknown destination.

13. The source specifies that on the same day, the Nigerian army confirmed the arrest of Mr. Zakzaky and his detention at an army barracks.

[...] 42. Finally, the Working Group is concerned by the allegations of violation of articles 7, 10 (1) and 14 (3) (g) of the Covenant, articles 1 and 4 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, article 5 of the Universal Declaration of Human Rights, article 5 of the African Charter on Human and Peoples' Rights and principles 6 and 21 (2) of the Body of Principles. More specifically, it is alleged that the persons concerned have been tortured and ill-treated, deprived of the necessary medical care and detained in harsh conditions. The Working Group also recalls the denial of medical care which could amount to a violation of article 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In accordance with paragraph 33 (a) of its methods of work, the Working Group refers the case to the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. [...]

[Amnesty International, Nigeria: Children and women face sexual violence in Borno prisons \(29 April 2019\)](#)

An Amnesty International investigation has exposed sexual violence against children and women by security agents and inmates at two high-security prison facilities in Borno State, Nigeria.

The harrowing violations took place at Maiduguri Maximum Security Prison and Giwa Barracks, where thousands of civilians arrested due to claimed links to the Boko Haram armed group are being held.

[...] Amnesty International also documented the sexual assault of a 16-year-old boy by an adult inmate in Giwa Barracks in or around January 2018, six months before all children were released from the facility.

At the time, children were being detained in a cell next to adult cells, making interactions with adult inmates inevitable. A former detainee told Amnesty International he had witnessed an adult inmate “trying to take the trousers off” a sleeping boy.

“A boy who saw it woke the boy that was being assaulted and, in the morning, it was reported to the soldiers,” said the eyewitness. It is understood the adult inmate was subsequently transferred a different cell, although no other steps were taken to protect the boys. This incident was confirmed to Amnesty International by the boy who had been assaulted, along with 15 male former detainees. Immediately after Okah’s report was published, the Borno State governor announced he had set up a panel to investigate and submit its findings and recommendations within a week. However, there has been no word on its progress. Amnesty International called the Borno State Attorney General on phone but there was no response. A text message sent to his phone was not replied to. The organization also sent an email and text message to the spokesperson of the Borno State governor but no response was received.

“To detain children with adults in the full knowledge that they may be abused is despicable. Far from protecting these children from this abuse, the Nigerian authorities have created the enabling environment for it to thrive,” said Osai Ojigho.

“The authorities must ensure that the investigation into these allegations is prompt, independent and impartial, and that any prison officials or military members found responsible for human rights violations are brought to justice.”

Women raped at Giwa Barracks

Amnesty International researchers in Nigeria also uncovered fresh allegations that soldiers have raped women in the Giwa Barracks detention facility.

Three former female detainees independently said they had witnessed such attacks and identified 10 of the male soldiers responsible - including five who worked in the detention centre’s health clinic. Two of these former detainees were women who said they had been sexually violated themselves.

According to the eyewitnesses, at least 15 former female detainees were victims of rape, with soldiers demanding sex in exchange for food, soap, basic necessities and the promise of freedom.

One female former detainee told Amnesty International: “We knew them, all the women befriended by soldiers. They always had things we did not have, like soap, detergent and wrappers [clothing items]. Some of the women... had as many as 15 wrappers each [given by soldiers]. The soldiers also bought bread, beverages and other food for their ‘girlfriends’.”

A victim and former detainee explained that while the soldiers did not use physical force to make women have sexual relationships with them, it was not possible to refuse sex due to their circumstances. One woman told us she had a soldier “boyfriend” to survive her time in detention and access additional food. She said she knew of others.

Another former detainee said soldiers promised to get women released if they agreed to sex, such as in the case of a woman who became pregnant by a soldier.

“Since [the soldiers] were the ones that would call the names of those to be released, it was easy for them to substitute some names. The women knew that the soldier’s girlfriend was two months pregnant. So a night before they released some women, the soldier did documentation for her and the next morning her name was called among those to be released,” the former detainee said.

Last year, female former detainees at Giwa Barracks told Amnesty International about sexual violence in the detention centre. Amnesty International called for an investigation into these allegations in May 2018, but it is unclear if one has been carried out.

“Even in cases where detained women apparently consented, these acts constitute rape as the soldiers took advantage of a coercive environment in which the detainees had little choice but to have sex with them,” said Osai Ojigho.

“The soldiers held massive power over the women; they controlled much of women’s daily life in detention, they held the power to mete out arbitrary punishments on the one hand, or to provide

desperately needed food and medicine on the other. And yet some abused this power. This is despicable behavior and the soldiers involved must be held accountable.”

“These latest testimonies follow a pattern of violation we have repeatedly documented in Nigeria’s prisons. It is time for President Buhari to act.”

[...] In April 2019 Amnesty International interviewed one adult detainee and one former prison warder at Maiduguri Prison, along with 18 former Giwa Barracks detainees, 15 boys and three women. [...]

[Vanguard, Alleged sexual abuse by troops: DHQ tackles Amnesty International \(30 April 2019\)](#)

THE Defence Headquarters, DHQ, has denied report of alleged sexual assault in some prisons in the North East by troops as reported by the Amnesty International, insisting that the allegation was not only baseless but also unfounded.

The DHQ said the AI's recent allegation that its investigation has revealed sexual assaults in detention facilities at Giwa Barracks Maiduguri and the Maiduguri Maximum Security Prison was “only a rehash of its characteristic unfounded and ill-conceived accusations against the Armed Forces of Nigeria, AFN.

To this end, the DHQ, in a statement by the acting Director of Defence Information, Col. Onyema Nwachukwu, yesterday, appealed “to members of the public and the international community to discountenance AI's malicious report and continue to give requisite support to the AFN in the fight against terrorism, insurgency and other forms of criminality in the country.”

The statement, tagged: “Amnesty International false report on sexual violation by troops in the North East, ”read:” The Defence Headquarters has taken note of yet another ill-conceived report by Amnesty International (AI) aimed at disparaging the Armed Forces of Nigeria (AFN) in the fight against terrorism and counter-insurgency in the North Eastern part of the country.

“The AI's recent allegation that its investigation has revealed sexual assaults in detention facilities at Giwa Barracks Maiduguri and the Maiduguri Maximum Security Prison is only a rehash of its characteristic unfounded and ill-conceived accusations against the AFN.

“While the AFN will not speak for the authorities of the Maiduguri Maximum Prison, we wish to emphatically state that such allegations are mere concoction of the organization and the interest it seeks to represent.

“The report is nothing but an attempt to push further its campaign of calumny against the AFN, as the allegations are remotely impossible.

“It is instructive for AI and their sponsors who may be more interested in the failure of Nigeria in the ongoing fight against terrorism and insurgency to note that these accusations are unfounded and a very poor attempt at dampening the morale of troops of the AFN.

“The Giwa barracks detention facility is a national facility, therefore, the suspects or inmates are jointly handled by professional investigators drawn from the Defence Intelligence Agency, Nigerian Police, Department of State Security, Nigeria Immigration Service, the Nigeria Prisons Service and Nigerian Security and Civil Defence Corps. It is therefore, near impossible for these team of professionals to look the other way, while sexual violations are perpetrated as wrongly insinuated by AI.

‘It is also pertinent to add that the detention facility has adequate representation of highly professional members of International Organisations and Non-Governmental Agencies such as the International Committee of the Red Cross (ICRC) and other reputable NGOs that have unfettered access to the facility and scrutinize its activities from time to time in accordance with international best practices in managing detainees.

“While other reputable international organisations in the North East and other parts of the country have been working to bring about enduring peace in the North East, it is rather unfortunate that AI has impenitently chosen a path that seeks to denigrate the AFN, a task it has continued to pursue blindly and tenaciously through its glaring bias reports.

“The DHQ wishes to appeal to members of the public and the international community to discountenance AI's malicious report and continue to give requisite support to the AFN in the fight against terrorism, insurgency and other forms of criminality in the country.”

[Amnesty International, Nigeria: Submission to The United Nations Human Rights Committee 126th Session, 1-26 July 2019 \(2019\)](#)

[...] 5. RIGHT TO LIFE IN THE CONTEXT OF THE COUNTER-INSURGENCY EFFORTS IN THE NORTH EAST (ART. 6)

[...] In the course of security operations against Boko Haram, there have been serious human rights violations. Previous Amnesty International research has documented that in the course of security operations against Boko Haram, Nigerian military forces have extrajudicially executed more than 1,200 people; they have arbitrarily arrested at least 20,000 people, mostly young men and boys; and have committed countless acts of torture. In the same vein, thousands have become victims of enforced disappearance while many have been killed in military detention through starvation, extreme overcrowding and denial of medical assistance.¹⁹ [...]

19 <https://www.amnesty.org/download/Documents/AFR4416572015ENGLISH.PDF>

[OHCHR, End of visit statement of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her visit to Nigeria, Agnes Callamard, United Nations Special Rapporteur for Extrajudicial, Summary or Arbitrary Executions \(2 September 2019\)](#)

[...] Widespread excessive use of force

56. The Government has acknowledged in 2016 that “in the course of security operations against Boko Haram in North-East Nigeria and recently in the context of countering militant and separatist groups like the Islamic Movement of Nigeria (IMN), the Indigenous People of Biafra (IPOB), and the Niger Delta Avengers, the Nigerian Military has been accused of extrajudicial killings, torture, arbitrarily arrest and detention”¹⁴. The report further states that all allegations of torture, extrajudicial killings and war crimes made against the Nigerian Military will be investigated. [...]

14 Periodic country report for 2015-2016 on the implementation of the African Charter on Human and Peoples' Rights in Nigeria Available at http://www.achpr.org/files/sessions/62nd_os/state-reports/6th-2015-2016/nigeria_state_report_6th_2015_2016_eng.pdf

[Human Rights Watch, Nigeria: Military Holding Children as Boko Haram Suspects \(10 September 2019\)](#)

(Abuja) – The Nigerian military has arbitrarily detained thousands of children in degrading and inhuman conditions for suspected involvement with the armed Islamist group Boko Haram, Human Rights Watch said in a report released today. Many children are held without charge for months or years in squalid and severely overcrowded military barracks, with no contact with the outside world. The 50-page report, “‘They Didn’t Know if I Was Alive or Dead’: Military Detention of Children for Suspected Boko Haram Involvement in Northeast Nigeria,” documents how Nigerian authorities are detaining children, often based on little or no evidence. Children described beatings, overwhelming heat, frequent hunger, and being packed tightly in their cells with hundreds of other detainees “like razorblades in a pack,” as one former detainee said.

[...] Approximately one-third of the children interviewed said security forces beat them during interrogation after their arrest or at Giwa barracks. One girl who was forced to marry a Boko Haram member said that after soldiers captured her, “The soldiers were beating us with their belts, calling us names and telling us they will deal with us because we are Boko Haram wives.” Others said they were beaten if they denied association with Boko Haram. [...]

[...] Beatings and Discipline

Six of the 32 children interviewed said that soldiers beat them at Giwa barracks. Abdulsalam said that when he arrived in 2016, "They put four of us in a room and started beating us with ropes tied together in a ball. The balls tore our skin on impact. They beat us daily for some time after we arrived but they eventually stopped. I can't say how many times they beat us. It was too many."⁹²

Malam, 16, said, "Soldiers would flog us with '*koboko*' [a whip made with cow skin] if there was fighting, noise, or if we didn't sleep in the right position."⁹³

Some children said that other child detainees designated as cell leaders beat them. Soldiers appointed older children to serve as the cell's "chairman," "vice-chairman," and "discipline master." According to the children interviewed, the "chairman" or "discipline master" often beat children for perceived misbehavior, most often for making noise or taking up too much space. Some said the beatings took place on a daily basis, and that they couldn't count the number of times the leaders beat them.

Muhammed said, "If you make a noise, if you drink water without asking them, if you go toward the door to get fresh air, they beat you."⁹⁴ Yar'adua said, "Whenever we make noise, they would start beating. They would beat everyone in the area where the noise came from. But it's impossible to stay quiet in a group so big."⁹⁵

Yar'adua said that on one occasion the military chose a boy as "chairman" who refused to take on the role. He said a soldier asked the boy to state the reason for his refusal, and the boy replied that he couldn't beat children for doing nothing wrong. Yar'adua said that the soldier punished the boy by transferring him to an adult cell.⁹⁶

Several children said that soldiers would shout at the child detainees. Sani said, "They would shout and threaten us, tell us if we didn't tell them the truth about whether we were part of Boko Haram, we would never get out of prison."⁹⁷

Other children described the soldiers in positive terms, saying that they treated the children well.

[...] The girls' and women's cell

[...] Three girls said that they believed soldiers sexually exploited girls in the female cell. One said that soldiers made sexual advances to female detainees when their superiors were not around.¹¹⁰ Halima, 14, said: "The soldiers had girlfriends. One of the girls from our village was a girlfriend of a soldier. He would usually take her out of the compound. Some ladies got pregnant in the cell and delivered while I was there."¹¹¹ Farida said that while she was detained, the soldiers guarding the cell were all male. "Although senior officers warned against any sexual relations, I suspect some of the soldiers had them," she said. "They would usually call out some girls and take them away from morning till night but I don't know the details of what happened when they went away."¹¹² [...]

92 Human Rights Watch interview, Maiduguri, June 24, 2019.

93 Human Rights Watch interview, Maiduguri, June 26, 2019.

94 Human Rights Watch interview, Maiduguri, June 21, 2019.

95 Human Rights Watch interview, Maiduguri, June 26, 2019.

96 Human Rights Watch interview, Maiduguri, June 26, 2019.

97 Human Rights Watch interview, Maiduguri, June 25, 2019.

[...] 110 Human Rights Watch interview, Maiduguri, June 26, 2019.

111 Human Rights Watch interview, Maiduguri, June 25, 2019.

112 Human Rights Watch interview, Maiduguri, June 25, 2019.

2. Use of forced confessions

Detention in general

[EASO, Country of Origin Report: Nigeria – State Actors of Protection \(November 2018\)](#)

[...] 3.3.2 Abuse of power, ill treatment and use of excessive force

Consulted sources mention several accounts of the NPF [Nigerian Police Force], army, and other security services using lethal and excessive force to disperse protesters, apprehend criminals and suspects, as well as committing extrajudicial killings and obtaining confessions through torture.¹⁰³

Police are mentioned to repeatedly mistreat civilians in order to extort money.¹⁰⁴ In particular, SARS officers were reported by Amnesty International (AI) in September 2016 to regularly torture detainees in custody for the purpose of extracting confessions and bribes. [...]

103 AI, Amnesty International Report 2017/18 – Nigeria, 22 February 2018, <https://www.amnesty.org/en/countries/africa/nigeria/report-nigeria/>; Odisu, T. A., Law Enforcement in Nigeria by the Police Force and the Travails of Rule of Law, 10 August 2016, <https://www.omicsonline.org/open-access/law-enforcement-in-nigeria-by-the-police-force-and-the-travails-of-ruleof-law-2169-0170-1000204.pdf>; US DoS, Country Report on Human Rights Practices 2017 – Nigeria, 20 April 2018, <https://www.state.gov/404>

104 US DoS, Country Report on Human Rights Practices 2017 – Nigeria, 20 April 2018, <https://www.state.gov/404>

Police

[Australian Government, Department of Foreign Affairs and Trade, DFAT Country Information Report: Nigeria \(9 March 2018\)](#)

[...] TORTURE

[...] DFAT considers credible claims that the NPF [Nigeria Police Force] continues to use torture to extract confessions from suspects held in police detention as an alternative to investigating and gathering evidence for use at trial. The government has taken some steps to address the incidence of torture in police custody and local NGOs report an overall decrease. Human rights officers are deployed in all police stations (see Police) and police trainees are required to undertake human rights training as part of their induction. [...] (p. 27)

[Cornell Center on the Death Penalty Worldwide, Death Penalty Database: Nigeria \(information current as of: 24 May 2019\)](#)

[...] Other comments on criminal justice system

[...] Given the lack of adequate resources to investigate crimes, the Nigerian police often relies on confessional statements to prosecute suspects.¹⁰¹ Those accused of serious crimes such as murder or armed robbery, which carry the death penalty, are at higher risk of being tortured to obtain a confession.¹⁰² The Nigerian Evidence Act (2011) provides that any confession obtained by oppression—including torture, inhuman, or degrading treatment, and the use or threat of violence whether or not amounting to torture—shall not be allowed in court.¹⁰³ Nevertheless, lawyers report that in most cases the police continue to rely on coerced confessions, which are ultimately the basis for convictions and sentences.¹⁰⁴ Under the Evidence Act, the court can require the prosecution to prove that a confession was lawfully obtained, which is usually done as a “trial within a trial.”¹⁰⁵ This motion, however, is discretionary.¹⁰⁶ In many cases, in the absence of legal representation, claims about torture are not raised before the court.¹⁰⁷ Even when these claims are raised, defendants have no way of proving that they were tortured having spent years in pre-trial detention.¹⁰⁸ Even when witnesses are available (e.g. friend or relative who saw the signs of torture during a visit), they are

not called to court.¹⁰⁹ Ultimately, it is the defendant's word against the word of the police.¹¹⁰ Cases have been documented in which Nigerian judges chose not to investigate serious allegations of torture that were raised in court.¹¹¹ [...]

101 Cornell Center on the Death Penalty Worldwide, Research Memo on Nigeria, DPW Nigeria Doc. M-1, Jan. 24, 2016. Amnesty Intl., "Welcome to hell fire", Torture and other ill-treatment in Nigeria, p. 28, AFR 44/011/2014, Sep. 18, 2014.

102 Amnesty Intl., "Welcome to hell fire", Torture and other ill-treatment in Nigeria, p. 28, AFR 44/011/2014, Sep. 18, 2014.

103 Evidence Act of Nigeria, 2011, secs. 29(2)(a)(b), 29(5), Jun. 3, 2011.

104 Amnesty Intl., "Welcome to hell fire", Torture and other ill-treatment in Nigeria, p. 30, AFR 44/011/2014, Sep. 18, 2014.

105 Pamela Okoroigwe and Olafisoye Joke, affiliated with Legal Defence and Assistance Project (LEDAP), email to DPW, DPW Nigeria Doc. E-1, Oct. 8, 2018.

106 Evidence Act of Nigeria, 2011, sec. 29(3), Jun. 3, 2011.

107 Amnesty Intl., "Welcome to hell fire." Torture and other ill-treatment in Nigeria, p. 30, AFR 44/011/2014, Sep. 18, 2014.

108 Cornell Center on the Death Penalty Worldwide, Research Memo on Nigeria, DPW Nigeria Doc. M-1, Jan. 24, 2016. Amnesty Intl., "Welcome to hell fire." Torture and other ill-treatment in Nigeria, p. 30, AFR 44/011/2014, Sep. 18, 2014.

109 Cornell Center on the Death Penalty Worldwide, Research Memo on Nigeria, DPW Nigeria Doc. M-1, Jan. 24, 2016.

110 Amnesty Intl., "Welcome to hell fire." Torture and other ill-treatment in Nigeria, p. 30, AFR 44/011/2014, Sep. 18, 2014.

111 Amnesty Intl., "Welcome to hell fire." Torture and other ill-treatment in Nigeria, pp. 49–50, AFR 44/011/2014, Sep. 18, 2014.

State Security Service (SSS)

[Human Rights Watch, Nigeria: Journalists, Activists Detained, Allege Torture: End Harassment, Attacks on Freedom of Expression \(21 August 2018\)](#)

[...] A 38-year-old Niger Delta activist, whose name is withheld for his protection, described to Human Rights Watch torture he said he suffered while in State Security Service detention for 15 months. He said he was arrested on August 2, 2016 in Warri, Delta state in the Niger Delta, by six men "gestapo style" and flown to Abuja on a presidential jet. He said he was beaten, strapped to a bench face up for hours in the sun, and given shocks to his genitals to force a false confession of involvement with a militant group known as the Niger Delta Avengers.

Even now, several months after his release without charge or trial, he continues to suffer terrible pain from the injuries he suffered during torture. "I am receiving regular medical treatment for the severe pains I still suffer in my private parts," he said. [...]

Special Anti-robbery Force (SARS)

[United National General Assembly, Human Rights Council, Working Group on the Universal Periodic Review, Thirty-first session, 5-16 November 2018, Summary of Stakeholders' submissions on Nigeria: Report of the Office of the United Nations High Commissioner for Human Rights \(24 August 2018\)](#)

[...] III. Information provided by other stakeholders

[...] C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

2. Civil and political rights

Right to life, liberty and security of person³⁹

29. PRAWA [Prisoners' Rehabilitation and Welfare Action, Denmark] stated that there had been consistent allegations of torture by members of the Special Anti-Robbery Squad to extort confessions from detainees and arrested persons and conditions in most places of detention constitute at the very least cruel, inhuman or degrading treatment. Unfortunately, those allegations

had not been effectively investigated, alleged perpetrators had not been prosecuted, and victims had no access to reparation and rehabilitation.⁵⁰ [...] (p. 4)

50 Ibid, para. 9. PRAWA made recommendations (para. 11); See also HRF, para. 12. HRF made recommendations (para. 18).

[United States Department of State, Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2018: Nigeria \(13 March 2019\)](#)

[...] Section 1. Respect for the Integrity of the Person, Including Freedom from:

[...] c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

[...] The law prohibits the introduction into trials of evidence and confessions obtained through torture. Authorities did not respect this prohibition, however, and, according to credible international organizations, the Special Antirobbery Squad (SARS) often used torture to extract confessions later used to try suspects. Police also repeatedly mistreated civilians to extort money.

In 2016 AI reported police officers in the SARS regularly tortured detainees in custody as a means of extracting confessions and bribes. In response to AI's findings, the inspector general of police reportedly admonished SARS commanders and announced broad reforms to correct SARS units' failures to follow due process and their use of excessive force. Allegations of widespread abuse by SARS officers, however, continued throughout the year. In late 2017 citizens began a social media campaign (#EndSARS) to document physical abuse and extortion by SARS officers and demand SARS units be disbanded. In December 2017 the inspector general of police announced plans to reorganize SARS units, but complaints of abuse continued. Several SARS officers were dismissed from the force and, in some instances, prosecuted, and the National Police Force (NPF) sought technical assistance for investigations of SARS officers. The vast majority of misconduct cases, however, went uninvestigated and unpunished. In August then-acting President Yemi Osinbajo ordered the inspector general of police to overhaul the management and activities of SARS, and ordered the NHRC [National Human Rights Commission] to set up a "Special Panel" with public hearings on SARS abuses. The panel's work was ongoing at the end of the year and it had not yet issued a report. [...] (pp. 5-6)

3. Deaths in custody

Detention in general

[Australian Government, Department of Foreign Affairs and Trade, DFAT Country Information Report: Nigeria \(9 March 2018\)](#)

[...] Detention and Prison

5.17 Nigeria has a high rate of deaths in custody. The majority of deaths relate to health problems, both pre-existing and as a result of detention conditions or treatment. Disease remains a major cause of death in cramped, unsanitary conditions with shortages of medical supplies. DFAT understands officials also assault and, in some cases, torture detainees (see Torture). [...] (p. 31)

Police

[The Daily Sun, Group petitions Enugu Police over death of 3-month-old baby in detention \(29 March 2018\)](#)

An Enugu-based human rights organisation, Civil Rights Realisation and Advancement Network (CRRAN), has called on police authorities to investigate the alleged unlawful detention of a woman and her 3-month-old baby by operatives of Oji-River division, an action which reportedly led to the death of the baby.

[...] The letter read: "We write to you in respect of the above-mentioned matter on behalf of Mr. Sunday Agbowo of Afor-Oghe, Ezeagu. Mr. Agbowo, a patent medicine dealer at Afor-Oghe, Ezeagu, informed us that sometime in January 2017, some policemen led by one Inspector Jerry (Phone number 07066136711), came to Afor Oghe, and arrested his wife who was nursing a three months old baby named Adaeze Agbowo.

"According to Mr. Agbowo, the offence of his wife who was arrested in her shop was that she sells rolls of white paper, which the policemen claimed Indian hemp smokers used in wrapping Indian hemp. Mrs. Agbowo said all she knows is that the paper is used for writing and if some people are using it to wrap Indian hemp is not her business.

"Mr. Agbowo further informed us that the policemen arrested his wife with her 3 months old baby and took her to Oji River Police Station.

"Agbowo said that he later went to the Police Station with the Lady Chairman of Patent medicine dealers, Ezeagu and secured the bail of his detained wife after paying some amount of money.

"Agbowo further stated that his wife was detained in the cell alongside the baby till evening which made the baby very weak. The baby later became sick and was taken to a hospital where she later died. The Doctors' Report from the Hospital is attached herewith. [...]

[NigeriaWorld, 30-year-old man tortured by police dies in Kogi prison \(23 July 2019\)](#)

[...] The family of a 30-year-old man, Emeka Uyamadu, has accused policemen attached to the Kabba Police Station of torturing him, which led to his eventual death at the Federal Prison, Kabba, Kogi State.

[...] Their mother, Justina, said [...] "On June 12, Emeka and his brother had a misunderstanding in front of my shop. Some soldiers were passing by and they handed the two of them over to the police to settle the issue. The policemen thereafter asked us to come to the station to write a statement; Chibuike said that he was not pressing any charge against his brother but wanted the matter settled amicably.

"We were told to come the following day to close the case, but my children decided not to go because they had already resolved the matter. The policemen showed up at my shop to pick up Emeka the following day.

"They insisted that they must collect N40,000 to close the case and they started beating Emeka when he resisted arrest.

"They continued to beat him till he slumped and while he was on the ground, the policemen used their boots to kick him in the stomach and chest. One of the policemen, called Obasa, said he would deal with him and my son was forcefully bundled into the police van. He was detained in the police station till he was arraigned before the Chief Magistrates' Court in Kabba."

[...] Justina, however, explained that her son was already complaining of feeling unwell in his stomach as a result of the internal injury he sustained while being tortured, but his complaint was dismissed because the prison officials felt that he was pretending.

She stated, "Before he was remanded, he was already complaining that he was feeling unwell in his stomach but they said he was pretending. The following morning, I was called by a prison official that my son was becoming pale and coughing out blood. When I got there, I requested to take him to hospital but they said they had doctors and medical personnel.

"I insisted on taking him to hospital and I was directed to go and get a note from the magistrate. When I went to meet the magistrate, he told me that the prison authority was at liberty to take an inmate for treatment. When I went back to the prison, I was asked to go and buy some drugs, but they were not administered to him as well.

"On Saturday morning, I was called to come and see my son but on getting there, they didn't allow me to see him because he was already dead. They said I should go and get a vehicle to convey him to hospital, but when I brought the vehicle with a driver, they said they had changed their mind and would rather take him in their own vehicle.

"They did not allow me to see my son till they got to the General Hospital, Kabba, and while they took him in, they did not allow me to see him. It was the hospital workers, who later made comments that the prison officials brought in a dead man while pretending that he was still alive."

[...] The Public Relations Officer, Kogi Command, Nigeria Prisons Service, Mr Nihi Sesan, however, said Emeka did not die in prison custody.

He added that investigation into the cause of death was ongoing.

Sesan stated, "The victim did not die in prison custody. Investigation into the matter is still ongoing and all the documents that are supposed to be submitted with respect to the event have been submitted to the national headquarters.

"When he was brought in by the police, he was checked, because there is always an admission board to check the health condition of an inmate. The day he was brought in, bloodstains were observed on his eyelid but he was fit to be remanded pending the adjourned day.

"The following day, he was complaining of a headache and the nurse on duty administered analgesic. But at night, when the prison warders realised that his condition was not improving, they had to take him to hospital for proper and further check-up and treatment, and that was where he died.

"If he died in prison custody, we will own up. We have a proper medical facility for emergencies and it is when we cannot handle the treatment that we take the inmate to hospital. It is so unfortunate that he died, but I believe that at the end of the day, everything will be resolved." [...]

[Amnesty International, Nigeria: Authorities must investigate deaths in police custody of three IMN protesters \(5 August 2019\)](#)

[...]

- At least 3 injured detainees have died in police custody
- 15 injured protestors, including minors, held incommunicado for weeks
- Police raid government hospital and arrest injured protestors

The Nigerian authorities must immediately investigate the deaths from gunshot wounds of at least three members of the Islamic Movement in Nigeria (IMN) while in police custody, and provide urgent and adequate medical care to 15 others who need treatment for life-threatening gunshot wounds, Amnesty International Nigeria said today.

The 15 individuals, including two minors, have been held incommunicado at the Special Anti-Robbery Squad (SARS) detention facility since 22 July, following a government crackdown on IMN supporters protesting against their leader's detention. The three who died, after being denied medical treatment for their injuries, are understood to have died between the date of their detention and 24 July.

"We have information confirming that three protesters died of gunshot wounds at a detention facility in Abuja after being denied medical treatment. Their deaths while in police custody sends a chilling message about the authorities' use of lethal force to stifle dissent and their contempt for people's right to access medical care," said Osai Ojigho, Director of Amnesty International Nigeria.

"The protesters who are being held at the SARS detention facility are in critical condition and need immediate access to medical care. Any denial of such access is a violation of their human rights. The Nigerian authorities must not allow more people to die in police custody before they act." [...]

State Security Service (SSS)

[Council on Foreign Relations, Boko Haram's Deadly Impact \(20 August 2018\)](#)

[...] There is credible, if anecdotal, evidence that despite claims by the military that government forces are only killing Boko Haram members, the security services have indiscriminately killed young men on the mere suspicion of being affiliated with the group. Many others have died after being detained in mass incarcerations. Spokesmen for the security forces claim that those who died in prisons were all Boko Haram fighters, but in almost all cases there was no judicial process to make such a determination. [...]

Military

[Amnesty International, NIGERIA 2017/2018 \(22 February 2018\)](#)

[...] Arbitrary arrests and detentions

[...] By April [2017], the military detention facility at Giwa barracks, Maiduguri, held more than 4,900 people in extremely overcrowded cells. Disease, dehydration and starvation were rife and at least 340 detainees died. At least 200 children, as young as four, were detained in an overcrowded and unhygienic children's cell. Some children were born in detention. [...]

[United States Department of State, Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2018: Nigeria \(13 March 2019\)](#)

[...] Prison and Detention Center Conditions

[...] Several unofficial military prisons continued to operate, including the Giwa Barracks facility in Maiduguri, Borno State. Although conditions in the Giwa Barracks detention facility reportedly marginally improved, detainees were denied due process and subjected to arbitrary and indefinite detention in conditions that remained harsh and life threatening (see section 1.g.). An AI report released in May documented multiple cases where women determined their husbands had died in custody in previous years.

[...] There were no reports of accountability for past reported deaths in custody, nor for earlier reports from AI alleging that an estimated 20,000 persons in the region were arbitrarily detained between 2009-15 with as many as 7,000 dying of thirst, starvation, suffocation, disease due to

overcrowding, lack of medical attention, the use of fumigation chemicals in unventilated cells, torture, or extrajudicial execution. (p. 9)

[...] Section 1. Respect for the Integrity of the Person, Including Freedom from:

[...] g. Abuses in Internal Conflict

[...] In March 2017 the army convened a board of inquiry (BOI) to investigate allegations of human rights violations committed by the army during campaigns against the insurgency in the Northeast, including in its detention centers. In May 2017 the BOI presented its findings to the chief of army staff. While the full report was not publicly available, the board briefed the press on some of the report's conclusions and recommendations. The board documented conditions at military detention facilities, including the center at Giwa Barracks, and found instances of overcrowded cells and unsanitary conditions. The BOI concluded that these detention conditions, and delays in trials of alleged Boko Haram members, sometimes resulted in deaths in custody. The BOI also found that the denial of access to legal representation was a violation of human rights. The board, however, reportedly found no evidence of arbitrary arrests or extrajudicial executions of detainees. [...] (p. 18)

[Amnesty International, Nigeria: Submission to The United Nations Human Rights Committee 126th Session, 1-26 July 2019 \(2019\)](#)

[...] 5. RIGHT TO LIFE IN THE CONTEXT OF THE COUNTER-INSURGENCY EFFORTS IN THE NORTH EAST (ART. 6)

[...] In the course of security operations against Boko Haram, there have been serious human rights violations. Previous Amnesty International research has documented that in the course of security operations against Boko Haram, Nigerian military forces have extrajudicially executed more than 1,200 people; they have arbitrarily arrested at least 20,000 people, mostly young men and boys; and have committed countless acts of torture. In the same vein, thousands have become victims of enforced disappearance while many have been killed in military detention through starvation, extreme overcrowding and denial of medical assistance.¹⁹ [...]

19 <https://www.amnesty.org/download/Documents/AFR4416572015ENGLISH.PDF>

[OHCHR, End of visit statement of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her visit to Nigeria, Agnes Callamard, United Nations Special Rapporteur for Extrajudicial, Summary or Arbitrary Executions \(2 September 2019\)](#)

[...] Overview

1. The overall situation that I encountered in Nigeria gives rise to extreme concern. By many measures, the Federal authorities and the international partners are presiding over an injustice-pressure cooker. Some of the specific contexts I examined are simmering.

2. The warning signs are flashing bright red: increased numbers of attacks and killings over the last five years with a few notable exceptions; increased criminality and spreading insecurity; widespread failure by the federal authorities to investigate and hold perpetrators to account, even for mass killings; a lack of public trust and confidence in the judicial institutions and State institutions more generally; high levels of resentment and grievances within and between communities; toxic ethno-religious narratives and "extremist" ideologies - characterised by dehumanization of the "others" and denial of the legitimacy of the others' claims; a generalised break down of the rule of law, with particularly acute consequences for the most vulnerable and impoverished populations of Nigeria.

[...] 12. Country-wide patterns include police and military excessive use of lethal force in violation of applicable international standards, the lack of effective investigations, the absence of meaningful prosecution, the militarisation of policing – all of which are compounded by the lack of transparency and effective communication strategy over the vast majority of security issues, fuelling further distrust and break down of confidence in the security agencies.

[...] 18. Person after person in setting after setting in location after location told me that the Security forces had killed their loved ones, or that they failed to protect them even when warned of impending attacks and that they had failed to investigate and prosecute killings. This is the root cause of the widespread loss of trust and confidence and is leading to a proliferation of (vigilante) self-protecting armed militia.

[...] Some positive developments

21. The extent and level of arbitrary deprivation of life in the North East, including arbitrary killings by security forces, appears to have gone down since 2016. While accountability for violations in the course of the conflict against Boko Haram has not yet been delivered, the decreasing number of allegations in 2018 and 2019 is a positive development which ought to be further examined, including for the purpose of identifying the lessons.

Searching for Accountability in the North East

[...] 24. The conflict's estimated number of casualties since 2011 vary from 26,000⁴ to 37,500.⁵ According to the UN Secretary-General's report on Children and Armed Conflict, in 2017 alone, a total of 881 children were killed in Nigeria; 620 attributed to Boko Haram and 261 to the Nigerian Security Forces.⁶ In the days preceding my visit to the State of Borno (Maiduguri) further attacks had occurred, in Gubio and Magumeri, causing casualties whose numbers are unknown as of today. As many as 341,000 new displacements were recorded in 2018. The Boko Haram insurgency continues to be the biggest driver of displacement in Nigeria⁷.

[...] 26. The number of allegations of arbitrary killings and deaths in custody at the hands of the military forces has decreased over the last two years, a positive development which should be properly examined for learning purposes. However, there has been little progress reported in the securing of accountability and reparations for past massive violations of international human rights or humanitarian law.

27. On 8 March 2017, the military set up a special board of inquiry (SBI) in line with the provision of Section 172(1) of the Armed Forces Act CAP A20 Laws of the Federation of Nigeria, 2004. The SBI found that the delayed trials of Boko Haram detainees resulting in cases of deaths in custody constitute a denial of the detainees' right to a fair trial. However, the SBI found no evidence of arbitrary arrests or extra judicial executions of detainees; a conclusion that runs contrary to the many allegations that I have received, some of which have been well documented. I intend to pursue these specific cases with the authorities.

28. As stated by one source, *"It is worse than frustrating for survivors and relatives of victims - who time and again take the risk to speak out - to see no progress and no change to their situation."*

29. Information about violations of international human rights and humanitarian violations that I have received during the mission include the following:

- In March 2014, at least 640 recaptured detainees from Giwa barrack were killed by soldiers of the Nigerian Army.
- On 1 March 2018, the corpses of 28 men were brought to the mortuary; their bodies showing evidence of gunshot wounds. The men had reportedly been shot after a screening in Bama LGA.
- Towards the end of 2018, two men (their identity is known) were allegedly extrajudicially killed near the village Lega Kura in Mafa LGA.
- Older incidents include the killing of up to 200 civilians and the destruction Duguri town (Borno state) by the Multinational Joint Task Force, on 15 February 2012; the killing of approximately 200 people by soldiers of the Multinational Joint Task Force in Baga (Borno state) on 17 April 2013; and the killing of 35 men in Bama (Borno state) on 23 July 2013.
- On 17 January 2017, the Nigerian air force bombed Rann IDP camp, set up by the Nigerian military while a humanitarian food distribution was underway. More than 150 people were wounded and reportedly more than 200 were killed, including three humanitarian workers.

- It has been alleged that between 2011 and 2013 some 7,000 detainees died in military detention centres as a result of starvation thirst, disease, torture and lack of medical attention.
- I met several children who had been subjected to detention, some for as long as 18 months, detained along with adults, when they were no more than 8 years old. In one such incident in Gumche Village (Mafa local authority), some 40 men, women, boys and girls (number is very approximate) were arrested. This included at least five male children. Of these 40 persons, one child and one adult died. The women and children were released after 18 months. The children were sent to hospital before their release. It is alleged that all the men were transferred to Kahinji Barrack.
- Several women reported to me that more than 1200 men detained by the military during operations in Bama (Borno State) between June and December 2015 remained in military custody and without access to their families and legal representatives. These women have formed a group the KNIFAR Movement to agitate for the release and/or information on their loved ones.

[...] Arbitrary Killings of members of the Islamic Movement of Nigeria (IMN)

[...] 44. The continued detention of Mr El-Zakzaky and the allegations of deterioration of his health has prompted demonstrations by IMN members. Two of the most recent ones took place in July in Abuja, on 9 and 22 July, and were violently repressed by the police. The authorities have alleged that these demonstrations were violent and participants armed. During the 22 July demonstration, fatalities were reported, including that of the Deputy Commissioner of Police, as well as a journalist and an unknown number of IMN members. The police officer was reportedly facing the demonstrators and trying to pacify them when he was shot on the back of his head. The Police claims the officer was shot by the protestors. However, no forensic evidence has been made public up to date.

45. After this demonstration, about nine IMN members are alleged to have died in custody. A total of 12 of the 60 IMN members that remain in detention, have gunshots wounds and fractures and are under the strict custody of the Police.

[...] Widespread excessive use of force

56. The Government has acknowledged in 2016 that “in the course of security operations against Boko Haram in North-East Nigeria and recently in the context of countering militant and separatist groups like the Islamic Movement of Nigeria (IMN), the Indigenous People of Biafra (IPOB), and the Niger Delta Avengers, the Nigerian Military has been accused of extrajudicial killings, torture, arbitrarily arrest and detention”¹⁴. The report further states that all allegations of torture, extrajudicial killings and war crimes made against the Nigerian Military will be investigated. [...]

58. There are countless allegations of excessive use of force by the police force. Officers of the unit established in 2006 to fight violent crimes including armed robbery and kidnapping (Special Anti-Robbery Squad or SARS) have been accused of human rights violations, including widespread torture, in some cases leading deaths in custody, and extrajudicial killings. The majority of the cases occurred in Southern Nigeria.

59. A social media campaign called #ENDSARS was launched in November 2017, and led to street protests in some parts of the country. The movement prompted the immediate past Inspector General of Police to call for a reform of SARS.

60. In August 2018, the Acting President directed the NHRC to set up a Special Panel to conduct an investigation of the alleged unlawful activities of SARS in order to afford members of the general public the opportunity to present their grievances with a view to ensuring redress. Public hearings confirmed 95% of the allegations of extrajudicial killings by SARS. The findings of this Panel are yet to be made available to the public.

[...] Access to Justice

[...] 79. Every death or serious injury in police custody, and every alleged extrajudicial execution, ought to be adequately and impartially investigated by an independent body. Officers suspected of

being responsible should be suspended pending investigation; those who use legitimate lethal force should be cleared and those who are implicated in extrajudicial executions should be dismissed and brought before an ordinary civilian court and guaranteed the right to a fair trial in accordance with international standards without recourse to the death penalty.

80. The Government should condemn publicly all extrajudicial executions and other unlawful killings, including of suspected armed robbers, and announce that perpetrators will be brought to justice in fair trials before ordinary civilian courts and without recourse to death penalty. [...]

4 <https://www.cfr.org/nigeria/nigeria-security-tracker/p29483>

5 https://www.cfr.org/interactives/global-conflict-tracker?cid=ppc-Google-grant-conflict_tracker-031116&gclid=CjwKEAiAm8nCBRD7xLj-2aWFyz8SJAANalq6ad0YJ5i6ZEa8KHLfiePs1wCPTk_vi1lzcVMejD-BoCBKrw_wcB#l/conflict/boko-haram-in-nigeria

6 <http://undocs.org/s/2018/465>

7 <http://www.internal-displacement.org/countries/nigeria>

[...] 14 Periodic country report for 2015-2016 on the implementation of the African Charter on Human and Peoples' Rights in Nigeria Available at http://www.achpr.org/files/sessions/62nd_os/state-reports/6th-2015-2016/nigeria_state_report_6th_2015_2016_eng.pdf

[Human Rights Watch, "They Didn't Know if I Was Alive or Dead": Military Detention of Children for Suspected Boko Haram Involvement in Northeast Nigeria \(10 September 2019\)](#)

[...] Deaths in custody and access to medical care

Nearly half of the children had personally seen dead bodies of other detainees while in custody at Giwa barracks. Nurudeen was detained for two years and spent his first year in the adult cell. He said four people died in that cell while he was there, and he saw other bodies carried from other adult cells. "I think it was because of the heat," he said.⁸⁰ Abdulrahman, 16, spent six months in the adult cell, and then was transferred to the children's cell for two more years.

[...] Abdullahi was arrested with his brother, and said his brother died the day after they arrived at Giwa. He saw his brother's body in the cell but didn't know the cause of death. When Abdullahi was released two months later, he discovered that the authorities had never informed his parents of his brother's death. "So I had to tell them. They cried bitterly," he said.⁸²

Amnesty International estimated in 2015 that more than 7,000 men and boys had died in Nigerian military custody, due to starvation, thirst, severe overcrowding, disease, torture, and lack of medical attention.⁸³

Most of the children interviewed said they had access to a doctor when they were ill, but some questioned the quality of treatment. Some said that a doctor came to the cell, while others said they were taken to a clinic at the barracks. Hussein said several children in his cell became ill from the heat. He said a doctor saw them just outside the cell, but had no equipment and simply stood and spoke to the children, without providing any treatment. He said one of the boys died shortly after.⁸⁴

Abdulrahman said that a 14-year-old friend of his died in detention, despite medical treatment.

[...] Several children said they got malaria while at Giwa, describing symptoms including fever, vomiting, severe headaches, and joint pain. One said mosquitos were "everywhere" in the cell, and others said the military took no steps to keep the mosquitos away.⁸⁶ [...]

80 Human Rights Watch interview, Maiduguri, June 24, 2019. [...]

82 Human Rights Watch interview, Maiduguri, June 24, 2019.

83 Amnesty International, *Stars on their Shoulders, Blood on Their Hands: War Crimes Committed by the Nigerian Military*, June 3, 2015.

84 Human Rights Watch interview, Maiduguri, June 24, 2019.

86 Human Rights Watch interview, Maiduguri, June 24, 2019.

4. Size of cells, overcrowding [less than 3m² of personal space]

Nigerian Prisons Service (recently renamed Nigerian Correctional Service)

[The Guardian Nigeria, On the condition of Nigeria's prisons \(19 February 2018\)](#)

[...] Vice President Yemi Osinbajo's lamentation over the deplorable state of the country's prisons and denouncement of the savage treatment of inmates is a remark that must be taken seriously, if Nigerians have some regard for the over-all health of the society.

Osinbajo, who was represented by the Minister of Interior, Abdulrahman Dambazau, at the recent official presentation of the Nigerian Prisons Survey Reports in Abuja, complained that "there is no room for prisoners and anybody who goes into that place as a human being is coming out as an animal."

Osinbajo's observation is part of a growing concern over the overcrowding which has now become a defining characteristic of Nigerian prisons, and which leads, in many ways, to the dehumanisation of the inmates of these so-called correctional facilities.

A human rights organisation, Citizens United for the Rehabilitation of Errants (CURE), the other day, visited Nigerian prisons, upon which the body's Executive Director, Sylvester Uhaa, linked "the deplorable physical and emotional states of inmates to overpopulation."

More recently, the Federal Government Committee on Prison Reforms, led by Justice Ishaq Bello, lamented not only the overcrowding of prisons but also "the attendant psychological and emotional impacts" and effected the release of 13 inmates from Imo State prisons.

The House of Representatives has also mandated its relevant committees to come up with a report on the state of Nigerian prisons. This coalition of committees, whose report will be due in about three weeks, is charged specifically with identifying strategies for the decongestion of prisons.

Clearly, then, the discourse on the malaise in the nation's penitentiary system revolves around the issue of overpopulation in prisons. This is of course a very important matter. It is a known fact that people tend towards one form of anti-social behaviour or another when they are huddled together in small, unconducive areas. The need for more prisons, which is one of the obvious solutions proffered by many stakeholders, can therefore not be overemphasized. [...]

[Australian Government, Department of Foreign Affairs and Trade, DFAT Country Information Report: Nigeria \(9 March 2018\)](#)

[...] Detention and Prison

5.16 Nigerian prisons are severely overcrowded. The Nigerian Prison Service reported 63,142 prisoners in March 2016. Some Nigerian prisons are 200 to 300 per cent over capacity. These figures do not include unofficial military prisons in northeast Nigeria, including the Giwa military barracks in Maiduguri, Borno State, and facilities in Yobe State. Approximately 77 per cent of detainees are in pre-trial detention.

5.17 Nigeria has a high rate of deaths in custody. The majority of deaths relate to health problems, both pre-existing and as a result of detention conditions or treatment. Disease remains a major cause of death in cramped, unsanitary conditions with shortages of medical supplies. DFAT understands officials also assault and, in some cases, torture detainees (see Torture). [...] (p. 31)

[World Prison Brief data: Nigeria \(July 2018\)](#)

[...] Official capacity of prison system: 50 153 (July 2018)

Occupancy level (based on official capacity): 146.8% (July 2018) [...]

[...] Apparently, Otu and Nnam (2014) rightly drew global attention to the ideal nature of modern standard prisons. Male and female prisoners should be kept in separate locations and modern prisons should be divided into wings. The modern prisons are expected to house, among other correctional facilities, a main entrance, a religious facility, educational facility, a gym, a health care centre or hospital, a segregation unit, safe cells for people under constant visual observation, a visiting section, a death row for those awaiting execution, staff accommodation area, and services such as kitchens, industrial or agricultural plant and recreational area.

On the contrary, Ajah and Nweke (2017) observed that Nigeria is yet to implement the United Nations minimum standard because all these functional correction-based prerequisites are grossly lacking in Nigeria prisons. The Nigeria prisons have a few things in common: congestion, dirty and inadequate medical rehabilitation facilities. As a result, some inmates relapse into crime and criminality few months after their release while many of them fall sick and die before they are tried or as they serve time (Alabi & Alabi, 2011; Amnesty International, 2008).

Indeed, it is painful to see that a crucial aspect of identifying the inmates' needs is grossly neglected in Nigeria. Despite Nigeria's progress on democratic, economic and political reforms, Nigeria's prisons are yet to make appreciable impact on the welfare of the inmates (Obioha, 2002). Nigeria's prisons are "living hell", with twenty to thirty inmates arriving at the prison daily. Thus overcrowding the reformatory structure, which do not even exist in the true sense, and more regularly stretching the original carrying capacity of the facilities? It is reported that in the prisons; diseases are widespread, cells are unclean and ventilation is poor (Yelodu, 1991).

Consequently, inmates are locked up all day long, buckets serve as toilets in some cells, some of the inmates are denied visitors, there is overcrowding and lack of food rich in nutrients. Also, Oshodi (2010:4) observed that the Nigerian prisons generally are one of the worst in the world; the prisons are overcrowded with both convicted criminals and the accused awaiting trial confined together. The cells in Nigerian prisons are filthy and unkempt, they have no running water and diseases are widespread. When serious illness occurs, requiring specialized treatment and a prisoner's relatives are not able to afford, the prisoner is likely to die (Out & Nnam, 2014).

THE PANIC OF PRISON CORRECTION IN NIGERIA

Nigeria prisons are worse than hell. A total inmate population of about 53,100 is overcrowded with population feast of children, under-aged, awaiting trial and sundry abandoned and untried inmates. The aims of the prisons are defeated by the reality we are facing. Yet no one seems to care. Olajide (2014) observed that most of the nation's prisons are older than the nation. The facilities are not upgraded yet, the inmates sent there are far more in population than the facilities were designed to accommodate. Inmates are crammed; sanitary facilities are simply inhuman, diseases are freely shared, yet, more inmates are daily brought in to compound the already bad situation. Consequently, Usman (2014) lamented that prison inmates get back into the society hardened after serving their sentences, thereby frustrating security operatives' efforts to curb criminal acts in the society. The common ailments among inmates were malaria, high blood pressure and skin infections, which is rampant among inmates, particularly those at the Medium Prisons. The most worrisome aspect is the congestion of these prisons owing to the increasing number of awaiting trial persons. Apparently, Oduyela (2003) observed that Nigeria penal system is punitive, degrading and dehumanizing; and leaves the prisoners with the least opportunity of re-entry into the society. Oduyela (2003) argued further that those who are lucky to come out alive find it exceedingly difficult to re-adjust to normal lives and eventually end up in crime. Prison sources disclose that prison life has become somewhat cyclic for several ex-prisoners, the number of recidivists, remain in the increase. [...] (pp. 4-5)

[Otuu Fred and Shu Elvis, "Prevalent Diseases among Inmates in Three Federal Prisons in South-East Geopolitical Zone of Nigeria: A Peep into the Environmental Factors ", Journal of Environmental Science and Public Health, Volume 3, Issue 1 \(07 January 2019\)](#)

[...] Introduction: This study analyzed the prevalent diseases among the inmates of three federal prisons in South-East geo-political zone of Nigeria.

Methodology: Well-structured questionnaires designed to reflect demography, prevalent diseases and environmental problems were administered to the interested participants who gave verbal consent to the voluntary, first person informed consent form which was read in the language of the inmates (English or Igbo, Yoruba, Hausa languages) by a nurse, as they were not permitted to write. (p. 10)

[...] The study was carried out in three Federal Prisons in Enugu, Abakaliki, and Onitsha in Enugu, Ebonyi and Anambra states, respectively. (p. 12)

[...] In the three prisons, the inmates strongly agreed that overcrowding 275 (76.60%), 210 (70.0%), 118 (60.51%), was the most prevalent environmental problem, followed by poor toilet facilities, 262 (72.98%), 145 (48.33%), 99 (50.77%), lack of Medicare, 234 (27.5%), 151 (17.7%), 89 (10.4%), poor ventilation 232 (27.1%), 161 (18.8%), 76 (8.9%), lack of portable water, 231 (64.35%), 132 (44.0%), 84 (43.08%), inadequate water facilities 215 (25.2%), 135 (15.8%), 79 (9.3%), lack of exercise, 205 (57.10%), 119 (39.67%), 106 (54.36%), and dirty environment, 180 (50.14%), 101 (33.66%), 81 (41.54%). [...] (p. 16)

[Ibrahim Danjuma, Rohaida Nordin & Mohd Munzil Muhamad \(2018\) Prisons' condition and treatment of prisoners in Nigeria: towards genuine reformation of prisoners or a violation of prisoners' rights?, Commonwealth Law Bulletin, Volume 44, Issue 1 \(10 January 2019\)](#)

[...] Structure of prisons

The structures of most of the Nigerian prisons are antique and dilapidated, with disastrous sanitary conditions, and without adequate vocational or recreational facilities.⁶⁰ These may be related to the fact that most of the prisons were built in the 19th and early 20th centuries. For instance, Warri prison was built in 1805; Azare in 1816; Bauchi in 1820; Ningi in 1827; Misau in 1831; Degema in 1855; and Calabar in 1890.⁶¹ Others were built in the early 20th century: Abeokuta old and Onitsha in 1900; Idah Prison and Arochukwu in 1901; Umuahia in 1902; Zaria in 1903; Bidah and Awka prisons in 1904; Benin and Kazaure in 1908; Pankshin, Agbo, Ubiaja, Ahoada in 1910; Owo and Aba in 1911; Ikot Abasi, Old Prison Kebbi and Biu prisons in 1912; Okigwe in 1913; Suleja, Illorin, Malumfashi and Yola prisons in 1914; Kaduna, Ankpa, Enugu and MPS Oji prisons in 1915.⁶² Amnesty International reported that many of them are in need of renovation, as the infrastructure is old, some buildings cannot longer be used and ceilings in some rooms are about to collapse.⁶³ Equally, a large number of prisons were constructed with mud bricks such as Azare, Suleja, Dekina and Koton Karfe prisons.⁶⁴ [...]

60 National Human Rights Commission, Nigeria: National Prison Audit (2012).

61 Ibid.

62 Ibid.

63 Amnesty International, Nigerian: Prisoners' Rights Systematically Flouted (2008) 20.

64 National Human Rights Commission, Nigeria: National Prison Audit (2012).

[United States Department of State, Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2018: Nigeria \(13 March 2019\)](#)

[...] Prison and Detention Center Conditions

Prison and detention center conditions remained harsh and life threatening. Prisoners and detainees reportedly were subjected to torture, gross overcrowding, inadequate medical care, food and water

shortages, and other abuses; some of these conditions resulted in deaths. The government often detained suspected militants outside the formal prison system (see section 1.g.).

Physical Conditions: Overcrowding was a significant problem. Although the total designed capacity of the country's prisons was 50,153 inmates, as of July they held 73,631 prisoners. Approximately 68 percent of inmates were in pretrial detention or remanded. As of July there were 1,475 female inmates. Authorities sometimes held female and male prisoners together, especially in rural areas. Prison authorities often held juvenile suspects with adults. [...] (pp. 7-8)

[DW News, Nigeria: community service to reduce prison crowding \(12 April 2019\)](#)

[...] Nigeria is grappling with overcrowded prisons and a backlog in court cases. In a bid to change this, Oyo State is now punishing lighter crimes with community service rather than jail time.

[...] Over 72,000 people are currently serving sentences in Nigerian prisons. Like the Agodi prison in the center of Ibadan, most of the country's prisons are overcrowded. A huge board at the entrance of the prison states that 1,189 persons are currently being held here – officially the prison has a capacity of 290 prisoners.

Forgotten cases

The overcrowded prisons were the main reason why churches and civil society groups fought for a change in the prison system. A second reason was that the judiciary was not able to keep up with its caseload.

"Mostly [prisoners] stay longer than they are supposed to. They stay awaiting trial. They stay six months, a year, without their case being tried. At the end of the day, when their case is being tried, they're still given a sentence in prison," says Tolulope Fayemi from the catholic-based Justice Development And Peace Commission (JDPC).

Only 159 of the inmates currently in Agodi prison have received a verdict. As Fayemi explains, prisoners are routinely "forgotten" by the judicial system, especially when the people concerned have no money or influential contacts who could push their case forward.

Apart from the business capital Lagos, Oyo is currently the only Nigerian state implementing community service. Between July 2017 and January 2019, a total of 124 persons were sentenced to community service hours. [...]

[Vanguard, Stringent bail conditions responsible for Prison congestion — Lawyers \(23 April 2019\)](#)

[...] Some lawyers in Lagos on Tuesday attributed prison congestion in the country to the inability of defendants to perfect stringent bail conditions.

The lawyers told journalists that decongestion of the prisons must begin from the courts, and underscored the need for judges and magistrates to review the circumstances of each case in arriving at a bail decision. The lawyers also harped on the need for due diligence in the prosecution process, especially by the police whom they claimed contributed in creating some of the congestions in the prisons. A constitutional lawyer, Mr Paul Umeozuruigbo, of Divine Solicitors, said that if bail conditions were made flexible by judges, accused persons and awaiting trial inmates, could be out of prison custody in good time. [...]

[National Human Rights Commission, As Nigeria Marks African Pretrial Detention Day; NHRC Seeks Better Treatment for Detainees \(25 April 2019\)](#)

The National Human Rights Commission (NHRC) will continue to highlight and push for reforms and best practices in the Nigerian Criminal Justice System to ensure that crime suspects are treated in line with international best practices.

Executive Secretary of the Commission, Tony Ojukwu Esq stated this at Kuje Prison, Abuja Thursday as the Commission commemorates the 2019 African Pretrial Detention Day across the Federation.

The African Pretrial Detention Day is observed across the continent on the 25th of April every year as initiated by the African Commission on Human and Peoples Right, ACHPR. The focus of this year's celebration is on the Principles of Decriminalization of Petty Offences in Africa.

The Executive Secretary who was represented at the occasion by his Special Assistance, Mr. Benedict Agu said that this year's theme, "Decriminalization of Petty Offences in Africa" is apt given the urgent need to declassify minor offenses like loitering, being idle or disorderly and the likes in the Criminal Justice System, considering the overcrowded condition of prisons in Africa.

According to the Executive Secretary, the rights of access to Justice of Nigerian citizens and Africans at large is very critical as those who come in conflict with the law should not be dehumanized during the process of their arrest, detention or trial.

In his remarks, the Comptroller General of Prisons, Mr. Ja'afaru Ahmed represented by Comptroller of Prisons (CP), FCT Command Mr. S.N. Nwakuche said that the Prisons will continue to discharge their mandate of ensuring the safety, security and wellbeing of inmates across the nation, despite myriad of challenges confronting the service.

The Deputy Comptroller of Prison DCP Innocent Onoja who is also in charge of Kuje Prison said that diligent prosecution of suspects will go a long way to check prison congestion.

Some of the inmates of Kuje Prison, particularly those who were accused of minor offenses like loitering in the night were interviewed by the Officials of the Commission. They were accordingly advised on the necessary steps to take in order to secure their freedom.

The ceremony is marked with visitations to Prisons across the 36 States of the Federation and Abuja by staff of the Commission.

Mr. Lambert Oparah

Director Corporate Affairs & External Linkages, NHRC.

[Penal Reform International and Thailand Institute of Justice, Global Prison Trends 2019 \(May 2019\)](#)

[...] Prison overcrowding

[...] Elsewhere, there were moves towards a more sustainable and long-term approach to reducing overcrowding. In Nigeria, a Presidential Advisory Committee was established in order to focus efforts on decongesting the country's prisons, which have a 136 per cent occupancy rate.³¹ In 2018 the African Commission on Human and Peoples' Rights produced guidelines urging states to decriminalise petty offences in order to address prison overcrowding and in recognition of the fact that criminalising such offences 'contributes to discrimination and marginalisation by criminalising poverty, homelessness and unemployment, and impact[s] the poorest and most marginalised persons in our communities'.³² [...] (p. 10)

31 'FG sets up panel on prison decongestion', *Vanguard*, 30 October 2017, www.vanguardngr.com/2017/10/fg-sets-panel-prison-decongestion

32 African Commission on Human and Peoples' Rights, *Principles on the Decriminalisation of Petty Offences in Africa*, 2018, Foreword.

[VOA News, Nigeria's Prisons Set to Undergo Long-Awaited Reforms \(24 August 2019\)](#)

[...] Nigeria's prison service currently has about 250 prisons and 74,000 inmates.

The recently passed law may fix what many say is the most glaring problem in the sector: overcrowding. The prison where Kanu was on death row houses more than 4,000 inmates; it was built for 804.

The new law allows comptrollers to reject additional prisoners when the prison in question is already filled to capacity. [...]

Military

[Amnesty International, NIGERIA 2017/2018 \(22 February 2018\)](#)

[...] Arbitrary arrests and detentions

The military arbitrarily arrested and held thousands of young men, women and children in detention centres around the country. Detainees were denied access to lawyers and family members. The army released 593 detainees in April and 760 in October.

By April [2017], the military detention facility at Giwa barracks, Maiduguri, held more than 4,900 people in extremely overcrowded cells. Disease, dehydration and starvation were rife and at least 340 detainees died. At least 200 children, as young as four, were detained in an overcrowded and unhygienic children's cell. Some children were born in detention. [...]

[United States Department of State, Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2018: Nigeria \(13 March 2019\)](#)

[...] Section 1. Respect for the Integrity of the Person, Including Freedom from:

[...] g. Abuses in Internal Conflict

[...] In March 2017 the army convened a board of inquiry (BOI) to investigate allegations of human rights violations committed by the army during campaigns against the insurgency in the Northeast, including in its detention centers. In May 2017 the BOI presented its findings to the chief of army staff. While the full report was not publicly available, the board briefed the press on some of the report's conclusions and recommendations. The board documented conditions at military detention facilities, including the center at Giwa Barracks, and found instances of overcrowded cells and unsanitary conditions. The BOI concluded that these detention conditions, and delays in trials of alleged Boko Haram members, sometimes resulted in deaths in custody. [...] (p. 18)

[Human Rights Watch, Nigeria: Military Holding Children as Boko Haram Suspects \(10 September 2019\)](#)

[...] (Abuja) – The Nigerian military has arbitrarily detained thousands of children in degrading and inhuman conditions for suspected involvement with the armed Islamist group Boko Haram, Human Rights Watch said in a report released today. Many children are held without charge for months or years in squalid and severely overcrowded military barracks, with no contact with the outside world. The 50-page report, “They Didn’t Know if I Was Alive or Dead”: Military Detention of Children for Suspected Boko Haram Involvement in Northeast Nigeria, documents how Nigerian authorities are detaining children, often based on little or no evidence. Children described beatings, overwhelming heat, frequent hunger, and being packed tightly in their cells with hundreds of other detainees “like razorblades in a pack,” as one former detainee said.

[...] Children described sharing a single cell, approximately 10-by-10 meters, with 250 or more detainees. They said the stench from a single open toilet was often overwhelming and that detainees sometimes fainted from the heat. In Maiduguri, the average annual maximum temperature is 35 degrees Celsius and temperatures can exceed 40 degrees. [...]

[Human Rights Watch, “They Didn’t Know if I Was Alive or Dead”: Military Detention of Children for Suspected Boko Haram Involvement in Northeast Nigeria \(10 September 2019\)](#)

[...] Overcrowding, heat, and sanitation

Nearly all of the children described severe overcrowding in their cells. Most said there wasn't enough room for all detainees to sit or lie down and that at night, detainees would sleep on their sides, packed one next to another. One child, age 15, said, “We were so close you couldn't put one finger between one person and the next.”⁶⁹ Several children described the sleeping arrangement “like razorblades in a pack.” Once in position, no one would be able to move or roll over until the

morning. Several children said they developed sores on their bodies from restricted movement and sleeping or sitting on hard floors for prolonged periods.

Overcrowding was even worse in the adult cells. Several detainees described the adult cells of similar size holding up to 400 detainees. Salisu, age 17, was held in an adult cell for a year, and said that he was forced to sleep sitting up, and developed sores on his buttocks.⁷⁰

Many children described an overwhelming stench in the cells. Sani said, “When the smell was very bad, it made me want to faint. We used our clothes to cover our nose and mouth, but our clothes were very dirty, so it didn’t really help.”⁷¹ A cell would typically have a single toilet or a couple of buckets for 250 or 300 people. Saeed was held in an adult cell at Giwa for several months.

[...]

69 Human Rights Watch interview, Maiduguri, June 21, 2019.

70 Human Rights Watch interview, Maiduguri, June 24, 2019.

71 Human Rights Watch interview, Maiduguri, June 25, 2019.

5. Solitary confinement, social isolation, incommunicado detention, constraints to out of cell activities and freedom of movement

Detention in general

[Freedom House, Freedom in the World 2018: Nigeria profile \(28 May 2018\)](#)

[...] F2. Does due process prevail in civil and criminal matters? 1 / 4

There have been numerous allegations of extortion and bribe taking within the police force. Federal and state authorities have been criticized for disregarding due process, with prolonged pretrial detention of suspects even after courts ordered their release on bail. IMN [Islamic Movement of Nigeria] leader Ibrahim el-Zakzaky and his wife, who were arrested in December 2015, remained in incommunicado detention throughout 2017 even though a federal court ordered their release in December 2016. In October, authorities began mass arraignment and trials of more than 2,300 Boko Haram suspects, some of whom had already been detained for years. Rights groups raised concerns about due process given the closed proceedings and compressed timetable. [...]

Nigerian Prisons Service (recently renamed Nigerian Correctional Service)

[Pulse Nigeria, Law raises the hope of awaiting trial persons \(7 June 2018\)](#)

[...] The proposed bill for the amendment of the Nigerian Prison Act CAP 29 Laws of the Federation (2004) will allow, among others, awaiting trials inmates to undertake formal and vocational training. [...]

[Ibrahim Danjuma, Rohaida Nordin & Mohd Munzil Muhamad \(2018\) Prisons' condition and treatment of prisoners in Nigeria: towards genuine reformation of prisoners or a violation of prisoners' rights?, Commonwealth Law Bulletin, Volume 44, Issue 1 \(10 January 2019\)](#)

[...] Prisons' condition and treatment of prisoners in Nigeria

According to Rule 4 (1) of the Mandela Rules, the purposes of imprisonment are to safeguard the society against crime and to reduce the rate of recidivism. This can be accomplished only if the period of imprisonment is utilized towards the reintegration of the prisoner into the society so as to become a law-abiding citizen.⁵⁸ Therefore, in order to ensure the reintegration of a prisoner, prison should provide custodial and correctional facilities in the form of vocational training, education, recreational facilities, as well as other basic needs.⁵⁹ Additionally, once a person has been imprisoned, then the prison becomes his second home, providing shelter, food, clothes and ensuring other basic needs are met. Therefore, prisoners should be treated with humanity and dignity. The discussions on the conditions of prison and the treatment of prisoners in Nigeria in this article will be divided into three subheadings, namely structure of prison, prisons' facilities and welfare of prisoners. (p. 99)

[...] Prisons' facilities

Since prison is a second home to a prisoner, and for the purposes of rehabilitation and possible reintegration, some facilities are required for the wellbeing of a prisoner and towards the accomplishment of that purpose. Prisons' Facilities are categorised into three types: recreational, vocational and medical.

a. Recreational Facilities: Recreational facilities are important for the mental and physical being of a prisoner. It is important to note that recreational facilities are provided in order to enhance prisoners' wellbeing and development.⁸² According to the NHRC, in most of the prisons visited in 2012, the recreational facilities were totally lacking and some were grossly inadequate as compared

to the number of prisoners. It was found by the NHRC that out of the 37 prisons, only six had football and 14 had only indoor games, while 17 had no form of recreational facilities. Also, in other zones, prisons like Ago-Iwoye, Ondo, Ado Ekiti, Shendam, Lakushi, Wase, Idah, Agaie, and Dekina had no recreational facilities.⁸³ In 2014, the NHRC visited some of the prisons earlier visited in 2012, still found that there were no improvements towards providing recreational facilities in the earlier prisons visited. For example, when the NHRC visited Kebbi Old Prison in 2012, it discovered that the prison has no recreational facilities.⁸⁴ No improvement was noted in 2014.⁸⁵

b. Vocational Facilities: According to Regoli and Hewitt, work in prisons reduces idleness.⁸⁶ It equally underscores developing skills and work habits which will assist a prisoner to gain employment after release from prison and provides an avenue for a prisoner to obtain a certificate or qualification that is accepted by his community.⁸⁷ In most prisons visited by the NHRC, various vocational labour programmes had been put in place, such as tailoring, soap making, beads making, welding, block making, dying, cap making, knitting, carpentry, weaving, shoemaking, laundry among others. Most prisons have these facilities but lack working tools and when tools are available, they are insufficient for the number of prisoners who make use of them.⁸⁸ There are a number of prisons without vocational facilities, including Kebbi Old Prison, Argungu, Kujama Farm, Hadejia, Geidam, Orreh among others. In 2014, the NHRC visited some of the prisons earlier visited in 2012 and noted that no provision had been made towards providing vocational facilities. One of the prisons without such improvement from 2012 to 2014 was Kebbi Old Prison.⁸⁹ [...] (pp. 102-103)

58 Rule 4(1) of the United Nations Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules).

59 Rule 4(2) of the United Nations Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules).

[...] 82 National Human Rights Commission, Nigeria: National Prison Audit (2012) 7.

83 Ibid.

84 Ibid 198.

85 National Human Rights Commission, Annual Report (2014) 97.

86 RM Regoli and JD Hewitt, *Exploring Criminal Justice* (Jones & Bartlett Publishers 2008). 87

http://www.corrections.vic.gov.au/home/prison/goingtobprison/workbeducation_banbtraining/ official website of Victoria State Government accessed on 24 January 2016.

88 National Human Rights Commission, Nigeria: National Prison Audit (2012) 7.

89 National Human Rights Commission, Annual Report (2014) 98.

Premium Times, SPECIAL REPORT: Inside Nigeria's prisons where thousands languish for years without trial (25 June 2019)

[...] Estranged by Detention

PREMIUM TIMES reviewed the cases of 150 detainees at the Kaduna State Central Prison, Warri Prison in Delta State, Kirikiri Prison in Lagos and Kuje Prison in Abuja. One feature common to most detainees was their inability to keep in touch with their families for prolonged period of time.

Haruna Shuaibu, a 24-year-old man, was arrested for alleged robbery in January 2015. He is yet to contact his family, more than four years after his arrest.

Mr Shuaibu claimed he knew nothing about the crime for which he was arrested.

"I have not been able to contact my family since I came here. I have no phone. I have made repeated attempts to send emissaries through released inmates to my family. But apparently, none of them has been able to reach my family because I still have not heard from them," Mr Shuaibu said during our visit to the prison in December.

Mr Shuaibu said he was arrested at a market called Kasuwan Bauchi in Kaduna State where he had gone to sell his cattle.

The 24-year-old who said his family resides in a village in Bauchi State said he had been unable to reach them. He is not sure they think he is alive.

Mr Shuaibu could not remember the number of times he had been taken to court but said he did not understand the terms of his bail. [...]

[Amnesty International, Nigeria: Detained Protesters Denied Medical Care \(19 August 2019\)](#)

[...] At least 15 members of the Islamic Movement in Nigeria (IMN) including two children are suffering from gunshot wounds and need urgent medical attention. The IMN members were injured when police used tear gas and live ammunition to disperse a peaceful protest they were participating in. They have been denied access to medical care and to their lawyers or family members since their arrest on 22 July. [...]

Police

[United States Department of State, Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2018: Nigeria \(13 March 2019\)](#)

[...] Section 1. Respect for the Integrity of the Person, Including Freedom from:

[...] d. Arbitrary Arrest or Detention

[...] Arrest Procedures and Treatment of Detainees

Police and other security services have the authority to arrest individuals without first obtaining warrants if they have reasonable suspicion a person committed an offense, a power they often abused. The law requires that, even during a state of emergency, detainees must appear before a magistrate within 48 hours and have access to lawyers and family members. In many instances government and security officials did not adhere to this regulation without being bribed. Police held for interrogation individuals found in the vicinity of a crime for periods ranging from a few hours to several months, and after their release, authorities frequently asked the individuals to return for further questioning. The law requires an arresting officer to inform the accused of charges at the time of arrest, transport the accused to a police station for processing within a reasonable time, and allow the suspect to obtain counsel and post bail. Families were afraid to approach military barracks used as detention facilities. Police routinely detained suspects without informing them of the charges against them or allowing access to counsel and family members; such detentions often included solicitation of bribes. Provision of bail often remained arbitrary or subject to extrajudicial influence. Judges often set exceedingly stringent bail conditions. In many areas with no functioning bail system, suspects remained incarcerated indefinitely in investigative detention. Authorities kept detainees incommunicado for long periods. Numerous detainees stated police demanded bribes to take them to court hearings or to release them. If family members wanted to attend a trial, police often demanded additional payment. [...] (pp. 12-13)

State Security Service (SSS)

[Premium Times, SPECIAL REPORT: How Buhari's govt detained Nigerian journalist for two years without trial \(1 July 2018\)](#)

[...] On July 21, 2016, a dozen heavily-armed agents of the self-styled Department of State Services arrested Mr Abiri, the publisher of Weekly Source newspaper, outside his office at 288 Chief Melford Okilo Expressway, Yenagoa, Bayelsa State. Eyewitnesses said the SSS agents, who came in three cars, did not read him his rights and did not produce a warrant before handcuffing him, raiding his office, and taking him into custody.

[...] Mr Abiri remains in a state of forced disappearance as the State Security Service (SSS), Nigeria's secret police, has detained him for over 700 days without trial, and without access to his family, lawyers, and doctors. Under international human rights law, a person is a victim of (en)forced disappearance if detained by state authorities or a third party with the authorisation of the state, followed by a refusal to acknowledge the person's whereabouts and condition in a bid to deny the victim the protection of the law.

[...] The 'Confession'

In August 2016, Mr Abiri's family filed a fundamental rights enforcement lawsuit against the SSS, asking the Bayelsa State High Court to declare his arrest and continued detention without trial unconstitutional, unlawful, illegal, null and void, and order the SSS to release him on bail, and direct the SSS to open Weekly Source newspaper's office.

The SSS in response tendered as its only evidence in court a confessional statement allegedly written and signed by Mr Abiri on the same day of his arrest, admitting to "being the founder, co-ordinator and spokesperson" of the militant group and "directing his foot soldiers (still at large) to carry out bombings of oil pipelines" and blackmailing oil companies for money with threats of further bombings.

[...] On September 7, 2016, a Bayelsa State high court judge, Nayai Aganaba, ordered the SSS to reopen Weekly Source newspaper's office but ruled that the SSS arrest and continued detention of Mr Abiri, then almost two months, was lawful. The ruling effectively gave legal backing for the SSS to continue detaining him without charge for almost two years and without access to his family, lawyers and doctors.

"The offence of terrorism and related offences for which [Mr Abiri] was arrested and detained is a capital offence by virtue of Section 1 (2) under paragraph (h) of the Terrorism Prevention Amendment Act 2013 and by virtue of Section 35 (7) of the 1999 Constitution, the arrest and detention of [Mr Abiri] by the [SSS] is therefore not unlawful," Mr Aganaba ruled.

[...] In the past two years, the SSS has rebuffed all efforts by Mr Abiri's family, lawyers, journalists and civil society actors to get any information on him.

In June, during the International Press Institute World Congress held in Abuja, Garba Shehu, spokesperson to President Buhari, sold to the world that Mr Abiri is not a journalist but a militant who remains a "guest of [the SSS] because of his alleged criminal activities." The Information minister, Lai Mohammed, also echoed a similar claim.

[...] Nigerian authorities also declined to allow Mr Abiri's wife and son who travelled from Bayelsa State to Abuja access to see him in SSS captivity. [...]

[Human Rights Watch, Nigeria: Journalists, Activists Detained, Allege Torture: End Harassment, Attacks on Freedom of Expression \(21 August 2018\)](#)

(Abuja) – Several recent arrests and detentions of journalists and activists in Nigeria suggest a disturbing trend toward repression of freedom of expression, Human Rights Watch said today. In one case, it was revealed that a journalist had been held incommunicado for nearly two years, and in another, an activist said he was tortured.

"Throwing reporters in jail for doing their job of informing the public sends a chilling message to journalists in Nigeria," said Anietie Ewang, Nigeria researcher at Human Rights Watch. "The Nigerian authorities need to end any harassment and ensure that members of the press can operate without fear."

On August 16, 2018, an Abuja Magistrate court conditionally released Jones Abiri, a journalist and publisher of Weekly Source Newspaper in Yenegoa, Bayelsa State. He had been held for more than two years after his July 26, 2016 arrest by State Security Service agents. A statement by the security agency after his arrest accused Abiri of leading the Joint Niger Delta Liberation Force, a group allegedly furthering separatist tendencies in the Niger Delta. A Committee to Protect Journalists report said, however, his family believed his arrest was prompted by a controversial article republished by the Weekly Source.

Abiri was held incommunicado at an undisclosed location, despite efforts of family, lawyers, and the Nigerian Union of Journalists to reach him. A social media campaign and a lawsuit for his release filed on July 3, 2018 put pressure on the security service to finally charge and produce him before an Abuja Magistrate court on August 2, where he faced a charge of criminal intimidation. His

trial will begin on September 5, when the prosecution must substantiate the charges or the case will be dropped.

In another recent case, the Police Special Anti-Robbery Squad arrested and detained a Premium Times journalist, Samuel Ogundipe, on August 14. Premium Times reported he was arrested for refusing to disclose his source for his August 9 article about a report by the police inspector general, Ibrahim Idris, to acting president Yemi Osinbajo. The police said Ogundipe was arrested and charged for theft and unlawful possession of restricted and classified documents. He was conditionally released on August 17, but his trial is set to begin on August 23.

In January 2017, the police raided the Premium Times office in Abuja and arrested the publisher, Dapo Olorunyomi, and the judiciary correspondent, Evelyn Okakwu. They were released after a few hours. The arrest was allegedly carried out based on a complaint filed by the chief of army staff, General Tukur Buratai, after Premium Times published damning reports alleging corruption and human rights violations by the military.

State Security agencies, including the State Security Service and the Special Anti-Robbery Squad, have previously been implicated in abuse of power and human rights violations across the country, including illegal arrests, detention, and torture. In a 2010 report, Human Rights Watch documented abuses ranging from arbitrary arrest and unlawful detention to threats and acts of violence, including physical and sexual assault, torture, and even extrajudicial killings. Human Rights Watch continues to document similar allegations against the police. [...]

[United States Department of State, Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2018: Nigeria \(13 March 2019\)](#)

[...] Section 1. Respect for the Integrity of the Person, Including Freedom from:

b. Disappearance

After more than two years of incommunicado detention by the State Security Service (SSS) without trial, access to counsel, or family visitation, the publisher of Bayelsa State-based tabloid the *Weekly Source*, Jones Abiri, was released on bail in August. The Committee to Protect Journalists (CPJ) reported Abiri was accused of being a member of a Niger Delta militant group but was not formally charged, and said Abiri's detention was in response to critical coverage from the July 2016 edition of the *Weekly Source*. Following an open letter from the CPJ and significant public outcry, Abiri was arraigned and eventually released on bail. Abiri told reporters that he was blindfolded, held in an underground cell for most of the two years, and did not have access to medication in detention (see section 2.a.).

In August AI issued a statement on the International Day of the Disappeared, calling on the government to end unlawful arrests and incommunicado detentions, including the reported disappearances of more than 600 members of the IMN [Islamic Movement of Nigeria], and an unknown number of individuals in the Northeast where Boko Haram had been active. In August the National Human Rights Commission (NHRC) signed the mandate documents and a standard operating procedure to establish a database of missing persons in the country, with technical advice from the International Committee of the Red Cross (ICRC). As of September the database was not operational. (pp. 4-5)

[...] Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

[...] In August, after more than two years of incommunicado detention by the SSS without trial, access to counsel, or family visitation, the publisher of Bayelsa State-based tabloid the *Weekly Source*, Jones Abiri, was released on bail (see section 1.b). [...] (p. 23)

Military

[The New Humanitarian, Abuses and disappearances mar Nigerian counter-insurgency campaign \(11 October 2018\)](#)

The army's indiscriminate arrests risk bolstering the Boko Haram insurgency.

Hajja Gana last saw her son six years ago when soldiers took him away in an early morning raid in the northeastern city of Maiduguri, accusing him of being a Boko Haram terrorist. She has no idea whether he is alive or dead.

Gana denies that her son, Mustapha Say'ina, then aged 25, was ever a member of the jihadist group. She insists this was a case of mistaken identity, and says the soldiers addressed Say'ina by another name when they questioned him in her home and that his phone number was not on the list they had.

The soldiers nevertheless beat his six-month-pregnant wife as she protested his innocence and then took him away, she said.

"They said they just wanted to ask him some questions and would bring him back," recalls Gana.

"I never saw him again."

[...] The way men like Say'ina disappear violates international law, but also harms the government's chances in the decade-long war against Boko Haram. According to the UN Development Programme, over 70 percent of African jihadists interviewed for a [2017 report](#) said they had picked up a gun in response to "government action" – including the killing or arrest of family members and friends.

Abas Yerima* is walking evidence. He was arrested at a funeral of a neighbour shot by the army for allegedly being a Boko Haram member. Yerima was among 120 young men picked up that day in 2012, seemingly on the grounds of guilt by association, and taken to the notorious Giwa Barracks detention facility in Maiduguri. [...]

[...] Giwa serves as a holding facility with detainees kept under "administrative custody". From there, a determination is eventually made as to whether they are sent to Maiduguri maximum security prison, or the army's "Safe Corridor" deradicalisation programme. While ostensibly designed for Boko Haram defectors, many of the graduates of this programme IRIN met insisted they were civilians with no association with the insurgency. [...]

[United Nations General Assembly, Human Rights Council: Working Group on Arbitrary Detention, Opinions adopted by the Working Group on Arbitrary Detention at its eighty-third session \(19–23 November 2018\)](#)

Opinion No. 81/2018 concerning Ibraheem El-Zakzaky and Zeenah Ibraheem (Nigeria)

[...] 12. According to the source, the attack on Mr. Zakzaky's residence ended on 14 December 2015 with the arrest of Mr. Zakzaky and his family. Three of his sons and his elder sister were shot dead while Mr. Zakzaky and his wife were both shot and injured immediately before their arrest. Hundreds of other people were also reportedly arrested that day. Afterwards, evidence started circulating showing Mr. Zakzaky severely injured and bleeding while in military custody, with six gunshot wounds to his face, right leg, hand, arm and chest. Other photographic evidence showed him injured and being mistreated by Nigerian soldiers, forced to sit on the ground, brutalized and possibly tortured. He was subsequently ferried in a wheelbarrow to a waiting truck and taken to an unknown destination.

13. The source specifies that on the same day, the Nigerian army confirmed the arrest of Mr. Zakzaky and his detention at an army barracks.

14. The source reports that also on 14 December 2015, Mr. Zakzaky was moved to a military hospital in Kaduna. His wife was also moved to a military hospital.

[...] 16. The source states that it is not clear whether Mr. Zakzaky and his wife are in the custody of the army or the police. No formal charges have been filed and initially the army refused to allow anyone, including his family, doctors or lawyers, to see Mr. Zakzaky and his wife. At that time, it was feared that he might have died in custody.

17. The source reports that the army eventually allowed a delegation of the Muslim Council to visit him on 14 January 2016, one month after his arrest. A member of the delegation confirmed that he was alive but injured by multiple shots. No family member, independent personal physician or lawyer has been allowed to see him so far.

[...] 31. In addition, it is reported that Mr. Zakzaky and Mrs. Ibraheem were detained incommunicado. A delegation of the Muslim Council was allowed to visit Mr. Zakzaky on 14 January 2016, one month after his arrest but no family member, independent personal physician or lawyer has been allowed to see him so far. Furthermore, according to the source Mr. Zakzaky was ferried in a wheelbarrow to a waiting truck and taken to an unknown destination. Incommunicado detention prevents the detainee from challenging his detention, in violation of article 9 (4) of the Covenant.

[...] 38. The Working Group notes that the legal counsel of Mr. Zakzaky and Mrs. Ibraheem was not able to contact them between the time of their arrest and 1 April 2016, three and a half months later, contravening article 14 (3) (d) of the Covenant, which guarantees legal assistance in criminal proceedings, and principle 17.1 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment. As a result, the Working Group is convinced that the right of Mr. Zakzaky and Mrs. Ibraheem to have effective legal representation and adequate time and facilities for the preparation of a proper defence has not been respected by the State.

39. Moreover, as reported by the source earlier this year, Mr. Zakzaky's health has deteriorated and his condition is getting worse owing to his lack of treatment. The army has refused to allow anyone, including his family or doctors, to see him

[...] 41. The Working Group notes that a large number of individuals were arrested alongside Mr. Zakzaky and his spouse and are still missing or detained. The Working Group wishes to emphasize that it is concerned by the situation and urges the State to take action. [...]

[United States Department of State, Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2018: Nigeria \(13 March 2019\)](#)

[...] Prison and Detention Center Conditions

[...] Several unofficial military prisons continued to operate, including the Giwa Barracks facility in Maiduguri, Borno State. Although conditions in the Giwa Barracks detention facility reportedly marginally improved, detainees were denied due process and subjected to arbitrary and indefinite detention in conditions that remained harsh and life threatening (see section 1.g.). An AI report released in May documented multiple cases where women determined their husbands had died in custody in previous years. The same report also documented the arbitrary detention of women and children at Giwa Barracks. AI reported that citizens were generally not able to access any information about the fate or welfare of family members in military detention, or whether they were in fact detained. [...] (p. 9)

[Human Rights Watch, Nigeria: Military Holding Children as Boko Haram Suspects \(10 September 2019\)](#)

(Abuja) – The Nigerian military has arbitrarily detained thousands of children in degrading and inhuman conditions for suspected involvement with the armed Islamist group Boko Haram, Human Rights Watch said in a report released today. Many children are held without charge for months or years in squalid and severely overcrowded military barracks, with no contact with the outside world.

[...] "Children are being detained in horrific conditions for years, with little or no evidence of involvement with Boko Haram, and without even being taken to court," said Jo Becker, children's rights advocacy director at Human Rights Watch. "Many of these children already survived attacks by Boko Haram. The authorities' cruel treatment adds to their suffering and victimizes them further."

Between January 2013 and March 2019, Nigerian armed forces detained over 3,600 children, including 1,617 girls, for suspected involvement with non-state armed groups, according to the UN. Many are detained at Giwa military barracks in Maiduguri, the main military detention facility in Borno State.

Nigerian authorities have released at least 2,200 children from detention, nearly all without charge. According to the UN, 418 children were detained in 2018, a significant decrease from 2017, when over 1,900 children were detained. Human Rights Watch does not know the number of children who may be currently detained.

[...] Fifteen of the children had been detained for more than a year, and some had been held for more than three years. None had been allowed to contact family members outside the detention center, nor had the authorities contacted their families. Such cases may constitute enforced disappearances, a serious human rights violation.

[...] The military provides no formal education or rehabilitation activities for children at Giwa. Children reported that their only activities were prayer, watching television, and informal lessons that some children provided for others. The overcrowded conditions made physical activity impossible, and some children said they developed sores from restricted movement. [...]

[Human Rights Watch, “They Didn’t Know if I Was Alive or Dead”: Military Detention of Children for Suspected Boko Haram Involvement in Northeast Nigeria \(10 September 2019\)](#)

[...] Education and recreation

Children interviewed said they received no formal education at Giwa barracks or other detention sites. Several children said soldiers gave them informal lessons, but more typically, older children in the children’s cell who had previously attended school taught the other children. Yar’adua, for example, had attended six years of primary school in his village and became one of these peer teachers. He said, “We complained to the army to get a chalkboard and said we would teach ourselves. The soldiers listened and brought a chalkboard.”⁹⁸ He said several boys took turns giving lessons, typically for an hour a day, teaching the ABC’s and how to count to 100.

Apart from these informal lessons, prayers, and watching television, the children said that they had no other opportunities for activities or recreation. During the day, some said they were allowed out into a caged area adjacent to the cell, but said there was nothing to do apart from talk amongst themselves. Due to severe overcrowding in both the cells and cages, there was no room for physical activity.

Abdul said that during the day, he sat in the cage. “There were no games, nothing to do,” he said. “It was often very hot, but I preferred to sit in the sun because the cell was too congested.”⁹⁹ Saeed, 17, was held in an adult cell and said, “We were not allowed out of the cell. We sat in the room from morning till night doing nothing.”¹⁰⁰ Sadiq was detained at Giwa for over three years and said, “It was very sad for me to be there for so long doing nothing.”¹⁰¹

[...] Contact with families

Children uniformly said that they had no contact with family members outside Giwa barracks during their detention. Many said they had no idea whether their parents knew where they were, or whether they were alive or dead. Nurudeen, 16, was detained at Giwa for two years and four months and said that during that time, his parents didn’t know where he was. He said, “Maybe they were wondering whether I am alive or not. I don’t know if they had any hope that I would come back.”

Musa asked military guards if he could call his parents, but was told that calls were not allowed.¹¹⁶ None of the children interviewed said that authorities had informed their family of their arrest or detention. In most cases, if family members knew about the child’s detention, it was either because they had witnessed the arrest or had been given information by other detainees who had been released.

These cases may constitute enforced disappearances. Enforced disappearance is defined under international law as the arrest or detention of a person by state officials, agents of the state, or by persons acting with the authorization, support or acquiescence of the state, followed by a refusal to acknowledge the arrest or to reveal the person's fate or whereabouts.¹¹⁷

Khadija, detained for nearly two years, said that an older man witnessed her arrest and told her mother what had happened. She learned later that her mother had gone to Giwa barracks to try to see her, but that the military refused to let her enter and threatened to put her in a cell if she did not leave. Nafis said his parents learned that he was in Giwa from other detainees who had been released, but said, "They never tried [to visit] because they were afraid it would not be good for them."

Many children were arrested with other family members who were also taken to Giwa. In some cases, boys were detained together with brothers who were also underage, but separated from their parents or older siblings. Abdul, for example, was arrested with his father and uncle, and detained in the adult cell for his first week at Giwa, but was then transferred to the children's cell. He was detained for another year and two months at Giwa, but was not allowed further contact with his father. Abubak was arrested with his older brother. They spent the first two months together in the adult cell, but then Abubak was transferred to the children's cell. He said that sometimes when he was allowed into the "cage," he would see his brother, but they had no further direct contact during his two years of detention. [...]

98 Human Rights Watch interview, Maiduguri, June 26, 2019.

99 Human Rights Watch interview, Maiduguri, June 21, 2019.

100 Human Rights Watch interview, Maiduguri, June 21, 2019.

101 Human Rights Watch interview, Maiduguri, June 21, 2019.

[...] 116 Human Rights Watch interview, Maiduguri, June 21, 2019.

117 Human Rights Watch interview, Maiduguri, June 21, 2019.

6. Unhygienic conditions

Nigerian Prisons Service (recently renamed Nigerian Correctional Service)

[PRAWA \(Prisoners' Rehabilitation and Welfare Action\), Newsletter \(March 2018\)](#)

[...] Behind Bars: One Woman's Living Nightmare; By Mercedes Alfa

Women in prison make up a paltry 2% of the entire inmate population in Nigeria according to statistics by the Assistant Controller-General of Prisons, Suraj Olarinde at the PRAWA- organised Technical Session on the Prison Survey Reports to Development Partners on 15th March 2018. This means that because women in prisoners constitute a minority, their specific and unique needs are often unaccounted for thus making them a marginalised group.

Aisha*, a female inmate in a Nigerian prison details her harrowing experience within the system. Detained without trial when she was four months pregnant, she describes the troubles and ills associated with prenatal care and general personal hygiene. The conditions were so poor due to the overcrowding and a dearth of resources so items such as soap and detergent were a luxury to inmates like her. Unfortunately for her, her situation was compounded by the presence of fibroids made worse due to stress. According to her, she experienced severe abdominal pains and the bleeding she encountered made her fear for the life of her unborn child.

There were no sanitary pads available to her or any of the other female inmates save for whenever a non-governmental organisation or religious group would donate these items. So, they were irregular, and the women had to make do with pieces of cloth which would be reused over and over causing infections to several of them. It also meant that there was a regular stench in the cells from dried up blood.

Aisha was lucky that she did not lose her baby. It was an extremely difficult birth for her and things got even more challenging when the baby came. She did not lactate enough and so the baby had to make do with pap and water sometimes. Her child is now eight months old but looks younger than that. She is frail and has some spotting on her skin.

This is just one woman's story of what she has had to go through in prison. We need to bring the experiences of women in prison to light to ensure that their needs are recognised. In this light, PRAWA and the Nigerian Prisons Service have begun the process of mapping the needs of women as well as other groups of vulnerable prisoners for inclusion in the annual prison budget.

It is also necessary for the public to partake in this discourse to ensure that we all work towards the goal of providing basic personal and health needs in line with their specific needs.

*Please note that names have been changed for the purpose of confidentiality and to protect the identities of the parties mentioned.

Behind Bars is a series that touches on human stories within the Nigerian prison system [...]

[Otuu Fred and Shu Elvis, "Prevalent Diseases among Inmates in Three Federal Prisons in South-East Geopolitical Zone of Nigeria: A Peep into the Environmental Factors ", Journal of Environmental Science and Public Health, Volume 3, Issue 1 \(07 January 2019\)](#)

[...] Introduction: This study analyzed the prevalent diseases among the inmates of three federal prisons in South-East geo-political zone of Nigeria.

Methodology: Well-structured questionnaires designed to reflect demography, prevalent diseases and environmental problems were administered to the interested participants who gave verbal consent to the voluntary, first person informed consent form which was read in the language of the inmates (English or Igbo, Yoruba, Hausa languages) by a nurse, as they were not permitted to write. (p. 10)

[...] The study was carried out in three Federal Prisons in Enugu, Abakaliki, and Onitsha in Enugu, Ebonyi and Anambra states, respectively. (p. 12)

[...] In the three prisons, the inmates strongly agreed that overcrowding 275 (76.60%), 210 (70.0%), 118 (60.51%), was the most prevalent environmental problem, followed by poor toilet facilities, 262 (72.98%), 145 (48.33%), 99 (50.77%), lack of Medicare, 234 (27.5%), 151 (17.7%), 89 (10.4%), poor ventilation 232 (27.1%), 161 (18.8%), 76 (8.9%), lack of portable water, 231 (64.35%), 132 (44.0%), 84 (43.08%), inadequate water facilities 215 (25.2%), 135 (15.8%), 79 (9.3%), lack of exercise, 205 (57.10%), 119 (39.67%), 106 (54.36%), and dirty environment, 180 (50.14%), 101 (33.66%), 81 (41.54%). [...] (p. 16)

[Ibrahim Danjuma, Rohaida Nordin & Mohd Munzil Muhamad \(2018\) Prisons' condition and treatment of prisoners in Nigeria: towards genuine reformation of prisoners or a violation of prisoners' rights?, Commonwealth Law Bulletin, Volume 44, Issue 1 \(10 January 2019\)](#)

[...] Structure of prisons

The structures of most of the Nigerian prisons are antique and dilapidated, with disastrous sanitary conditions, and without adequate vocational or recreational facilities.⁶⁰ These may be related to the fact that most of the prisons were built in the 19th and early 20th centuries. For instance, Warri prison was built in 1805; Azare in 1816; Bauchi in 1820; Ningi in 1827; Misau in 1831; Degema in 1855; and Calabar in 1890.⁶¹ Others were built in the early 20th century: Abeokuta old and Onitsha in 1900; Idah Prison and Arochukwu in 1901; Umuahia in 1902; Zaria in 1903; Bidah and Awka prisons in 1904; Benin and Kazaure in 1908; Pankshin, Agbo, Ubiaja, Ahoada in 1910; Owo and Aba in 1911; Ikot Abasi, Old Prison Kebbi and Biu prisons in 1912; Okigwe in 1913; Suleja, Illorin, Malumfashi and Yola prisons in 1914; Kaduna, Ankpa, Enugu and MPS Oji prisons in 1915.⁶² Amnesty International reported that many of them are in need of renovation, as the infrastructure is old, some buildings cannot longer be used and ceilings in some rooms are about to collapse.⁶³ Equally, a large number of prisons were constructed with mud bricks such as Azare, Suleja, Dekina and Koton Karfe prisons.⁶⁴ (pp. 99-100)

[...] With regard to sanitation and cleanliness in most of the prisons visited by the NHRC [National Human Rights Commission], it was noted that the water storage tanks of the toilets are broken and there is no water to flush after use.⁷⁸ In some prisons like Gassol, Serti, Misau, Otukpo, Pankshin, and Illorin, among others, a "bucket system" is used which creates lots of unpleasant smells in the cells, as reported by the NHRC.⁷⁹ Whereas in other prisons, the NHRC observed that the sewage systems are either broken or filled up and the prisons lack basic toiletries like disinfectants and soap.⁸⁰ In 2013, the United State Department of State Bureau of Democracy discovered that the lack of adequate water supply in some Nigerian prisons caused poor sanitary conditions.⁸¹ [...] (pp. 101-102)

60 National Human Rights Commission, Nigeria: National Prison Audit (2012).

61 Ibid.

62 Ibid.

63 Amnesty International, Nigerian: Prisoners' Rights Systematically Flouted (2008) 20.

64 National Human Rights Commission, Nigeria: National Prison Audit (2012).

78 National Human Rights Commission, Nigeria: National Prison Audit (2012) 6; United State Department of State Bureau of Democracy, Human Rights and Labour, Country Reports on Human Rights Practices (2013) 6.

79 National Human Rights Commission, Nigeria: National Prison Audit (2012) 6.

80 Ibid.

[United States Department of State, Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2018: Nigeria \(13 March 2019\)](#)

[...] Prison and Detention Center Conditions

Prisoners and detainees were reportedly subjected to torture, gross overcrowding, food and water shortages, inadequate medical treatment, deliberate and incidental exposure to heat and sun, and infrastructure deficiencies that led to wholly inadequate sanitary conditions that could result in

death. Guards and prison officials reportedly extorted inmates or levied fees on them to pay for food, prison maintenance, transport to routine court appointments, and release from prison. Female inmates in some cases faced the threat of rape.

Most of the 240 prisons were 70 to 80 years old and lacked basic facilities. Lack of potable water, inadequate sewage facilities, and severe overcrowding resulted in dangerous and unsanitary conditions. For example, according to press reports from December 2017, Agodi Minimum Security Prison, in Oyo State, had 1,104 inmates despite a maximum capacity of 390. Port Harcourt Prison, designed to hold 800 inmates, held approximately 5,000, while Kirikiri Maximum Security Prison in Lagos, with a capacity of 956 inmates, held approximately 2,600. [...] (pp. 7-8)

[International Centre for Investigative Reporting, In Nigeria's crowded prisons, inmates describe terrible feeding, sanitation \(2\) \(9 July 2019\)](#)

In part 2 of this report, Evelyn OKAKWU spotlight the condition of the victims of poor administration of justice in Kaduna prison.

[...] the Committee for the Defense of Human Rights, (CDHR), spoke within four prisons across Nigeria.

The inmates at the Kaduna Central Prisons, Kirikiri Minimum Prisons in Lagos, Warri Prisons in Delta State, as well as Kuje Prisons in Abuja narrated harrowing experiences in the prisons.

[...] "We have nothing to wash our toilet. All we use is ash to try and reduce the smell. I have not spent two weeks here without having one infection or the other," he added.

"We do various labour in this prison to make ends meet. But you cannot survive here, unless you have a kind of a godfather. These godfathers are inmates like us who have strong ties with some officers."

Although efforts by this reporter to reach the female inmates was not successful, some prison officials who spoke with PREMIUM TIMES said their situation is not different. According to information provided by the Nigerian Prisons Service, the country's prison population include seven per cent of women awaiting trial. [...]

Military

[Amnesty International, NIGERIA 2017/2018 \(22 February 2018\)](#)

[...] Arbitrary arrests and detentions

By April [2017], the military detention facility at Giwa barracks, Maiduguri, held more than 4,900 people in extremely overcrowded cells. Disease, dehydration and starvation were rife and at least 340 detainees died. At least 200 children, as young as four, were detained in an overcrowded and unhygienic children's cell. Some children were born in detention.

The military detained hundreds of women unlawfully, without charge, some because they were believed to be related to Boko Haram members. Among them were women and girls who said they had been victims of Boko Haram. Women reported inhuman detention conditions, including a lack of health care for women giving birth in cells. [...]

[Human Rights Watch, Nigeria: Military Holding Children as Boko Haram Suspects \(10 September 2019\)](#)

(Abuja) – The Nigerian military has arbitrarily detained thousands of children in degrading and inhuman conditions for suspected involvement with the armed Islamist group Boko Haram, Human Rights Watch said in a report released today. Many children are held without charge for months or years in squalid and severely overcrowded military barracks, with no contact with the outside world.

The 50-page report, [“They Didn’t Know if I Was Alive or Dead’: Military Detention of Children for Suspected Boko Haram Involvement in Northeast Nigeria](#),” documents how Nigerian authorities are detaining children, often based on little or no evidence. Children described beatings, overwhelming heat, frequent hunger, and being packed tightly in their cells with hundreds of other detainees “like razorblades in a pack,” as one former detainee said.

“Children are being detained in horrific conditions for years, with little or no evidence of involvement with Boko Haram, and without even being taken to court,” said [Jo Becker](#), children’s rights advocacy director at Human Rights Watch. “Many of these children already survived attacks by Boko Haram. [...] Children described sharing a single cell, approximately 10-by-10 meters, with 250 or more detainees. They said the stench from a single open toilet was often overwhelming and that detainees sometimes fainted from the heat. [...]

[Human Rights Watch, “They Didn’t Know if I Was Alive or Dead’: Military Detention of Children for Suspected Boko Haram Involvement in Northeast Nigeria \(10 September 2019\)](#)

[...] Overcrowding, heat, and sanitation

[...] Many children described an overwhelming stench in the cells. Sani said, “When the smell was very bad, it made me want to faint. We used our clothes to cover our nose and mouth, but our clothes were very dirty, so it didn’t really help.”⁷¹ A cell would typically have a single toilet or a couple of buckets for 250 or 300 people. Saeed was held in an adult cell at Giwa for several months.

[...] Some children described being unable to bathe for extended periods. Three children said they were detained in an adult cell for two months without being allowed to bathe. One girl was detained for nearly two years in a cell with women and children between 2016 and 2018 and said that for the first 10 months, she was not allowed to bathe at all.⁷⁶

Several children said that they and other detainees were infested with lice. Ibrahim said, “I had small bugs in my hair and the collar of my clothes. They laid eggs in my hair. I itched a lot. I had no soap.”⁷⁷ Khadija said, “The lice was everywhere, we were itching everywhere.”⁷⁸

Several children described visits by people they believed to be representatives of the Red Cross. They said that after the Red Cross’ visits, conditions improved noticeably, and that they received more food, soap, and opportunities to bathe. Saeed, for example, was held in an adult cell and said, “Before the Red Cross intervention, I took a shower once in two months, but this changed to once a week with their intervention. We slept on mats at first and then Red Cross brought us blankets.”⁷⁹

Some children said they were able to bathe once or twice a month, while others said they could bathe two to three times per week. Some of the children said they had access to soap, while others did not. [...]

69 Human Rights Watch interview, Maiduguri, June 21, 2019.

70 Human Rights Watch interview, Maiduguri, June 24, 2019. [...]

76 Human Rights Watch interview, Maiduguri, June 25, 2019.

77 Human Rights Watch interview, Maiduguri, June 25, 2019.

78 Human Rights Watch interview, Maiduguri, June 25, 2019.

79 Human Rights Watch interview, Maiduguri, June 21, 2019.

7. Restrictions to medical care

Detention in general

[Australian Government, Department of Foreign Affairs and Trade, DFAT Country Information Report: Nigeria \(9 March 2018\)](#)

[...] Detention and Prison

5.17 Nigeria has a high rate of deaths in custody. The majority of deaths relate to health problems, both pre-existing and as a result of detention conditions or treatment. Disease remains a major cause of death in cramped, unsanitary conditions with shortages of medical supplies. DFAT understands officials also assault and, in some cases, torture detainees (see Torture). [...] (p. 31)

[Amnesty International, Nigeria: Detained Protesters Denied Medical Care \(19 August 2019\)](#)

[...] At least 15 members of the Islamic Movement in Nigeria (IMN) including two children are suffering from gunshot wounds and need urgent medical attention. The IMN members were injured when police used tear gas and live ammunition to disperse a peaceful protest they were participating in. They have been denied access to medical care and to their lawyers or family members since their arrest on 22 July. [...]

Nigerian Prisons Service (recently renamed Nigerian Correctional Service)

[PRAWA \(Prisoners' Rehabilitation and Welfare Action\), Newsletter \(March 2018\)](#)

[...] Behind Bars: One Woman's Living Nightmare; By Mercedes Alfa

Women in prison make up a paltry 2% of the entire inmate population in Nigeria according to statistics by the Assistant Controller-General of Prisons, Suraj Olarinde at the PRAWA- organised Technical Session on the Prison Survey Reports to Development Partners on 15th March 2018. This means that because women in prisoners constitute a minority, their specific and unique needs are often unaccounted for thus making them a marginalised group.

Aisha*, a female inmate in a Nigerian prison details her harrowing experience within the system. Detained without trial when she was four months pregnant, she describes the troubles and ills associated with prenatal care and general personal hygiene. The conditions were so poor due to the overcrowding and a dearth of resources so items such as soap and detergent were a luxury to inmates like her. Unfortunately for her, her situation was compounded by the presence of fibroids made worse due to stress. According to her, she experienced severe abdominal pains and the bleeding she encountered made her fear for the life of her unborn child.

There were no sanitary pads available to her or any of the other female inmates save for whenever a non-governmental organisation or religious group would donate these items. So, they were irregular, and the women had to make do with pieces of cloth which would be reused over and over causing infections to several of them. It also meant that there was a regular stench in the cells from dried up blood.

Aisha was lucky that she did not lose her baby. It was an extremely difficult birth for her and things got even more challenging when the baby came. She did not lactate enough and so the baby had to make do with pap and water sometimes. Her child is now eight months old but looks younger than that. She is frail and has some spotting on her skin.

This is just one woman's story of what she has had to go through in prison. We need to bring the experiences of women in prison to light to ensure that their needs are recognised. In this light,

PRAWA and the Nigerian Prisons Service have begun the process of mapping the needs of women as well as other groups of vulnerable prisoners for inclusion in the annual prison budget.

It is also necessary for the public to partake in this discourse to ensure that we all work towards the goal of providing basic personal and health needs in line with their specific needs.

*Please note that names have been changed for the purpose of confidentiality and to protect the identities of the parties mentioned.

Behind Bars is a series that touches on human stories within the Nigerian prison system [...]

[PRAWA \(Prisoners' Rehabilitation and Welfare Action\) and NPS \(Nigerian Prison Services\), Nigerian Prisons Survey Report, Volume 2 Summary: Socio-economic Characteristics of Prisoners and Impact of Imprisonment In Nigeria \(1 February 2018\)](#)

[...] The research focused on assessing the socio-economic characteristics of prisoners and their families, and the impact of imprisonment on the prisoner, prisoners' family and the prison service. This is aimed at providing some information that will help identify strategies for effectively addressing problems of prisoners, ex-prisoners, the prison service and the criminal justice system in general. In addition, it will help us understand what specific factors to address to help reduce the likelihood of offending behavior, reduce level of distress on prisoners' families, and facilitate reintegration.

Assessing the impact of imprisonment presents a key challenge as many of the factors to consider are often not able to be quantified or there is lack of available or accurate data to arrive at such quantification. Therefore this Report cannot claim to have exhaustively identified or attempted to identify the comprehensive cost or impact of imprisonment. It has only identified some factors that exemplify the impact of imprisonment on the prisoners (including remand prisoners/prisoners in pre-trial detention), on their families, and on the prison service

The findings indicate the following: (p. 4)

[...] High number of the prisoners reported sick and there is evidence of substance use both prior and during incarceration.

About 17% of the respondents reported that they had used hard drugs prior to their prison custody. Some of them admitted that they were still using hard drugs in prison representing 3%, 9% and 14% in Ikoyi, Kano Central and Enugu prisons respectively. When asked about the type of drugs used, the majority (85%) reported that indicated that they used Marijuana (Cannabis).

[...] The number of prisoners that reported sick in 2016 were 364, 1056 and 1451 prisoners in Enugu, Kano Central and Ikoyi prisons thus with the exception of Enugu half or more than half of the total prison population reported sick. The records also show that all the three prisons had few health workers. This include one doctor each and 2-3 nurses in each of the prisons. In one of the prisons (Ikoyi prison) there was no Lab Scientists and no pharmacist. [...] (pp. 9 -10)

[Otuu Fred and Shu Elvis, "Prevalent Diseases among Inmates in Three Federal Prisons in South-East Geopolitical Zone of Nigeria: A Peep into the Environmental Factors ", Journal of Environmental Science and Public Health, Volume 3, Issue 1 \(07 January 2019\)](#)

[...] Introduction: This study analyzed the prevalent diseases among the inmates of three federal prisons in South-East geo-political zone of Nigeria.

Methodology: Well-structured questionnaires designed to reflect demography, prevalent diseases and environmental problems were administered to the interested participants who gave verbal consent to the voluntary, first person informed consent form which was read in the language of the inmates (English or Igbo, Yoruba, Hausa languages) by a nurse, as they were not permitted to write. (p. 10)

[...] Several studies have implicated the prison environments in diseases among prison inmates, [1-4]. In their study on the assessment of a five-year disease profile of inmates in three prison

formations in Kaduna State, Audu et al. [3] reported psychiatric cases (24.1%) as the dominant health problem, followed by gastro-intestinal disease (22.6%), respiratory tract disease (10.1%), dermatology/allergy (5.4%), cardiovascular diseases (2.4%). Among the specific conditions examined, malaria (21.6%), was most prevalent, followed by accident/deliberate harms (0.6%), tumors (0.6%), TB (0.2%) and HIV (0.1%). Elekwechi et al. [1], reported that lack of portable water, inadequate sewage facilities and severe overcrowding have resulted in dangerous and unsanitary conditions in Nigerian prisons. These conditions are associated with in-breeding of communicable diseases. The study also implicated poor environment as a causative factor in the prevalence of mono-ocular and bilateral blindness. Poor toilet facilities, lack of or inadequate provision of recreational facilities, poor ventilation, and domestic wastes, effluent discharges from toilet system and attitude of the Warders to the inmates are among the environmental components that may affect the general health of the prison inmates. Research so far has bordered on improvement of physical structures to enhance better accommodation facilities in the prisons and welfare to improve the feeding standards of the inmates [5]. Not much has been reported on the general environmental and health status of the prisons in Nigeria. (p. 10)

[...] The study was carried out in three Federal Prisons in Enugu, Abakaliki, and Onitsha in Enugu, Ebonyi and Anambra states, respectively. (p. 12)

[...] In the three prisons, malaria was the most prevalent disease 291 (81.06%), 233 (77.67%), 143 (73.33%), followed by cough and catarrh, 229 (63.79%), 206 (68.67%) and 117 (60.0%), rashes, 211 (58.77%), 179 (59.27%) and 115 (58.97%), chest pain, 179 (49.86%), 134 (44.67%), 95 (48.72%), eye problem, 175 (48.75%), 91 (30.33%), 80 (41.03%) constant headache, 169 (47.08%), 92 (30.67%), 77 (39.49%) diarrhea, 154 (42.90%), 131 (43.67%), 73 (37.44%), hypertension, 148 (41.23%), 47 (15.67%), 39 (20.00%) sore throat/tonsillitis, 102 (28.41%), 110 (36.67%), 37 (18.97%) respectively. There were significant differences ($P < 0.05$) among the prisons in sore throat/tonsillitis, constant headache, constipation, ringworm/hair loss, hypertension/high blood pressure, tuberculosis and eye problems. (p. 15)

[...] In the three prisons, the inmates strongly agreed that overcrowding 275 (76.60%), 210 (70.0%), 118 (60.51%), was the most prevalent environmental problem, followed by poor toilet facilities, 262 (72.98%), 145 (48.33%), 99 (50.77%), lack of Medicare, 234 (27.5%), 151 (17.7%), 89 (10.4%), poor ventilation 232 (27.1%), 161 (18.8%), 76 (8.9%), lack of portable water, 231 (64.35%), 132 (44.0%), 84 (43.08%), inadequate water facilities 215 (25.2%), 135 (15.8%), 79 (9.3%), lack of exercise, 205 (57.10%), 119 (39.67%), 106 (54.36%), and dirty environment, 180 (50.14%), 101 (33.66%), 81 (41.54%). [...] (p. 16)

[...] Abakaliki recorded more disease burdens than the other two prisons. Abakaliki prison is the only prison among the three prisons with mud houses. These would not only provide crevices on the walls for mosquito breeding and proliferation of other vectors of public health interest, but will also be more relatively humid than the other two.

[...] The high incidences of ring worm and hair loss, pneumonia, tuberculosis, chest pain, and eye problem in Abakaliki prison may also be attributed to the structural facilities and the possible higher indoor relative humidity. These diseases are associated with fungal and bacterial organisms that thrive well in tropical humid environment.

[...] Poor toilet facility, overcrowding and dirty environment were reported as the most prevalent environmental factors in Abakaliki prison, more than in the other two prisons. This correlates with the more incidences of malaria diseases in Abakaliki. This is in agreement with the reports of Ehonwa 1996. Transmission of malaria parasite from one person to the other is favored by overcrowding. Cough and catarrh as well as rashes are environmental borne diseases that are favored by poor environmental hygiene. Cough is a respiratory tract disease caused by viral and bacterial pathogens that are air-born. (p. 18-19)

[...] Enugu recorded the highest incidences of diarrhea, rashes, typhoid, cough and catarrh, sore throat/tonsillitis. The Enugu prison is located very close to the Enugu main market motor park with

high presence of vehicular activities. The infiltration of tail-pipe ambient air pollutants into the prison cells and affecting the cells indoor-air quality (IAQ) is strongly possible.

[...] 5. Conclusion and Recommendations

This study agrees with several other studies which implicated the prison environments in diseases among prison inmates, [1-4] on the broad perspective. The Abakiliki prison recorded more disease burdens probably because of its structural poverty which potentiates diseases pathology and pathogenesis. The Enugu prison has disease burdens that may be related to its location as the possibility of infiltration of tail-pipe emission contaminants into the prison environment is not in doubt. [...] (p. 21)

[Ibrahim Danjuma, Rohaida Nordin & Mohd Munzil Muhamad, "Prisons' condition and treatment of prisoners in Nigeria: towards genuine reformation of prisoners or a violation of prisoners' rights?", Commonwealth Law Bulletin, Volume 44, Issue 1 \(10 January 2019\)](#)

[...] Prisons' facilities

Since prison is a second home to a prisoner, and for the purposes of rehabilitation and possible reintegration, some facilities are required for the wellbeing of a prisoner and towards the accomplishment of that purpose. Prisons' Facilities are categorised into three types: recreational, vocational and medical.

[...] c. Medical Facilities: For the wellbeing of a prisoner, the prison administration is expected to provide adequate medical facilities in form of a hospital or clinic fully equipped with qualified medical personnel, apparatus and drugs for the treatment of sick prisoners. In 2012, when the NHRC [National Human Rights Commission] released its report, it discovered that very few prisons had hospitals or well-equipped clinics with medical personnel, whereas some have no hospital or clinic but only First Aid Boxes manned by a dispensary assistant. For instance, the NHRC in 2012 reported that MSP Wukari and Gembu Prisons had no medical facilities but have health personnel; whereas Ogoja, Ahoada, Elele, Argungu, Lakushi and Kujama had no clinic.⁹⁰ This situation is similarly observed in 2014 when the United States Department of State Bureau of Democracy, Human Rights and Labour visited prisons in Nigeria.⁹¹ [...] (p. 103)

90 National Human Rights Commission, Nigeria: National Prison Audit (2012) 8.

91 United State Department of State Bureau of Democracy, Human Rights and Labour, Country Reports on Human Rights Practices (2013) 6.

[United States Department of State, Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2018: Nigeria \(13 March 2019\)](#)

[...] Prison and Detention Center Conditions

Prisoners and detainees were reportedly subjected to torture, gross overcrowding, food and water shortages, inadequate medical treatment, deliberate and incidental exposure to heat and sun, and infrastructure deficiencies that led to wholly inadequate sanitary conditions that could result in death. Guards and prison officials reportedly extorted inmates or levied fees on them to pay for food, prison maintenance, transport to routine court appointments, and release from prison. Female inmates in some cases faced the threat of rape.

Most of the 240 prisons were 70 to 80 years old and lacked basic facilities. Lack of potable water, inadequate sewage facilities, and severe overcrowding resulted in dangerous and unsanitary conditions. For example, according to press reports from December 2017, Agodi Minimum Security Prison, in Oyo State, had 1,104 inmates despite a maximum capacity of 390. Port Harcourt Prison, designed to hold 800 inmates, held approximately 5,000, while Kirikiri Maximum Security Prison in Lagos, with a capacity of 956 inmates, held approximately 2,600.

Disease remained pervasive in cramped, poorly ventilated prison facilities, which had chronic shortages of medical supplies. Inadequate medical treatment caused many prisoners to die from

treatable illnesses, such as HIV/AIDS, malaria, and tuberculosis. In April 2017 the Lagos State Controller of Prisons stated that 32 inmates died in 2016 in a single Lagos prison due to lack of access to medical care. The House of Representatives confirmed more than 900 inmates died in prisons across the country in 2016 due to severe lack of drugs and health care. Although authorities attempted to isolate persons with communicable diseases, facilities often lacked adequate space, and inmates with these illnesses lived with the general prison population. There were no reliable statistics on the total number of prison deaths during the year.

Only prisoners with money or support from their families had sufficient food. Prison officials routinely stole money provided for prisoners' food. Poor inmates often relied on handouts from others to survive. Prison officials, police, and other security force personnel often denied inmates food and medical treatment to punish them or extort money.

In general prisons had no facilities to care for pregnant women or nursing mothers. Although the law prohibits the imprisonment of children, minors--many of whom were born in prison--lived in the prisons. The NGO Citizens United for the Rehabilitation of Errants (CURE)-Nigeria reported children in some cases remained with their inmate mothers up to at least age six. While the total number of children living in prison with their mothers was unknown, CURE-Nigeria's April 2017 survey of 198 of the country's women inmates found more than 30 women with children in just three prisons. Approximately 10 percent of survey respondents reported they were pregnant. Results of surveys of women and children in prisons conducted by CURE-Nigeria revealed many children in custody did not receive routine immunizations, and authorities made few provisions to accommodate their physical needs, to include hygiene items, proper bedding, proper food, and recreation areas. According to its 2016 report, female inmates largely relied on charitable organizations to obtain hygiene items.

Generally prisons made few efforts to provide mental health services or other accommodations to prisoners with mental disabilities (see section 6). [...] (pp. 7-9)

[Leadership, Congestion In Nigerian Prisons And Matters Arising \(9 April 2019\)](#)

Prisons are public correctional institutions established by government where inmates — both suspects and convicts — are detained.

Concerned citizens observe that over the years, the situation in Nigerian prison cells across the country has become miserable where many inmates who are awaiting trial languish.

They observe that some of the inmates have even spent more years in prison than the actual years required if they had been convicted.

But Justice Ishaq Bello, Chairman, Presidential Committee on Prisons Reform, observes that apart from this, inmates with psychiatric problem create more challenges of congestion in the prisons because there are no psychiatric hospitals close to prison formations.

"Some inmates went to the prisons with the sickness but a lot of them developed it in the prisons such as we saw in Delta and Edo where quite a number of them have developed psychosis in the prisons." [...]

[Premium Times, One dead as cholera outbreak ravages Gombe prison \(29 June 2018\)](#)

An outbreak of cholera has claimed one inmate at the Gombe Central Prison with eight others hospitalised, an official has confirmed.

The state Epidemiologist, David Karatu, disclosed this in Gombe on Friday during a visit to the prison by officials of the state Ministry of Health.

Mr Karatu said when the prison officials noticed the outbreak they contacted the ministry for action. According to him, at the time of the visit, nine inmates had been infected, out of which one died and eight hospitalised.

“Five of them were treated and certified free, and the remaining three are still on admission,” he said.

The epidemiologist disclosed that the state has recorded 75 cases so far with five deaths.

He explained that three deaths were recorded last week, with another earlier this week plus the one inmate, making a total of five deaths.

The News Agency of Nigeria (NAN) recalls that three children of Madaki Tsangaya Islamic School died of cholera and 27 persons were hospitalised last weekend.

Presenting some preventive commodities to the prison officials, the Commissioner for Health, Kennedy Ishaya, emphasised the need for personal hygiene, which he said is the major preventive.

He said the commodities donated to the prison include disinfectants, antiseptic antibiotics, oral dehydration hypochlorite for cleaning the environment and personal hygiene.

Mr Ishaya said relevant agencies had been mobilised to evacuate the waste in the prison.

Mato Adamu, the state Director, National Orientation Agency (NOA), commended the state government for the intervention and appealed to the prison authority to utilise the commodities judiciously.

Receiving the item, Haruna Lawrence, the Deputy Controller of Prisons, thanked the state Ministry of Health for the prompt response and intervention.

He described the condition of the prison as pathetic because all the facilities were overstretched. [...]

[United Nations Office on Drugs and Crime, National Assessment of HIV and AIDS and Health Services Situation in Nigerian Prisons \(14 March 2019\)](#)

INTRODUCTION

Prisoners are key populations not only for HIV and other sexually transmitted infections (STIs) but also for Tuberculosis (TB) and Hepatitis B (HBV). Penal institutions all over the world are considered environments for fast and uncontrolled spreading of HIV and Hepatitis B due to many risk factors including unsafe sexual practices as well as poor health care and living conditions. Globally prisoners are five time more likely to live with HIV/AIDS than members of the general population.¹

[...] METHODOLOGY

A cross-sectional descriptive study with both quantitative and qualitative data collection methods was employed for the assessment. The study covered twelve prisons across the six geopolitical zones. Informed consent was obtained for both behavioral and biological components of the study. Ethical approval was obtained from the National Health Research Ethics Committee.

[...] RESULTS

A total of 2,511 people in prisons participated in the study of which majority were male (92%). About 50% of the respondents were aged 25 – 35 years and. Ninety-eight percent were Nigerians and about two-fifths had secondary level education. Seventy-five percent of the respondents were employed prior to being incarcerated and about two-thirds were single.

[...] HIV Prevalence

Overall, HIV prevalence was 2.8% among people in prison, double of that reported in the general population (1.4%). HIV prevalence was significantly higher among female prisoners (6.9%) than males (2.7%). It was highest among those with no formal education (3.8%) and among those older than 45 years (8.1%). By geopolitical zone, it was lowest in prisons located in the North East region (1.4%) and highest in North Central region (7.1%). For other regions it was 2.6% in North West, 3.9% in South East, 2.2% in South South and 2.8% in South West regions.

[...] Sex in Prison

While only 4% reported to have engaged in consensual sex with other people in prisons, over 70% reported that consensual sex between people in prisons occurred and this was higher among males (76%) than females (28%). Also, 60% of the respondents indicated that sex was being offered for goods and services and this was reported to be higher among male prisoners (64%) than females (12%).

[...] Tuberculosis Screening

Overall, positive TB screening was 46% and this was similar for both males and females. Positive TB screening was higher among older people in prisons compared to younger ones. By geopolitical zone, it was lowest in the North East (17%) and highest in the South South (71%).

[...] Drug Use

Both injecting and non-injecting drug use were reported by people in prisons. About 50% of respondents had a lifetime history of use of cannabis compared to 11% among the general population. For non-medical use of opioids it was 16% among people in prison compared to 5% among the general population. The most common drugs used in prison were cannabis and opiates. Estimated proportion of people who inject drugs in prison was about 2.5% compared to 0.05% among the general population. About 2% of respondents reported initiating injecting drug use in prison.

[...] HIV and Hepatitis Risk Perception Among People in Prison

Risk perception to infections was low with only 55% of people in prison feeling at high risk to HIV and 30% feeling at high risk to Hepatitis.

[...] Availability and Quality of Health Services

Less than 66% of the respondents reported the availability of HIV testing, Hepatitis prevention and treatment, sexual and reproductive health services and any harm reduction services². Only 37% of respondents were satisfied with the quality of services received at the prison health facility. Satisfaction was lowest in the south-south zone (23%) and highest in the north-east zone (50%).

[...] CONCLUSIONS

- HIV and prevalence was significantly higher among prisoners than among the general population;
- Key risk factors for HIV and Hepatitis for people in prison are:
 - o Unprotected sex
 - o Sharing of needles and injection equipment
- HIV and Hepatitis risk awareness was low;
- There is a need for prevention interventions among people in prisons in Nigeria as well as efforts to improve the availability of sexual and reproductive health and harm reduction services;
- Effective TB screening programs must be instituted to enhance early detection;
- Satisfaction with the quality of health services provided to people in prisons is low.

1 United Nations Office on Drugs and Crime. Drug Use in Nigeria. 2018. <https://www.unodc.org/nigeria/en/nigeria--eu-and-unodc-release-first-ever-national-drug-use-survey.html>

2 Comprehensive harm reduction package includes; (i) needle and syringe exchange programs, (ii) opioid substitution therapy, (iii) HIV testing and counselling, antiretroviral therapy, (iv) prevention and treatment of sexually transmitted diseases, (v) condom programming, (vi) targeted information, education and communication, (vii) prevention, vaccination, diagnosis and treatment of viral hepatitis, prevention, (viii) diagnosis and treatment of viral hepatitis. Source: WHO, UNODC, UNAIDS Technical Guide for countries to set targets for universal access to HIV prevention, treatment and care for injecting drug users. 2012.

Police

[The Daily Trust, Zakzaky: IMN calls for release of injured, dead members \(7 August 2019\)](#)

[...] The Islamic Movement in Nigeria (IMN) has demanded the release of members of the group who were either injured or killed in the July 22 protest over the continuous detention of their leader, Ibrahim Zakzaky.

In a statement by spokesman of the Academic Forum of the IMN, Abdullahi Muhammad Musa on Wednesday, the sect said that 11 of the 63 detained protesters still in police custody are carrying

“life-threatening injuries”, while 12 corpses of members were not released to their families for funeral.

The IMN also alleged that the police attacked and took away several injured victims admitted at the University of Abuja Teaching Hospital and others to unknown locations, an action it said violates their fundamental human rights.

“It is pertinent to remind the Police that detaining ‘Free-Zakzaky’ protesters, including female and minors, for more than two weeks with life-threatening injuries and denying them any medical treatment is a sinister disrespect for the laws of the land and United Nation Human Rights Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment,” he said.

The IMN recalled the stance of the authorities that they could do nothing about the fate of Sheikh Zakzaky, despite his deteriorating health and the calls for his release, until the court decides, that they should quicken his release and trip for medical treatment overseas as recently ordered by a court. [...]

Special Anti-Robbery Squad

[Amnesty International, Nigeria: Authorities must investigate deaths in police custody of three IMN protesters \(5 August 2019\)](#)

[...]

- At least 3 injured detainees have died in police custody
- 15 injured protestors, including minors, held incommunicado for weeks
- Police raid government hospital and arrest injured protesters

The Nigerian authorities must immediately investigate the deaths from gunshot wounds of at least three members of the Islamic Movement in Nigeria (IMN) while in police custody, and provide urgent and adequate medical care to 15 others who need treatment for life-threatening gunshot wounds, Amnesty International Nigeria said today.

The 15 individuals, including two minors, have been held incommunicado at the Special Anti-Robbery Squad (SARS) detention facility since 22 July, following a government crackdown on IMN supporters protesting against their leader’s detention. The three who died, after being denied medical treatment for their injuries, are understood to have died between the date of their detention and 24 July.

“We have information confirming that three protesters died of gunshot wounds at a detention facility in Abuja after being denied medical treatment. Their deaths while in police custody sends a chilling message about the authorities’ use of lethal force to stifle dissent and their contempt for people’s right to access medical care,” said Osai Ojigho, Director of Amnesty International Nigeria.

“The protesters who are being held at the SARS detention facility are in critical condition and need immediate access to medical care. Any denial of such access is a violation of their human rights. The Nigerian authorities must not allow more people to die in police custody before they act.”

Witnesses told Amnesty International that a team of armed policemen in two Hilux vehicles arrived at the University of Abuja Teaching Hospital, Gwagwalada, at about 5.30 pm on 22 July and rounded up 11 patients with gunshot wounds, most of them IMN members who were brought to the hospital earlier in the day.

A credible source told Amnesty International that he saw at least 15 protesters with various life-threatening gunshot wounds to their legs, stomach and hips, some of them unable to walk, in detention. Among the injured detainees are two minors and two women held in the same cell. [...]

State Security Service (SSS)

[United States Department of State, Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2018: Nigeria \(13 March 2019\)](#)

[...] Section 1. Respect for the Integrity of the Person, Including Freedom from:

b. Disappearance

After more than two years of incommunicado detention by the State Security Service (SSS) without trial, access to counsel, or family visitation, the publisher of Bayelsa State-based tabloid the *Weekly Source*, Jones Abiri, was released on bail in August. The Committee to Protect Journalists (CPJ) reported Abiri was accused of being a member of a Niger Delta militant group but was not formally charged, and said Abiri's detention was in response to critical coverage from the July 2016 edition of the *Weekly Source*. Following an open letter from the CPJ and significant public outcry, Abiri was arraigned and eventually released on bail. Abiri told reporters that he was blindfolded, held in an underground cell for most of the two years, and did not have access to medication in detention (see section 2.a.). [...]

Military

[Amnesty International, NIGERIA 2017/2018 \(22 February 2018\)](#)

[...] Arbitrary arrests and detentions

[...] The military detained hundreds of women unlawfully, without charge, some because they were believed to be related to Boko Haram members. Among them were women and girls who said they had been victims of Boko Haram. Women reported inhuman detention conditions, including a lack of health care for women giving birth in cells. [...]

[United Nations General Assembly, Human Rights Council: Working Group on Arbitrary Detention, Opinions adopted by the Working Group on Arbitrary Detention at its eighty-third session \(19–23 November 2018\)](#)

Opinion No. 81/2018 concerning Ibraheem El-Zakzaky and Zeenah Ibraheem (Nigeria)

[...] 10. According to the source, attacks against the Islamic Movement in Nigeria occurred between 12 and 14 December 2015. On 13 December 2015, at around 9 p.m., nine Nigerian army trucks carrying heavy weapons and ammunition drove to the private residence of Mr. Zakzaky. They started bombing a tea shop and setting surrounding shops on fire. Once they had taken up position outside the walls of the Ahmadu Bello University, close to the house of Mr. Zakzaky, soldiers opened fire indiscriminately on the people who had formed a human shield around the house.¹ As the shooting began, people around the house started throwing stones at the soldiers. The attack reportedly lasted until 5.30 a.m., when another 20 trucks carrying reinforcements arrived in support of the army and joined in the attack. The attack lasted for another two hours, after which soldiers successfully reached the fence of the house. It took them another two hours of shooting at the besieged civilians before they reached the entrance to Mr. Zakzaky's house.

11. The source reports that Mr. Zakzaky, his wife and their six children remained confined in the house. At least 700 supporters of the Islamic Movement of Nigeria were reportedly killed while many others, who were injured and left outside the residence in urgent need of medical assistance, were denied medical treatment until the following day. The source claims that eyewitness reports and photographs show piles of bodies lying on the floor outside Mr. Zakzaky's house. Later the army threw explosives at sections of the house, setting it on fire.

Allegedly, some of those who were too badly injured to move, as well as some of the corpses, were burnt in the fire. Eyewitnesses reported that soldiers were seen killing anyone who had been injured during the attack and allowing groups of criminals to steal and loot the victims' belongings from their corpses. Those inhuman acts of violence were carried out in the presence and with the complicity of the soldiers. The eyewitnesses also reported that the soldiers were celebrating and

chanting slogans against the Islamic Movement in Nigeria, such as “we have finished with the Shia and El-Zakzaky” and “no more Shia in Nigeria”.

12. According to the source, the attack on Mr. Zakzaky’s residence ended on 14 December 2015 with the arrest of Mr. Zakzaky and his family. Three of his sons and his elder sister were shot dead while Mr. Zakzaky and his wife were both shot and injured immediately before their arrest. Hundreds of other people were also reportedly arrested that day. Afterwards, evidence started circulating showing Mr. Zakzaky severely injured and bleeding while in military custody, with six gunshot wounds to his face, right leg, hand, arm and chest. Other photographic evidence showed him injured and being mistreated by Nigerian soldiers, forced to sit on the ground, brutalized and possibly tortured. He was subsequently ferried in a wheelbarrow to a waiting truck and taken to an unknown destination.

13. The source specifies that on the same day, the Nigerian army confirmed the arrest of Mr. Zakzaky and his detention at an army barracks.

14. The source reports that also on 14 December 2015, Mr. Zakzaky was moved to a military hospital in Kaduna. His wife was also moved to a military hospital.

[...] 16. The source states that it is not clear whether Mr. Zakzaky and his wife are in the custody of the army or the police. No formal charges have been filed and initially the army refused to allow anyone, including his family, doctors or lawyers, to see Mr. Zakzaky and his wife. At that time, it was feared that he might have died in custody.

17. The source reports that the army eventually allowed a delegation of the Muslim Council to visit him on 14 January 2016, one month after his arrest. A member of the delegation confirmed that he was alive but injured by multiple shots. No family member, independent personal physician or lawyer has been allowed to see him so far.

[...] 20. The source also reports a rapid deterioration in Mr. Zakzaky’s health at the beginning of 2018, his doctor suspecting a stroke. He has difficulty moving and can now only speak while lying down. His condition is growing worse owing to the lack of treatment following his suspected stroke.

21. The source indicates that owing to the severity of his previous, untreated injuries, as well as the complications created by a possible stroke, it is essential that Mr. Zakzaky receives immediate medical treatment. As his condition is severe and complex, he may need to seek specific medical treatment abroad.

[...] 31. In addition, it is reported that Mr. Zakzaky and Mrs. Ibraheem were detained incommunicado. A delegation of the Muslim Council was allowed to visit Mr. Zakzaky on 14 January 2016, one month after his arrest but no family member, independent personal physician or lawyer has been allowed to see him so far. Furthermore, according to the source Mr. Zakzaky was ferried in a wheelbarrow to a waiting truck and taken to an unknown destination. Incommunicado detention prevents the detainee from challenging his detention, in violation of article 9 (4) of the Covenant.

[...] 39. Moreover, as reported by the source earlier this year, Mr. Zakzaky’s health has deteriorated and his condition is getting worse owing to his lack of treatment. The army has refused to allow anyone, including his family or doctors, to see him.

[...] 42. Finally, the Working Group is concerned by the allegations of violation of articles 7, 10 (1) and 14 (3) (g) of the Covenant, articles 1 and 4 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, article 5 of the Universal Declaration of Human Rights, article 5 of the African Charter on Human and Peoples’ Rights and principles 6 and 21 (2) of the Body of Principles. More specifically, it is alleged that the persons concerned have been tortured and ill-treated, deprived of the necessary medical care and detained in harsh conditions. The Working Group also recalls the denial of medical care which could amount to a violation of article 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In accordance with paragraph 33 (a) of its methods of work, the Working Group refers the case to the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. [...]

1 According to the source, hundreds of members of the Islamic Movement of Nigeria who came for a flag-hoisting ceremony but could not get to the Hussainiyyah, went to Gyellesu neighbourhood, seeking refuge from the killing spree unfolding at the Hussainiyyah and to create a human shield around the leader of their organization.

[United States Department of State, Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2018: Nigeria \(13 March 2019\)](#)

[...] Prison and Detention Center Conditions

[...] There were no reports of accountability for past reported deaths in custody, nor for earlier reports from AI alleging that an estimated 20,000 persons in the region were arbitrarily detained between 2009-15 with as many as 7,000 dying of thirst, starvation, suffocation, disease due to overcrowding, lack of medical attention, the use of fumigation chemicals in unventilated cells, torture, or extrajudicial execution. [...] (p. 9)

[Human Rights Watch, "They Didn't Know if I Was Alive or Dead": Military Detention of Children for Suspected Boko Haram Involvement in Northeast Nigeria \(10 September 2019\)](#)

[...] Deaths in custody and access to medical care

[...] Most of the children interviewed said they had access to a doctor when they were ill, but some questioned the quality of treatment. Some said that a doctor came to the cell, while others said they were taken to a clinic at the barracks. Hussein said several children in his cell became ill from the heat. He said a doctor saw them just outside the cell, but had no equipment and simply stood and spoke to the children, without providing any treatment. He said one of the boys died shortly after.⁸⁴ Abdulrahman said that a 14-year-old friend of his died in detention, despite medical treatment.

[...] Several children said they got malaria while at Giwa, describing symptoms including fever, vomiting, severe headaches, and joint pain. One said mosquitos were "everywhere" in the cell, and others said the military took no steps to keep the mosquitos away.⁸⁶ [...]

84 Human Rights Watch interview, Maiduguri, June 24, 2019.

86 Human Rights Watch interview, Maiduguri, June 24, 2019.

8. Irregular or contaminated food and water

Nigerian Prisons Service (recently renamed Nigerian Correctional Service)

[EASO, Country of Origin Information Report: Nigeria: Targeting of individuals \(November 2018\)](#)

[...] 3.12 Lesbian, Gay, Bisexual, and Transgender persons (LGBT)

[...] 3.12.2 Human rights violations and/or discrimination

[...] 3.12.2.2 Treatment in prison

Imprisoned gay persons reportedly are confronted with rape in prison, are abandoned by their families and suffer seriously in prison of maltreatment, lack of food and lack of legal support.¹⁰³⁷ [...] (p. 124)

1037 ABCNews, 'I didn't want my mum to know': The men and boys arrested for being gay in Nigeria, updated 22 October 2017, <https://www.abc.net.au/news/2017-10-22/arrested-for-being-gay-in-nigeria/9069350>; Erasing 76 crimes, New initiative works to free suspected gay Nigerian prisoners, 18 October 2017, <https://76crimes.com/2017/10/18/new-initiative-works-to-free-suspected-gay-nigerian-prisoners/>; Erasing 76 crimes, Nigeria: Man facing homosexuality charges languishes in prison, 10 May 2018, <https://76crimes.com/2018/05/10/nigeria-man-facing-homosexuality-charges-languishes-in-prison/>

[Otuu Fred and Shu Elvis, "Prevalent Diseases among Inmates in Three Federal Prisons in South-East Geopolitical Zone of Nigeria: A Peep into the Environmental Factors ", Journal of Environmental Science and Public Health, Volume 3, Issue 1 \(07 January 2019\)](#)

[...] Introduction: This study analyzed the prevalent diseases among the inmates of three federal prisons in South-East geo-political zone of Nigeria.

Methodology: Well-structured questionnaires designed to reflect demography, prevalent diseases and environmental problems were administered to the interested participants who gave verbal consent to the voluntary, first person informed consent form which was read in the language of the inmates (English or Igbo, Yoruba, Hausa languages) by a nurse, as they were not permitted to write. (p. 10)

[...] The study was carried out in three Federal Prisons in Enugu, Abakaliki, and Onitsha in Enugu, Ebonyi and Anambra states, respectively. (p. 12)

[...] In the three prisons, the inmates strongly agreed that overcrowding 275 (76.60%), 210 (70.0%), 118 (60.51%), was the most prevalent environmental problem, followed by poor toilet facilities, 262 (72.98%), 145 (48.33%), 99 (50.77%), lack of Medicare, 234 (27.5%), 151 (17.7%), 89 (10.4%), poor ventilation 232 (27.1%), 161 (18.8%), 76 (8.9%), lack of portable water, 231 (64.35%), 132 (44.0%), 84 (43.08%), inadequate water facilities 215 (25.2%), 135 (15.8%), 79 (9.3%), lack of exercise, 205 (57.10%), 119 (39.67%), 106 (54.36%), and dirty environment, 180 (50.14%), 101 (33.66%), 81 (41.54%). [...] (p. 16)

[United States Department of State, Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2018: Nigeria \(13 March 2019\)](#)

[...] Prison and Detention Center Conditions

Prisoners and detainees were reportedly subjected to torture, gross overcrowding, food and water shortages, inadequate medical treatment, deliberate and incidental exposure to heat and sun, and infrastructure deficiencies that led to wholly inadequate sanitary conditions that could result in

death. Guards and prison officials reportedly extorted inmates or levied fees on them to pay for food, prison maintenance, transport to routine court appointments, and release from prison. Female inmates in some cases faced the threat of rape.

Most of the 240 prisons were 70 to 80 years old and lacked basic facilities. Lack of potable water, inadequate sewage facilities, and severe overcrowding resulted in dangerous and unsanitary conditions. For example, according to press reports from December 2017, Agodi Minimum Security Prison, in Oyo State, had 1,104 inmates despite a maximum capacity of 390. Port Harcourt Prison, designed to hold 800 inmates, held approximately 5,000, while Kirikiri Maximum Security Prison in Lagos, with a capacity of 956 inmates, held approximately 2,600.

[...] Only prisoners with money or support from their families had sufficient food. Prison officials routinely stole money provided for prisoners' food. Poor inmates often relied on handouts from others to survive. Prison officials, police, and other security force personnel often denied inmates food and medical treatment to punish them or extort money. [...] (pp. 7-8)

[Premium Times, SPECIAL REPORT: Inside Nigeria's prisons where thousands languish for years without trial \(25 June 2019\)](#)

For nearly two years, Chris Chom and 61 other inmates shared a filthy cell in the Kaduna State Central Prisons.

According to the 34-year-old, the cell had only three beds, so the inmates slept in a pile on the bare floor at night and yearned for the day they would see the priceless light of freedom.

Mr Chom spoke with undercover reporters from PREMIUM TIMES who visited the prison last December. He said what was worse for him than his prison experience was the fact that the authorities could not explain why they were keeping him.

[...] Until his release from prison in February, Mr Chom said he still did not know the reason for his arrest and detention.

[...] Mr Chom spoke on his life in prison.

"I have not spent two weeks in this place without falling sick. We feed on two meals per day — watery beans in the morning and cornmeal with watery draw-soup in the evening.

"I don't remember what it feels like to have normal sleep. We practically sleep on top of each other because this place is too small for our population. There are 62 of us with three beds in the cell," he said.

According to Mr Chom, the inmates and prison officials relate well. He, however, decried the state of facilities and food at the prisons.

"The food is such that even a slave should not be made to eat it," added another inmate who refused to give his name. [...]

[International Centre for Investigative Reporting, In Nigeria's crowded prisons, inmates describe terrible feeding, sanitation \(2\) \(9 July 2019\)](#)

In part 2 of this report, Evelyn OKAKWU spotlight the condition of the victims of poor administration of justice in Kaduna prison.

[...] the Committee for the Defense of Human Rights, (CDHR), spoke within four prisons across Nigeria.

The inmates at the Kaduna Central Prisons, Kirikiri Minimum Prisons in Lagos, Warri Prisons in Delta State, as well as Kuje Prisons in Abuja narrated harrowing experiences in the prisons.

"The food we eat is not fit for dogs," said an inmate who requested not to be identified," he said.

"They give us watery beans in the morning, garri in the afternoon and, sometimes, Semo in the evening with a bad draw soup. Many of us try to find other ways of feeding ourselves because the food is just tasteless.

"We have nothing to wash our toilet. All we use is ash to try and reduce the smell. I have not spent two weeks here without having one infection or the other," he added.

“We do various labour in this prison to make ends meet. But you cannot survive here, unless you have a kind of a godfather. These godfathers are inmates like us who have strong ties with some officers.”

Although efforts by this reporter to reach the female inmates was not successful, some prison officials who spoke with PREMIUM TIMES said their situation is not different. According to information provided by the Nigerian Prisons Service, the country’s prison population include seven per cent of women awaiting trial. [...]

[Francisca Anene and Laura Osayamwen, Remembering the Forgotten: Benefits of Prison Education for Awaiting Trial Inmates in Nigeria, Pan-Commonwealth Forum, Edinburgh \(9-12 September 2019\)](#)

[...] ATIs in Nigerian Prisons: Avenues for Accessing Prison Education

The Nigerian Prison Services is severely hampered by funding constraints such that even feeding and other basic necessities are inadequate and rehabilitative programmes are few. In 2018, the budgeted cost of feeding per prisoner was fixed at N300 (less than 1USD per day). [...] (p. 7)

Military

[United States Department of State, Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2018: Nigeria \(13 March 2019\)](#)

[...] Prison and Detention Center Conditions

[...] Several unofficial military prisons continued to operate, including the Giwa Barracks facility in Maiduguri, Borno State. Although conditions in the Giwa Barracks detention facility reportedly marginally improved, detainees were denied due process and subjected to arbitrary and indefinite detention in conditions that remained harsh and life threatening (see section 1.g.). An AI report released in May documented multiple cases where women determined their husbands had died in custody in previous years. The same report also documented the arbitrary detention of women and children at Giwa Barracks. AI reported that citizens were generally not able to access any information about the fate or welfare of family members in military detention, or whether they were in fact detained. There were no reports of accountability for past reported deaths in custody, nor for earlier reports from AI alleging that an estimated 20,000 persons in the region were arbitrarily detained between 2009-15 with as many as 7,000 dying of thirst, starvation, suffocation, disease due to overcrowding, lack of medical attention, the use of fumigation chemicals in unventilated cells, torture, or extrajudicial execution. [...] (p. 9)

[Human Rights Watch, Nigeria: Military Holding Children as Boko Haram Suspects \(10 September 2019\)](#)

(Abuja) – The Nigerian military has arbitrarily detained thousands of children in degrading and inhuman conditions for suspected involvement with the armed Islamist group Boko Haram, Human Rights Watch said in a report released today. Many children are held without charge for months or years in squalid and severely overcrowded military barracks, with no contact with the outside world. The 50-page report, “‘They Didn’t Know if I Was Alive or Dead’: Military Detention of Children for Suspected Boko Haram Involvement in Northeast Nigeria,” documents how Nigerian authorities are detaining children, often based on little or no evidence. Children described beatings, overwhelming heat, frequent hunger, and being packed tightly in their cells with hundreds of other detainees “like razorblades in a pack,” as one former detainee said.

[...] Nearly half of the children said they saw dead bodies of other detainees at Giwa barracks. Many said they suffered frequent thirst or hunger.

[...] The children said that Giwa has a cell for boys under 18 with children as young as 7, or even younger. The military also detains children in adult cells, where children said food and water were scarcer and conditions even more crowded. [...]

[Human Rights Watch, “They Didn’t Know if I Was Alive or Dead”: Military Detention of Children for Suspected Boko Haram Involvement in Northeast Nigeria \(10 September 2019\)](#)

[...] Food and Water

Most of the children said they did not get enough food and were often hungry. They typically said they received “pap” (a porridge made of corn meal) for breakfast, rice in the afternoon, and beans at night. Ibrahim said, “They would give a half plate of food for five people. I was hungry all the time.”⁸⁷ Yar’adua said he volunteered to clean toilets so that he would receive extra food.⁸⁸ Several children said they lost weight. Bana, 17, said, “The food was never enough... I was always hungry. I became so lean and unrecognizable.”⁸⁹

Children said that food was scarcer in the adult cell. Some children, particularly those held in an adult cell, also said they did not receive enough water. Abdulsalam said that in the adult cell, he sometimes went two days without water.⁹⁰ Another child held in the adult cell said he received only half a cup of water in the morning, and another half-cup in the evening.⁹¹ [...]

87 Human Rights Watch interview, Maiduguri, June 25, 2019.

88 Human Rights Watch interview, Maiduguri, June 26, 2019.

89 Human Rights Watch interview, Maiduguri, June 25, 2019.

90 Human Rights Watch interview, Maiduguri, June 24, 2019.

91 Human Rights Watch interview, Maiduguri, June 24, 2019.

9. Deprivation of normal sensory stimulation, such as sound, light, sense of time, isolation, manipulation of brightness of the cell, abuse of physiological needs, restriction of sleep, motor activities, denial of privacy and forced nakedness, exposure to extreme temperatures

Nigerian Prisons Service (recently renamed Nigerian Correctional Service)

[Otuu Fred and Shu Elvis, "Prevalent Diseases among Inmates in Three Federal Prisons in South-East Geopolitical Zone of Nigeria: A Peep into the Environmental Factors ", Journal of Environmental Science and Public Health, Volume 3, Issue 1 \(07 January 2019\)](#)

[...] Introduction: This study analyzed the prevalent diseases among the inmates of three federal prisons in South-East geo-political zone of Nigeria.

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[...] The study was carried out in three Federal Prisons in Enugu, Abakaliki, and Onitsha in Enugu, Ebonyi and Anambra states, respectively. (p. 12)

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Military

[United States Department of State, Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2018: Nigeria \(13 March 2019\)](#)

[...] Prison and Detention Center Conditions

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heat, frequent hunger, and being packed tightly in their cells with hundreds of other detainees “like razorblades in a pack,” as one former detainee said.

“Children are being detained in horrific conditions for years, with little or no evidence of involvement with Boko Haram, and without even being taken to court,” said [Jo Becker](#), children’s rights advocacy director at Human Rights Watch. “Many of these children already survived attacks by Boko Haram. The authorities’ cruel treatment adds to their suffering and victimizes them further.”

[...] Nearly half of the children said they saw dead bodies of other detainees at Giwa barracks. Many said they suffered frequent thirst or hunger.

[...] The children said that Giwa has a cell for boys under 18 with children as young as 7, or even younger. The military also detains children in adult cells, where children said food and water were scarcer and conditions even more crowded. Very young children and babies are kept with their mothers and older girls in a separate cell. Three girls said they saw male soldiers making sexual advances toward female detainees or removing girls from the cell for long periods for what they believed was sexual exploitation.[...]

[Human Rights Watch, “They Didn’t Know if I Was Alive or Dead”: Military Detention of Children for Suspected Boko Haram Involvement in Northeast Nigeria \(10 September 2019\)](#)

[...] Overcrowding, heat, and sanitation

[...] Several children described visits by people they believed to be representatives of the Red Cross. They said that after the Red Cross’ visits, conditions improved noticeably, and that they received more food, soap, and opportunities to bathe. [...]

69 Human Rights Watch interview, Maiduguri, June 21, 2019.

70 Human Rights Watch interview, Maiduguri, June 24, 2019.

71 Human Rights Watch interview, Maiduguri, June 25, 2019.

75 Human Rights Watch interview, Maiduguri, June 24, 2019.

76 Human Rights Watch interview, Maiduguri, June 25, 2019.

77 Human Rights Watch interview, Maiduguri, June 25, 2019.

78 Human Rights Watch interview, Maiduguri, June 25, 2019.

79 Human Rights Watch interview, Maiduguri, June 21, 2019.

10. Number of prisoners on remand and length of pre-trial detention

Nigerian Prisons Service (recently renamed Nigerian Correctional Service)

[Africa Check, No way to tell that 70% of Nigerian inmates 'have never been convicted' \(23 April 2018\)](#)

[...] More than 49,000 inmates awaiting trial

Nigerian Prisons Service statistics show the country's prisons held 72,277 people as of 16 April 2018. Of these, only 23,048 were convicted prisoners. The remaining 49,229 – 68.1% of the prison population – were awaiting trial.

Prisons service spokesperson Francis Enobore told Africa Check that they attempt to help pre-trial detainees "access justice as quickly as possible". But the situation that awaiting trial prisoners outnumber convicted inmates in Nigeria isn't new. World Prison Brief numbers show that the proportion of awaiting trial inmates in Nigeria's prisons has fluctuated between 63% and 74% since 2000.

The brief is compiled by the Institute for Criminal Policy Research at the University of London. Its information comes from government and other official sources and is published every month.

However, Enobore couldn't say how many of the awaiting trial inmates hadn't been convicted "of any crime" before.

"We don't have such data," he said. "Sometimes, we are able to identify some persons who are coming to prison for the second, third or fourth time for different crimes. Some of them confess at the point of documentation that they have been convicted before and served jail term or paid a fine."

[...] New law to speed up trials

In 2015 Nigeria passed a new law, the [Administration of Criminal Justice Act](#), to speed up trials.

"The new law, among other things, disallows appeals on interlocutory matters," Ubani said. These include whether a court has jurisdiction to hear a case. It also "limits the number of adjournments, and stipulates that a trial should run from day to day" as much as possible.

But the new law is yet to reduce the number of awaiting trial inmates, another lawyer, Malachy Ugwummadu, told Africa Check. He is president of [Committee for the Defence of Human Rights](#), a civil society organisation that works to protect the rights of Nigerians, especially detainees.

"We, law practitioners and civil society, have started witness improvements in the system," Ugwummadu said. "We expect that it will get better with time, as the judges get a better grasp of the law." [...]

[Pulse Nigeria, Law raises the hope of awaiting trial persons \(7 June 2018\)](#)

Retired Lt.-Gen. Abdulrahman Dambazau also alluded to such concern recently when he visited Kano Central Prison and observed that more than 70 per cent of inmates in Nigerian prisons across the country were awaiting trial.

Concerned Nigerians have expressed concern about what they describe as increasing number of persons who are awaiting trials in various prisons across the country.

Retired Lt.-Gen. Abdulrahman Dambazau, the Minister of Interior, also alluded to such concern recently when he visited Kano Central Prison and observed that more than 70 per cent of inmates in Nigerian prisons across the country were awaiting trial.

"The high number of awaiting trial inmates is worrisome because the prisons are meant for convicts, but you find out at the end of the day that more than 70 per cent of the people there are awaiting trial inmates," he said.

Worried by this development, the Nigerian Prisons Service, in collaboration with Prisoners Rehabilitation and Welfare Action (PRAWA) and civil society organisations, held a retreat in Enugu to push for the review of the Nigerian Prisons Service Amendment Act.

According to Nigerian Prisons authority, the plan is to repeal the Prison Act and replace it with Correctional Services to check the rot in the criminal justice and decongest the prison.

The Nigerian Prisons Service, therefore, engages the civil society organisations such as PRAWA and Justice, Rule of Law and Anti-corruption (ROLAC), among others, to achieve the task.

Stakeholders, especially, the House of Representatives Committee on Interior, assured the Nigerian Prisons Service of adequate plans, particularly on research and consultations, to produce a document that would address most of the challenges in the prisons.

Rep. Adams Jagaba, the Chairman, House of Representatives Committee on Interior, said during the retreat that the bill to amend the act would provide effective processes of managing the prisons.

The proposed bill for the amendment of the Nigerian Prison Act CAP 29 Laws of the Federation (2004) will allow, among others, awaiting trials inmates to undertake formal and vocational training.

It also seeks for special centres for pregnant and nursing inmates and children less than three years and below.

Jagaba recalled that the plight of Awaiting Trial Persons (ATPs) was among the key issues identified by the reports of a survey conducted by PRAWA, which was presented to stakeholders on Feb. 1.

He assured the stakeholders that the bill would be one of the fastest bills to be passed by the house because everything had been put in place to ensure that the president signed the bill.

According to him, the committee has therefore, begun intensive research and consultations with critical stakeholders for purposes of producing a document that would be comprehensive enough to address most of the challenges in the prisons system.

“There is no gainsaying that the major challenges bedeviling the Nigeria Prison system include, but not limited to, overcrowding of its facilities by ATPs, inadequate staffing, poor funding, inadequate logistic support and decaying infrastructure,” he said.

Sharing similar sentiments, Dr. Uju Agomoh, the Founder of PRAWA, commended the lawmakers for their efforts at decongesting the prisons by involving critical stakeholders in the nation’s criminal justice system.

He said that the need to amend the act which was due more than 16 years ago ought to be given serious attention in solving the challenges bedeviling the Nigerian Prisons system.

Agomoh also said that the government should, in the interim, establish a case a management system to promptly track ATPs’ cases and status to decongest the prisons across the country.

Making reference to the findings of the organisation on how to decongest the prisons, she noted that its Penal Reform Fact Sheet indicated that more than eight per cent of the inmates sampled in Enugu, Kano and Lagos had not appeared in court for more than five years for the offences they were charged with.

According to her, some of the offences can attract six months imprisonment or less upon conviction but two per cent of those sampled for the study have spent more than 10 years in prison custody.

She noted further that the organisation recommended implementation of legal provisions and operational policies aimed at speeding up trial process.

Other recommendations according to her includes encouraging less use of pre-trial detention and increased utilisation of alternatives to imprisonment measures, especially for minor offenders.

She appreciated the commitment of the stakeholders to pushing for the amendment process of the bill, advising them not to surrender until the passage of the bill into law.

Expressing concern about the plight of ATPs, Assistant Controller-General of Prisons in charge of planning, Research and Statistics, Mr Suraj Olarinde, said that an overwhelming percentage of inmates in Nigeria Prisons were awaiting trial.

“With this, it follows that the functions of reform and rehabilitation of prisoners become an arduous task given the dearth of resources in an overstretched system.

In his view, Mr Godwin Odo, Component Manager, Justice, Rule of Law and Anti-corruption, applauded the decision of the House of Representatives to support the service, promising that his organisation would also support in that regard.

Alhaji Ahmed Ja'afaru, the Controller-General of the Nigerian Prisons Service, said that the idea of the retreat was to focus on prison correctional and reintegration service system to ensure that offenders would not go back to the same crimes.

He said the service was looking forward to training prisoners and offenders even while in the prisons, noting that the service would train them, reorient them and prepare them for re-integration into the society.

[NigeriaWorld, Anambra CJ flays detention without trial \(19 July 2019\)](#)

The Anambra State Chief Judge, Justice Ijem Onwuamaegbu, has condemned long detention of suspects without trial.

She said such practice would soon be a thing of the past in the state.

As a consequence, she freed 13 inmates from Nnewi Prisons.

Three were discharged and acquitted while 10 others were granted bail.

While Uche Mmadu, Monday Nwaigbo and Uchenna Igwe were discharged and acquitted, Ifeanyi Okwuma, Nzube Okafor, Emeka Esengha, Sopuluchukwu Mbadinuju, Onyebuchi Nwosu, Chisom Nwachukwu, Ebuka Ilegbenu, Sunday Samuel, Onyinye Ikueze and Ndubumma Anowai were released on bail.

In a case of malicious damage filed against one Monday Nwaigbo, the CJ discharged him based on over-staying.

One Uche Mmadu charged with armed robbery was released for lack of diligent prosecution.

On his part, Uchenna Igwe, charged with burglary, breaking and stealing was discharged following the complainant's failure to file information against the defendant after nearly four years.

Reacting, the Comptroller of Prisons in the state, Emmanuel Nwakaeze, thanked the Chief Judge for the intervention, saying it would help to decongest the facility.

He said the inmates were being taught skills capable of making them self reliant upon discharge.

[Francisca Anene and Laura Osayamwen, Remembering the Forgotten: Benefits of Prison Education for Awaiting Trial Inmates in Nigeria, Pan-Commonwealth Forum, Edinburgh \(9-12 September 2019\)](#)

[...] Awaiting Trial Inmates and the Role of Prisons in Nigeria

NPS (2018) statistics indicate that more than two out of three prison inmates in Nigeria are ATIs (Table 1). In Port Harcourt, Rivers State, the figure is approximately 9 out of 10 inmates. (Ukwayi and Okpa 2017). Same for Agodi Prisons in Ibadan, Oyo State (Abdulmalik et al 2014).

[...] ATIs as Disadvantaged Members of the Nigerian Prison Community

All prisoners are disadvantaged by virtue of their incarceration. However, ATIs constitute a special (and more disadvantaged) group. Not having been formally convicted or sentenced, they are neither fully in nor out of the system. Their stay, though temporary, is largely indeterminate. According to the Assessment of Justice System Integrity and Capacity in Bornu, Delta and Lagos States (UNODC, 2006) the average time spent by ATIs on remand without trial being concluded in Lagos state is 47 months while ATIs in Delta and Borno States spend 20 – 22 months awaiting final judgement after their trials have been concluded. Furthermore, 80% of the offences for which ATIs were remanded in Lagos and Borno Prisons are bailable offences. Ukwayi and Okpa (2017) also note that most ATIs in Port Harcourt Maximum Prison were arrested for minor offences.

ATIs are accommodated in the same facilities as convicts and subjected to the same treatment despite the constitutional guarantee of presumption of innocence. Unlike convicted prisoners, they are not allowed to take part in rehabilitative/training programmes because of gaps in the law. They find it difficult to settle down because of the possibility of transfer. This also makes educational

programmes difficult to complete or organise properly. As a result, ATIs are victims of legal and social inequity within the prisons and are placed at greater disadvantage than actual convicts. [...] (pp. 2-3)

Police

[Open Society Foundations, Volunteer Lawyers Give New Direction to Nigerian Legal Aid Initiative \(13 February 2019\)](#)

In late December, two men were arrested by the police in the Nigerian city of Ikorodu, which lies on the northeast edge of Lagos, the country's sprawling commercial capital. Both were charged with nonviolent crimes, and both were offered release on bail.

Yet because neither man could meet the bail conditions, they were immediately at enormous risk: In Nigeria, people can spend months or even years in pretrial detention—even on minor charges—wasting their lives in overcrowded and dangerous cells, awaiting an uncertain trial date. Indeed, that very same month, four people were released from the Kirikiri prison in Lagos after being held for between 8 and 11 years without trial—longer than the sentences they would have faced if actually convicted.

Fortunately, this time, good sense prevailed. The cases were immediately reviewed by volunteer lawyers from the local branch of the Nigerian Bar Association (NBA), working at the police station as duty solicitors. They made the case with the police that neither man was likely to fail to appear when summoned to court. Both walked free.

The involvement of the NBA lawyers in Ikorodu represents an important evolution in a 12-year effort to provide duty solicitors at Nigerian police stations. The objective is to make a reality of the Nigerian constitution's commitment to providing suspects with access to legal aid within 48 hours of arrest—a step that can protect suspects' rights, and reduce the number of people held unnecessarily in pretrial detention in the country's overcrowded prison system.

Until December 2018, the Police Duty Solicitors Scheme relied exclusively on young lawyers engaged in mandatory national service, who were trained by the Legal Aid Council of Nigeria and the Rights Enforcement and Public Law Centre, and then deployed to select police stations.

In the first five years of operation, in four states, supported by the Open Society Justice Initiative and run by the Rights Enforcement and Public Law Centre, the scheme achieved much—over 13,000 people were kept out of unnecessary detention in four states, 90 percent of them going home within 10 days of arrest. The results and ensuing advocacy were sufficient to persuade the Nigerian Police Force to expand the initiative: In September 2017, the Inspector General of Police issued Force Order 20, an internal police regulation officially recognizing the scheme.

Despite the successes, however, the scheme struggled to expand because of a shortage of resources. In particular, the Council struggled to get the funding needed to pay a basic stipend to the national service lawyers it was seeking to train and deploy, leading to a shortage of available lawyers for the scheme.

Then, amid the growing concern about how to move things forward, the Ikorodu branch of the NBA stepped in with a bold new approach: Instead of using national service lawyers, why not seek voluntary support from socially-committed members of the Bar Association, working on a pro bono basis?

Led by its recently elected chairman, Bayo Akinlade, a lawyer with a strong commitment to social justice and reform, NBA Ikorodu reached out to the police, the judiciary, the Council, and members of the local community to mobilize the effort. The initiative launched on International Human Rights Day, December 10, with an initial team of 13 volunteer lawyers on standby to provide the crucial legal service in six police stations.

NBA Ikorodu has now created an alternative model for expanding the duty solicitor scheme, offering an alternative path for growth alongside the use of the Council-trained national service lawyers. The

question is whether the challenge can be taken up by any of the other 124 branches of the NBA spread across the country.

So what are the incentives that might persuade other branches of the Bar Association to get involved, and persuade lawyers to offer their skills for free to people too poor to pay for their services?

For NBA Ikorodu and Akinlade, supporting this initiative has clearly strengthened their reputation, both locally and within the broader Nigerian legal community. For the lawyers who participate, volunteering offers a chance to give something back, by assisting the most vulnerable members of society. In addition, Akinlade says a lawyer's participation in the scheme builds goodwill with the branch and the community, which invariably recommends them to other clients, including paying clients.

The NBA Ikorodu initiative to provide legal aid at police stations is also mirrored by another effort focused on the Kirikiri prison: more volunteer lawyers, working in the courts, have secured the release of some 70 people held in pretrial detention.

Hopefully, similar factors can persuade more branches of the NBA to pick up the challenge and join Ikorodu in the struggle to build a better justice system.

[National Human Rights Commission, NHRC Seeks Decongestion of Police Cells \(31 May 2019\)](#)

The National Human Rights Commission (NHRC) has called on the Federal Capital Territory (FCT) Police Command to take steps to decongest Police cells to avoid further violation of rights of suspects whose detention have needlessly been prolonged.

Executive Secretary of the Commission, Tony Ojukwu Esq who made this call when he led the management team in a working visit to the FCT Commissioner of Police (CP), Bala Ciroma observed that NHRC's investigation of cases of rights violations against the Special Anti-Robbery Squad (SARS) of the Police in the FCT revealed that some crime suspects have been held in custody for a period of eight months and beyond.

The Executive Secretary solicited improved working relationship between the Police Command and the Commission and urged the CP to appoint an Assistant Commissioner of Police (ACP) to coordinate the human rights desk offices across all Police formations in the FCT, pointing out that such initiative has in the past been of immense benefit to both organizations in their related mandates of protecting the rights of citizens.

He stated that quick response from the Police on Commission's requests for reports on complaints of rights violations will assist the Commission to timely forward its annual reports on human rights to the National Assembly as well as comply with the NHRC Standing Order and Rules of Procedure which requires that complaints of human rights violations are resolved within three months.

According to the the Executive Secretary, if a very senior officer like the ACP liaises between the CP and the Commission, it will result in speedy resolution of human rights complaints involving the Police and minimize the issue of prolonged detention in Police cells. [...]

[African Liberty, Nigerian Prisons are Living Hell \(16 July 2019\)](#)

The recent protest by officers of the Nigerian Prisons Service (NPS) over unpaid six-year promotion arrears has unfortunately brought the badly run prisons system into the news again. Prisons across the country are ravaged and congested, with up to three-quarters of inmates awaiting trials for years without convictions. Data from the National Bureau of Statistics (NBS) even suggests most of these prisoners may be innocent of the crimes for which they are incarcerated. These deficiencies are connected to the lack of funds and the poor administration of the criminal justice system and the unethical practices of the Nigeria Police Force.

To efficiently address this problem, though, the government should avail prisons more funds to improve operations The judicial system should also be reformed to enhance the speed and accuracy

of proceedings, especially cases of petty offenses—many of which are directly caused by poverty—including hawking, loitering or sex work; they should be decriminalized. As a follow-up policy, the police should be forbidden from illegally suspects while those detained should be treated with respect for all their civil rights. [...]

11. Factors that affect the length of pre-trial detention

Detention in general

[PRAWA \(Prisoners' Rehabilitation and Welfare Action\) and NPS \(Nigerian Prison Services\), Nigerian Prisons Survey Report, Volume 1 Summary: A Research On Pre Trial Detention in Nigeria \(1 February 2018\)](#)

The specific objectives of this research are to determine the nature and demographic features of the selected prison population including their pre-trial detention population; examine the extent of the pre-trial detainee's inflow in prison, their duration of stay in prison custody and access to justice; and examine some of the impact of the demographic characteristics of the prison population, and the inflow and duration of custody of the pre-trial prison population. The study aims at identifying the root causes, trends and other dynamics that help to explain the high levels of inflow of ATPs as well as document the status and condition of the sampled prisons across three geopolitical zones in Nigeria.

Three key questions were addressed in the research, namely: who are the persons in pre-trial detention, why they are in prison custody, and what is the impact of their being there? Specifically, this is aimed at providing some information that will help identify strategies for effectively reducing the number of persons in custody awaiting trial and their length/duration of stay in custody awaiting trial as well as promote good prison/correctional practices and justice sector reforms in general.

Methodology

Cross-sectional study design was employed to examine issues pertaining to the conditions of prisoners particularly the awaiting trial inmates, their legal representation and other issues. Given the complexity of the information collected, the study employed triangulation (the mixed method approach) to ensure validity and reliability of data. Thus three sets of questionnaires were designed and administered on different category of respondents. These included the Self Report Questionnaire (SRQ) administered on inmates, Baseline Questionnaire (BQ) administered on Officers in Charge of the Prisons and Questionnaire for Prison Staff (QPS) administered on the personnel. In addition, In-depth Interviews were conducted with the Controllers of Prisons in the three states where the study took place and the Officers in Charge of the specific prisons.

The project location selection was done in consultation with the Nigeria Prison Service (NPS), Implementing Institution and the British High Commission using the following criteria; size of the prison, geopolitical spread, evidence of justice sector reform, existence of past, ongoing and potential future intervention in the prisons and justice sector reforms in the state. The sampling procedure adopted for the study was the Total Enumeration of all inmates and staff in the three selected prisons at the time of the research. Total population study approach refers to a type of purposive sampling technique that involves examining the entire population of a study. (p. 4)

[...] The findings:

Who are those in Prison Custody?

[...] The study found that the three prisons were overpopulated in excess of about 200 percent compared to their capacities at the time of establishment. Awaiting Trial Prisoners¹ represented the bulk of the prisoners representing 76% as at December 2016, 74% as at March 2017 and 79% as at September 2017. As at September 2017 in Ikoyi and Enugu prisons, more than 80% of the inmates are awaiting trial persons whereas 70.5% of the inmates are awaiting trial persons in Kano central prison. Only 13.3%, 29.4% and 18% of the total inmates in Enugu, Kano central and Ikoyi prisons respectively are convicts. This means 8 out of 10 inmates are awaiting trials persons.

The distribution of the prison population for the entire country as at August 2016 which shows that out of 67,626 prisoners in the 242 prison in Nigeria, 47,953 were not convicted whereas 19,671 were convicted and the percentage of ATPs was 71% of the total prison population.

The breakdown of the total population in each of the targeted prisons in August 2016 and September 2017 respectively show that ATPs population in Enugu remained the same between the two time periods; 84% in August 2016 against 85% in September 2017. The situations with Kano Central and Ikoyi prisons were different. Kano Central prison recorded an increase from 60% in August 2016 to 71% in September 2017. Conversely, Ikoyi prisons showed a decrease from 85% in August 2016 to 81% in September 2017. The result confirms that high ATP population is a major feature of the three targeted prisons; Kano Central, Enugu and Ikoyi Prisons all located in Kano, Enugu and Lagos States respectively. And it is also a major problem for the country in general. [...] (pp. 6-7)

[...] Why are the ATPs in Custody?

Most of the prisoners are charged for property and property related crimes (economic and economic related crimes).

The study found that property/economic (property/economic related offences). For example, armed robbery and stealing/theft ranked high among offences for which a large number of the inmates were charged for.

The prisons records show that armed robbery top the offence charged in Enugu prison in line with the report from SRQ. From the Enugu prison record, 50.25% of the ATPs were charged for armed robbery followed by rape (10.13%) and murder (9.68%). Similarly, in Ikoyi prison, the official record shows that 46.5% of the ATPs were charged for armed robbery while 22.6% and 14.6% were charged for murder and stealing respectively. In like manner, report from official record shows that armed robbery offence top the table with 25.3% followed by rape and defilement (24.6%) and murder (12.7%) in that order. When all economic and economic related (property and property-related) offences are clustered differently from the non-economic (non-property) related, the figure for the economic/property related offences tops the chart. For example, for those charged for armed robbery (46.5%) and stealing (14.6%) in Ikoyi prison that will give 61.1%.

[...] The police are the institution that was reported to be responsible for most of the arrest of the detainees.

[...] About 75.9%, 76.5% and 78.2% of the respondents in Enugu, Kano Central and Ikoyi prisons reported they were arrested by the police. Also when included the numbers arrested by SARS, the percentage of inmates arrested by the police sums up to 86.4%, 78.8% and 80% for Enugu, Kano central and Ikoyi prisons respectively. The second top arresting agency in the three sampled prisons is NDLEA.

[...] Many cases were reported to be either stalled or taking time to conclude.

This research showed that over 8 percent of the inmates sampled had not appeared in court for more than 5 years for the offences they were charged some of which could attract 6 months imprisonment or less upon conviction. On the average, 2 percent of those sampled for this study had spent over 10 years in prison custody without conclusion of their trial.

In September 2017 during the data validation exercise it was observed that in Enugu prison 17.12% are reported to be stalled. In the case of Kano central prison, 24.65% are reported as stalled while in Ikoyi prison, 6.68% reported that their cases were stalled. This report even showed a higher proportion of stalled cases than that reported in the self-report questionnaires (SRQs) collected in March 2017. This suggested that either most of the awaiting trial persons whose cases are stalled did not respond to the question or had no knowledge whether their cases are stalled or not as the number of stalled cases from the official record exceeds those from the SRQs. When the operationally define criteria used to extract information from records is used to cross-classify responses in the SRQ. 35.6% in Enugu prisons have their cases stalled and the figures for Kano Central and Ikoyi prisons 10.2% and 10.1% respectively. Data from the BRQ (March 2017) showed that in Enugu prison 41.6% had their cases stalled. The figures for Kano Central and Ikoyi prisons were 29% and 20.5% respectively.

[...] The result as reported in the figure above shows that most of the stalled cases are capital offences ranging from Armed Robbery, Murder/Homicide, Kidnapping/Abduction and

Rape/Defilement. In Enugu prison, 61.4% of the stalled cases are charged for armed robbery while 21.57% and 3.92% cases are charged for murder and kidnapping respectively. In Kano central prison, 44.38% out of the stalled cases are charged for armed robbery while 35.89% and 18.63% cases are charged for rape and murder respectively. In the case of Ikoyi prison, 98 inmates out of the 155 stalled cases are charged for murder while 43 representing 27.74% are charged for armed robbery.

[...] On the duration of stalled cases in the three prisons, in Enugu prison 99 inmates had been in prison for about one year without going to court while 119 inmates out of 306 had not appeared before court for 2 to 3 years. Four (4) inmates had not been to court for about 6 to 7 years from the time of this report. Sadly, one of the inmates who had been in custody for about 7 years without going to court was charged for assault. The result further shows that 43.87% of the inmates with stalled cases had not been to court between 1 to 3 years. Three (3) inmates had not appeared in court for the past five (5) years. In Kano 71.5% had not been to court for about 6 months to one year while those who had not been to court between 2 to 4 years were 27.1% of the stalled cases. Three inmates had not appeared in court for the past 5 years as at the record time. Some inmates had been in prison custody for 8 years without going to court. This result equally showed that over 8 percent of the inmates sampled had not appeared in court for more than 5 years for the offences they were charged some of which could attract 6 months imprisonment or less upon conviction. On the average, 2 percent of those sampled for this study had spent over 10 years in prison custody without conclusion of their trial.

A further investigation on the reason why cases are stalled was carried out and the report from the official record shows that all the stalled cases in both Enugu and Kano central prisons are awaiting DPPs advice while in Ikoyi prison 91% are equally awaiting DPPs advice. 7% of the stalled cases are as a result of 'adjoined sine die' while 3 cases are yet to be assigned or charged to court.

[...] There was evidence of some ATPs not knowing the status of their cases.

41.9%, 21.4% and 17.7% of the inmates in Enugu, Kano and Ikoyi prisons respectively indicated that they are not aware of the current status of their case. When asked about their bail status of those that responded to this question about 27.7% , 13% and 23.3% in Enugu, Kano and Ikoyi prisons respectively said that they did not know if they were granted bail or not. This response was verified in the official record in Enugu prison. Out of the 25 inmates that were granted bail in Enugu prison based on official record, only 5 inmates know that they had been granted bail while the remaining 20 inmates representing 80% of those granted bail did not know they had been granted bail.

[...] Many of the ATPs were not granted bail and for those granted bail the conditions were stringent and many are still in custody unable to meet their bail conditions.

As findings of this study revealed, a large majority of respondents were not granted bail by the court and those that were granted bail could not perfect the bail condition because it was stringent or they could not meet the conditions given by the Court. All this contributes to extension of the duration in custody of ATPs.

[...] From data collected from the Self Report Questionnaire, it was observed that only 32.5% of the respondents had bail granted while 67.5% of those that responded to this question were not granted bail. Another issue to note is the number of ATPs that could not perfect their bail.

[...] Of those that were granted bail, most of them could not perfect their bail and thus they continue to remain in prison custody despite the fact that they have been given bail (81.4% of those granted bail). Of this number 67.7% indicated that they could not meet their conditions while 13.8% described their bail conditions as stringent. In Enugu, 52.8% pre-trial detainees were able to perfect their bail while remaining 47.2% were unable to perfect theirs. In Lagos, 37.9% perfected their bails while 62.1% could not meet with the bail conditions. In kano, 71.8% were able to meet with the bail conditions while the remaining 28.2% were unable to meet with the bail conditions.

Examples of the stringent bail conditions include the following: N50,000 to N2million and one to two sureties in like sum depending on the nature of offences; the sureties must be resident and/or owned landed property within the area of jurisdiction of the court; sureties must be a civil servant not below salary of Grade level 13 or that a surety must deposit title documents of a landed

property situated within the jurisdiction of the court or that one of the sureties must be ward or village head of the area where the accused reside. On the issue title documents most of the accused are from rural areas whose properties do not have a formal and verifiable title documents. Or the issue of village/ward head to be a surety, there is a recent order from the emirate council restraining traditional title holders from using their traditional title office to act as sureties.

[...] Lack of comprehensive prison data for all those granted bail.

The Prison authority disclosed that they do not have information regarding all the ATPs that have been granted bail by the Court. That this information is not routinely provided by the court in all the cases, it is only endorsed in some of the ATPs Court warrants.

To buttress this point, in Enugu prison when the ATPs were asked if they had bail during the Data Validation/Verification Exercise, 45 ATPs indicated that they had bail. Of this number only 5 were amongst the 25 ATPs that their records in the prison indicated that they had bail. So, the remaining 20 ATPs whose record indicated this also were not even aware of this. In Kano, the team was informed that the records unit did not have any such information. It was only during the Data Validation/Verification Exercise that the ATPs were asked about this information. The situation in Ikoyi Prison was not much different. More so, if the ATP was not present in court on the last court adjourned date and bail was granted this will not be endorsed in the ATPs warrant, the ATP will not be aware of this and of course the ATP may not also know the next adjourned date. Thus, it can be argued that the information regarding ATPs that had bail may be higher than the picture portrayed above. Without having accurate figure of those granted bail, it will be difficult for ATPs to be assisted by the Prison Welfare Unit or any other unit/agency to contact their families for perfection of their bail or for any other action.

[...] Many of the ATPs do not have legal or active legal representation and some who have legal representation are unsatisfied with the quality of service being rendered to them by their lawyers.

The majority of respondents in the sampled sites indicated that their legal representation was not active (56%) in total. This means that 6 out of ten inmates do not have a lawyer to represent him/her in the court. Specifically, 67 percent and 54 percent of respondents in Kano Central and Enugu Maximum prisons respectively stated that they did not have active legal representation at the time of data collection for the study.

[...] Responses on reasons for inactive legal representation indicated that 56%, 54% and 37% of the respondents in Kano Central, Ikoyi and Enugu prisons respectively identified lack of funds to engage a lawyer as the main reason for inactive (or even no legal) representation.

[...] For respondents that had lawyers at the time of the census, on the average, 50 percent of the respondents in the three study prisons reported non-satisfaction with their lawyers. This issue raises question as to the constitutional right of access to legal representative of choice vis-a-vis ability to really make quality choice and access justice adequately given their level of education and poverty.

[...] Some of the consequences of having large numbers of ATPs?

[...] High numbers of ATPs are transported from prison to court every work day.

[...] These include the burden of transportation of ATPs to and fro prison and courts on a daily basis; the cost and security implication of this, the prison staff - inmate ratio and the attendant stress level and weakening of efficiency level occasioned by this.

For example, in Enugu prison in a week an average number of 960 inmates are transported to court covering a distance of 1762km weekly and in a month an average number 3840 inmates are been transported to court. Annually 47,280 inmates (against the annual maximum capacity of 22,080) are transported to court with only 5 vehicles covering 22, 340.4 kilometers. In Ikoyi prison, in total the vehicles most days carry more than 60 inmates in excess of total vehicle capacity of 92 inmates to court and cover more distance beyond the carrying capacity. On the average 975 inmates are transported to different courts every week covering a total distance of 700 kilometer and in a month an average number of 3900 inmates is transported to court at a total distance of 2800 kilometer. When this is calculated annually, we have a total of 62,400 inmates (against the maximum capacity of 46,800) are transported and 33,600 kilometers covered with only 3 Vehicles in Ikoyi prison Lagos.

High numbers of ATPs are transported from prison to court every work day. Many of the prisoners indicated that they have no confidence in the criminal justice system with the police having the worst rating from the prisoners. For the three study locations combined, 47 percent of the respondents indicated lack of confidence in the justice system. Majority of the inmates rated all the institutions low. Police was rated the lowest as out of 3839 responses, 63% rated police 0 which represents lowest. This was followed by the DPP as 39% of the respondents rated the DPP low. In the case of prison service and court, 27% of the respondents rated prison service and court low. [...] (pp. 5-24)

[Australian Government, Department of Foreign Affairs and Trade, DFAT Country Information Report: Nigeria \(9 March 2018\)](#)

[...] Judiciary

[...] 5.11 Defendants have a legal right to a presumption of innocence, to receive a fair trial without undue delay and to communicate with defence council, and to seek legal aid. Legal aid in Nigeria is extremely limited.

5.12 DFAT assesses it is difficult for citizens to obtain legal redress through the Nigerian court system. Nigerian courts suffer from a significant backlog of cases, leading to extremely long pre-trial detention periods, due to a lack of funding and low human resource capacity. Corruption is a barrier to justice, particularly in the lower courts. Judges often fail to appear in court because they are pursuing other sources of income. Court officials commonly lack proper equipment, training and motivation, primarily due to inadequate compensation. Nigerian citizens report facing long delays and alleged requests from judicial officials for bribes to expedite cases or to obtain favourable rulings. [...] (p. 30)

[Freedom House, Freedom in the World 2018: Nigeria profile \(28 May 2018\)](#)

[...] F2. Does due process prevail in civil and criminal matters? 1 / 4

There have been numerous allegations of extortion and bribe taking within the police force. Federal and state authorities have been criticized for disregarding due process, with prolonged pretrial detention of suspects even after courts ordered their release on bail. IMN [Islamic Movement of Nigeria] leader Ibrahim el-Zakzaky and his wife, who were arrested in December 2015, remained in incommunicado detention throughout 2017 even though a federal court ordered their release in December 2016. In October, authorities began mass arraignment and trials of more than 2,300 Boko Haram suspects, some of whom had already been detained for years. Rights groups raised concerns about due process given the closed proceedings and compressed timetable. [...]

[United National General Assembly, Human Rights Council, Working Group on the Universal Periodic Review, Thirty-first session, 5-16 November 2018, Summary of Stakeholders' submissions on Nigeria: Report of the Office of the United Nations High Commissioner for Human Rights \(24 August 2018\)](#)

[...] III. Information provided by other stakeholders

[...] C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

[...] 2. Civil and political rights

[...] Administration of justice, including impunity, and the rule of law⁶³

[...] 38. LEPAD [Legal Defence and Assistance Project, Lagos, Nigeria] stated that human rights cases had been subjected to unnecessarily long adjournments for reasons, which included the limited number of judges in some of the courts.⁶⁶

[...] 40. Referring to relevant supported recommendations, LEPAD stated that the practice of not ensuring the appearances of arrested and detained suspects before a competent court within the prescribed time, had persisted, despite the Administration of Criminal Justice Act, 2015.⁶⁹ [...] (p. 5)

63 For relevant recommendations see A/HRC/25/6, para. 135.71, 135.79, 135.113, 135.114, 135.116-135.121.

[...] 66 LEPAD, p. 6, LEPAD made recommendations (p. 6).

[...] 69 LEPAD, p. 3, referring to A/HRC/25/6, para. 135.117 (Austria), para. 135.118 (Belgium) and para. 135.119 (Switzerland).

[Freedom House, Freedom in the World 2019: Nigeria profile \(4 February 2019\)](#)

[...] F2. Does due process prevail in civil and criminal matters? 1 / 4

There have been numerous allegations of extortion and bribe taking within the police force. Federal and state authorities have been criticized for disregarding due process, with prolonged pretrial detention of suspects even after courts ordered their release on bail. Former national security adviser Sambo Dasuki, who was arrested in 2015 on corruption charges, remained imprisoned at the end of 2018 despite the rulings of four different courts that he be released on bail, including a July court order mandating his release. Dasuki's trial was ongoing at year's end.

In February, 205 suspected Boko Haram members, many of whom had been detained for years without charge, were convicted in mass trials for their involvement with the group. Human Rights Watch (HRW) criticized the trials for being "fraught with irregularities, including lack of interpreters, inadequate legal defense, lack of prosecutable evidence or witnesses, and nonparticipation of victims." [...]

[United States Department of State, Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2018: Nigeria \(13 March 2019\)](#)

[...] Arrest Procedures and Treatment of Detainees

[...] Pretrial Detention: Lengthy pretrial detention remained a serious problem. According to NPS [Nigeria Prison Services] figures released in March, approximately 70 percent of the prison population consisted of detainees awaiting trial, often for years. The shortage of trial judges, trial backlogs, endemic corruption, bureaucratic inertia, and undue political influence seriously hampered the judicial system. In many cases multiple adjournments resulted in years-long delays. Many detainees had their cases adjourned because the NPF [Nigeria Police Force] and the NPS did not have vehicles to transport them to court. Some persons remained in detention because authorities lost their case files. Prison officials did not have effective prison case file management processes, to include a databases or cataloguing systems. In general, the courts were plagued with inadequate, antiquated systems and procedures.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: Detainees may challenge the lawfulness of their detention before a court and have the right to submit complaints to the NHRC [National Human Rights Commission].

Nevertheless, most detainees found this approach ineffective because, even with legal representation, they often waited years to gain access to court. [...] (p. 13)

[Premium Times, SPECIAL REPORT: Inside Nigeria's prisons where thousands languish for years without trial \(25 June 2019\)](#)

[...] For nearly two years, Chris Chom and 61 other inmates shared a filthy cell in the Kaduna State Central Prisons.

[...] Mr Chom regained freedom on February 27 after 21 months in prison for an "offence" he said he did not commit.

The police filed a case of murder against him, but he said: "Even the prison officials regard me as a victim of circumstance."

An Abuja-based lawyer, Monday Ejeh, described as shocking the decision of the court to remand him.

"I have not seen any offence in what you have explained. How is it possible that he has been there for over a year? Why would any judge or magistrate order such a person detained?" Mr Ejeh queried.

Although Mr Chom has been released his case is still on-going.

"They just granted me bail. I am still expected to return to court. I cannot even return to Abuja, where I was working in a hotel before all of these," he said in a telephone interview with this newspaper in March.

[...] Mr Chom was one of many Nigerians remanded in prisons across the country over strange "crimes."

Global Statistics

According to figures provided by a global prison data organisation, World Prison Brief, awaiting trial inmates in Nigerian prisons has risen from 62 per cent in 2000 to nearly 70 per cent.

The total prison population in 2000 stood at 44, 450 but had risen to 73, 248 by May 2019.

The institute adds that the population of women prisoners within the period rose from 709, representing 1.9 per cent, in 2000 to 1, 520 or 2.1 per cent in 2019.

Forgotten in Jail

Some of those detained for what should pass as petty crimes have been forgotten in prison.

The case of Abdullahi Mohammed, a 49-year-old man arrested in May 2013 "for stealing a handset", stands out. The offence regarded as theft under Nigerian laws, and it attracts a prison term not exceeding five years, according to section 287 of the penal code.

The penal code is the legal instrument for the adjudication of criminal matters in northern Nigeria.

The section states thus: "Whoever commits theft shall be punished with imprisonment for a term which may extend to five years or with a fine or both."

Forgotten by his family and country, Mr Mohammed's case was drawn to our reporter's attention by an official during our visit to the prison.

"Whenever I remember this man's case, I lose complete faith in Nigeria's judicial system," said the official who declined to give his name.

[...] More Legal Opinion

As explained by Mr Ejeh, prosecuting agencies have contributed to escalating the menace of prolonged detention before or during the trial.

"A good example of how this problem is created by lawyers is the issue of holding charge. This refers to a situation where the prosecuting agency takes a person to a lower court for an offence that the court ordinarily should not have entertained, for lack of jurisdiction.

"The lower court, though without jurisdiction, will order the remand of that person pending his trial. This is common in South-South and South-West states; for example, Rivers and Lagos states. While the person is remanded in prison, his file may be sent to the Ministry of Justice or even remain with the police.

"Section 376 of ACJA talks about holding charge for the purpose of getting legal advice from the Department of Public Prosecution (DPP) domiciled in the AGF's office of the Ministry of Justice. In that situation, ACJA requires that the advice be ready in 14 days," Mr Ejeh said.

He, however, noted that bureaucratic bottlenecks also affect the efforts of lawyers to meet up with the time frame for getting such legal advice.

Mr Ejeh, who acknowledged other factors that give rise to the detention of pre-trial inmates, said lawyers have a fundamental role to play in checking the menace. [...]

[VOA News, Nigeria's Prisons Set to Undergo Long-Awaited Reforms \(24 August 2019\)](#)

[...] Large backlog

Slowness and corruption in the country's criminal justice system have resulted in an enormous backlog of cases. Out of the nearly 74,000 inmates in the country, only about 24,000 have actually been convicted. That's means 68 percent of the total prison population is awaiting trial. A section in the law mandates that steps be taken to speed up these cases. [...]

[World Prison Brief, Data: Nigeria, Pre-trial/remand prison population: trend \(16 September 2019\)](#)

[...] The table below gives an indication of the recent trend in the pre-trial/remand prison population. The final row shows the latest figures available.

It consists of the number of pre-trial/remand prisoners in the prison population on a single date in the year (or the annual average) and the percentage of the total prison population that pre-trial/remand prisoners constituted on that day.

The final column shows the pre-trial/remand population rate per 100,000 of the national population.

NIGERIA

Year	Number in pre-trial/remand imprisonment	Percentage of total prison population	Pre-trial/remand population rate (per 100,000 of national population)
2000	27,959	62.9%	22
2005	28,363	74.0%	20
2010	35,000	72.9%	22
2015	39,694	69.3%	22
2019	50,460	68.8%	25

It should be noted that the number of pre-trial/remand prisoners fluctuates from day to day, month to month and year to year. Consequently the above figures give an indication of the trend but the picture is inevitably incomplete.

The pre-trial/remand population rate is calculated on the basis of the national population total. All national population figures are inevitably estimates but the estimates used in the World Prison Brief are based on official national figures, United Nations figures or figures from other recognised international authorities. [...]

12. Effective monitoring

Detention in general

[Australian Government, Department of Foreign Affairs and Trade, DFAT Country Information Report: Nigeria \(9 March 2018\)](#)

[...] 2. Background information

[...] Detention and Prison

5.19 The International Committee for the Red Cross (ICRC) is able to access detention facilities in order to observe conditions. No external organisations have been able to access military detention facilities in the northeast.

The government has taken steps to improve detention conditions. The NHRC [National Human Rights Commission] monitors prisons and provides an annual audit on human rights concerns; however, the last audit report made public was 2012. The government has demonstrated a willingness to investigate allegations but reportedly receives very few complaints for investigation. [...] (p. 31)

[Vanguard, NHRC begins audit of police detention cells in Nigeria \(14 June 2018\)](#)

Abuja – The Inspector-General of Police, Ibrahim Idris has approved the request of the National Human Rights Commission (NHRC) to commence an independent audit of detention cells in all police commands and formations in Nigeria including those of the Special Anti-Robbery Squad (SARS). A statement by the Public Compliant Rapid Response Unit of the Police (PCRRU) said “These visits will enable the NHRC oversee the human rights situation of detainees as well as undertake general audit of the state of police detention facilities (cells) in the country.

“This exercise is part of the NHRC 2018 audit of police detention centers in Nigeria. “The NHRC was established by the National Human Rights Commission (NHRC) ACT, 1995 as amended to deal with all matters relating to promotion, protection and enforcement of human rights in Nigeria. [...]

[National Human Rights Commission, NHRC Commences Nationwide Audit of Detention Centres \(21 June 2018\)](#)

The National Human Rights Commission (NHRC) will commence a nationwide audit of detention centres beginning this month of June.

The Executive Secretary of the Commission, Tony Ojukwu Esq disclosed this in Yola, Adamawa state at a midterm review meeting of the NHRC/UNHCR/IDP Protection Monitoring Project.

The NHRC boss said the exercise is in fulfillment of the Commission's mandate to ensure that detention facilities across the country are run in line with the applicable Nigerian Constitutional requirement and in accordance with the UN Minimum Standards for detention centers.

He said detention centers to be audited during the exercise would include those under the control of the Prisons, Police, SSS [State Security Service] and the Military. He stated further that arrangements are being put in place for the audit of other detention centers in the control of other law enforcement agencies like the NDLEA [National Drug Law Enforcement Agency], NSCDC [Nigeria Security and Civil Defence corps], Customs, Environmental or Traffic Enforcement Agencies at both the State and Federal levels.

The NHRC CEO also emphasized that under section 6(1) (d) of National Human Rights Commission Amendment Act 2010, the Commission is empowered to:

"Visit prisons, police cells and other places of detention in order to ascertain the conditions thereof and make recommendations to the appropriate authorities"

He added that in order to improve access, promote harmonious and cordial relationship with other arms of government, the NHRC as a matter of courtesy, informs any sister agency of an impending audit visit within a time frame.

He said the essence of this is to ease logistics for both the visiting NHRC staff and those Law enforcement officers responsible for keeping the detention centers. This practice has been on since the passage of the NHRC Amendment Act of 2010 he added. [...]

[United Nations General Assembly, Human Rights Council, Fortieth session, Report of the Working Group on the Universal Periodic Review: Nigeria \(25 February–22 March 2019\)](#)

[...] I. Summary of the proceedings of the review process

A. Presentation by the State under review

[...] 11. Since the previous review, a number of initiatives had been taken to improve the effectiveness, accessibility, accountability, transparency and fairness of the justice system. They included the development of the justice sector reform action plans, a national legal aid strategy, a national policy on prosecution and a code of conduct and prosecutorial guidelines for federal prosecutors, the establishment of judicial research and a simplified court users' guide.

[...] 15. The Presidential Committee that had been constituted to investigate allegations of violations of human rights by the military during internal security operations had submitted its report to the Government. Steps were being taken to address the recommendations in the report. Furthermore, in 2018 a special investigation panel had been established to investigate allegations of human rights violations by the Special Anti-Robbery Squad and other special units of the Nigeria Police Force.

[...] 19. With regard to the killing in 2015 of members of the Islamic Movement in Nigeria, the Kaduna State Government had undertaken investigations with the military and a government white paper has been issued. The alleged perpetrators would be tried through the robust military justice system.

[...] 23. The federal Government had put in place a national working group on human rights treaty reporting, which assisted with reporting to several United Nations treaty monitoring bodies and with monitoring implementation of accepted recommendations. [...] (pp. 3-4)

[United States Department of State, Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2018: Nigeria \(13 March 2019\)](#)

[...] Prison and Detention Center Conditions

[...] The NHRC [National Human Rights Commission] conducts prison audits. Despite an expressed willingness and ability to investigate credible allegations of inhuman conditions, however, the NHRC has not publicly released an audit report since 2012. In June the NHRC announced it was beginning a nationwide audit of all detention facilities. As of October [2018] the audit was not complete. Through its Legal Aid Council, the Ministry of Justice reportedly provided some monitoring of prisons through the Federal Government Prison Decongestion Program.

Independent Monitoring: There was limited monitoring of prisons by independent nongovernmental observers. The International Committee of the Red Cross had access to police detention, Nigerian Prisons Services (NPS), and some military detention facilities. (p. 10)

[Protection Group Working Sector, Nigeria, 2018 Annual Report \(14 August 2019\)](#)

[...] Protection

[...] 15,068 persons were reached with legal aid and services, including on housing, land and property issues. Such interventions include legal representation in court and legal counselling, through visits to detention facilities including police/prison visits and mobile courts within two IDP camps to bring justice closer to the people.

[...] A total of 690 children and adults (200 female, 490 male) associated with armed groups were released from administrative detention in 2018; a total of 833 (139 girls, 694 boys) were formally handed over by the Civilian Joint Taskforce (CJTF) to their families and relatives. [...]

[ICRC, ICRC in Nigeria: Facts & Figures, January - June 2019 \(5 September 2019\)](#)

[...] DIGNITY OF DETAINEES

Detainees in general, and detainees arrested in connection with the armed conflict or other situations of violence, are regularly visited by ICRC staff, who engage with them in private. The ICRC maintains a confidential and bilateral dialogue with the detaining authorities on issues related to their living conditions and treatments, using notably the Nelson Mandela Rules as reference. These visits also allow detainees to maintain or re-establish links with their family through the Red Cross messages.

22,400 DETAINEES VISITED

22,400 detainees were visited in 21 places of detention, including over 7,200 who have been follow-up individually. 37 detentions visits have been carried out.

1,600 Red Cross Messages exchanged in detention. [...]

Special Anti-Robbery Squad (SARS)

[Vanguard, NHRC begins audit of police detention cells in Nigeria \(14 June 2018\)](#)

Abuja – The Inspector-General of Police, Ibrahim Idris has approved the request of the National Human Rights Commission (NHRC) to commence an independent audit of detention cells in all police commands and formations in Nigeria including those of the Special Anti-Robbery Squad (SARS). A statement by the Public Compliant Rapid Response Unit of the Police (PCRRU) said “These visits will enable the NHRC oversee the human rights situation of detainees as well as undertake general audit of the state of police detention facilities (cells) in the country.

“This exercise is part of the NHRC 2018 audit of police detention centers in Nigeria. “The NHRC was established by the National Human Rights Commission (NHRC) ACT, 1995 as amended to deal with all matters relating to promotion, protection and enforcement of human rights in Nigeria. [...]

Military

[Vanguard, Alleged sexual abuse by troops: DHQ tackles Amnesty International \(30 April 2019\)](#)

THE Defence Headquarters, DHQ, has denied report of alleged sexual assault in some prisons in the North East by troops as reported by the Amnesty International, insisting that the allegation was not only baseless but also unfounded.

The DHQ said the AI's recent allegation that its investigation has revealed sexual assaults in detention facilities at Giwa Barracks Maiduguri and the Maiduguri Maximum Security Prison was “only a rehash of its characteristic unfounded and ill-conceived accusations against the Armed Forces of Nigeria, AFN.

To this end, the DHQ, in a statement by the acting Director of Defence Information, Col. Onyema Nwachukwu, yesterday appealed “to members of the public and the international community to discountenance AI's malicious report and continue to give requisite support to the AFN in the fight against terrorism, insurgency and other forms of criminality in the country.”

The statement, tagged: “Amnesty International false report on sexual violation by troops in the North East,” read: “The Defence Headquarters has taken note of yet another ill-conceived report by Amnesty International (AI) aimed at disparaging the Armed Forces of Nigeria (AFN) in the fight against terrorism and counter-insurgency in the North Eastern part of the country.

“The AI's recent allegation that its investigation has revealed sexual assaults in detention facilities at Giwa Barracks Maiduguri and the Maiduguri Maximum Security Prison is only a rehash of its characteristic unfounded and ill-conceived accusations against the AFN.

“While the AFN will not speak for the authorities of the Maiduguri Maximum Prison, we wish to emphatically state that such allegations are mere concoction of the organization and the interest it seeks to represent.

“The report is nothing but an attempt to push further its campaign of calumny against the AFN, as the allegations are remotely impossible.

“It is instructive for AI and their sponsors who may be more interested in the failure of Nigeria in the ongoing fight against terrorism and insurgency to note that these accusations are unfounded and a very poor attempt at dampening the morale of troops of the AFN.

“The Giwa barracks detention facility is a national facility, therefore, the suspects or inmates are jointly handled by professional investigators drawn from the Defence Intelligence Agency, Nigerian Police, Department of State Security, Nigeria Immigration Service, the Nigeria Prisons Service and Nigerian Security and Civil Defence Corps. It is therefore, near impossible for these team of professionals to look the other way, while sexual violations are perpetrated as wrongly insinuated by AI.

‘It is also pertinent to add that the detention facility has adequate representation of highly professional members of International Organisations and Non-Governmental Agencies such as the International Committee of the Red Cross (ICRC) and other reputable NGOs that have unfettered access to the facility and scrutinize its activities from time to time in accordance with international best practices in managing detainees.

“While other reputable international organisations in the North East and other parts of the country have been working to bring about enduring peace in the North East, it is rather unfortunate that AI has impenitently chosen a path that seeks to denigrate the AFN, a task it has continued to pursue blindly and tenaciously through its glaring bias reports.

“The DHQ wishes to appeal to members of the public and the international community to discountenance AI's malicious report and continue to give requisite support to the AFN in the fight against terrorism, insurgency and other forms of criminality in the country.”

[Human Rights Watch, “They Didn’t Know if I Was Alive or Dead”: Military Detention of Children for Suspected Boko Haram Involvement in Northeast Nigeria \(10 September 2019\)](#)

[...] Several children described visits by people they believed to be representatives of the Red Cross. They said that after the Red Cross’ visits, conditions improved noticeably, and that they received more food, soap, and opportunities to bathe. Saeed, for example, was held in an adult cell and said, “Before the Red Cross intervention, I took a shower once in two months, but this changed to once a week with their intervention. We slept on mats at first and then Red Cross brought us blankets.”⁷⁹ [...]

⁷⁹ Human Rights Watch interview, Maiduguri, June 21, 2019.

13. Investigations and accountability

Detention in general

[Amnesty International, Nigeria: Still No Accountability for Human Rights Violations: Amnesty International Submission For The Un Universal Periodic Review, 31st Session Of The UPR Working Group, November 2018 \(1 March 2018\)](#)

[...] FOLLOW UP TO THE PREVIOUS REVIEW

Nigeria received a total of 219 recommendations during its previous UPR [Universal Periodic Review] in 2013. Of these it accepted 184 and rejected 35 recommendations.

TORTURE AND OTHER ILL-TREATMENT

Nigeria accepted four recommendations addressing torture and other ill-treatment, including to criminalizing torture, ensure rehabilitation of victims and take measures to prevent torture and ill-treatment by the security forces.² In December 2017, President Buhari signed the Anti-Torture Act, which penalizes acts of torture and other cruel, inhuman and degrading treatment. While the Act prescribes a punishment of up to 25 years' imprisonment for torture offenders,³ it makes no provisions for the rehabilitation of victims and legal assistance to victims is limited to support for making complaints [...] (pp. 4-5)

2 A/HRC/25/6, recommendations 135.69 (Switzerland), 135.72-74 (Canada, Hungary, Sweden).

3 Section 9, Anti-Torture Act 2017.

[United National General Assembly, Human Rights Council, Working Group on the Universal Periodic Review, Thirty-first session, 5-16 November 2018, Summary of Stakeholders' submissions on Nigeria: Report of the Office of the United Nations High Commissioner for Human Rights \(24 August 2018\)](#)

[...] III. Information provided by other stakeholders

[...] C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

[...] 2. Civil and political rights

Right to life, liberty and security of person³⁹

[...] 28. Referring to relevant supported recommendations from the previous review, AI [Amnesty International UK] stated that in December 2017, the President of Nigeria signed the Anti-Torture Act, which penalized acts of torture and other cruel, inhuman and degrading treatment.⁴⁸ PRAWA [Prisoners' Rehabilitation and Welfare Action, Denmark] stated that this law had significant gaps for example, in relation to investigations and victims right to reparation and rehabilitation.⁴⁹

29. PRAWA stated that there had been consistent allegations of torture by members of the Special Anti-Robbery Squad to extort confessions from detainees and arrested persons and conditions in most places of detention constitute at the very least cruel, inhuman or degrading treatment. Unfortunately, those allegations had not been effectively investigated, alleged perpetrators had not been prosecuted, and victims had no access to reparation and rehabilitation.⁵⁰

30. PRAWA stated that the National Committee on Prevention of Torture had been established to monitor the treatment of persons deprived of their liberty. However, this Committee had been unable to fully execute its mandate pursuant to OP-CAT due to a wide variety of problems, including inadequate resources; the lack of a central database or register of all places of detention, their location, and number of detainees; and the lack of effective access to all places of detention.⁵¹

[...] 33. Referring to relevant supported recommendations from the previous review, AI stated that despite efforts by the government, through the army-led Special Board of Inquiry and the Presidential Investigative Panel, to review compliance by the armed forces with human rights, the

authorities were yet to hold any member of the armed forces accountable for gross human rights violations.⁵⁵ (p. 4)

[...] Administration of justice, including impunity, and the rule of law⁶³

37. FLD [Front Line Defenders, Ireland] expressed serious concerns about the impartiality and independence of the criminal justice system. It stated that wealthy individuals, the police, the security forces and government agencies had repeatedly used the criminal justice system to target those who exposed corruption.⁶⁴ HRF [Human Rights Foundation, USA] stated that corruption had contributed to the miscarriage of justice as judicial personnel had been known to solicit bribes in order to deliver favourable rulings.⁶⁵

38. LEPAD [Legal Defence and Assistance Project, Lagos, Nigeria] stated that human rights cases had been subjected to unnecessarily long adjournments for reasons, which included the limited number of judges in some of the courts.⁶⁶

[...] 40. Referring to relevant supported recommendations, LEPAD stated that the practice of not ensuring the appearances of arrested and detained suspects before a competent court within the prescribed time, had persisted, despite the Administration of Criminal Justice Act, 2015.⁶⁹

41. PRAWA stated that arrest and detention had appeared to be the standard response to any crime regardless of its severity, and had often happened before any meaningful investigation had been undertaken. Detained suspects had faced significant challenges which hindered them being brought before a judge within a reasonable time. Furthermore, the frequent use of the sentence of imprisonment for petty crimes, such as street hawking, following summary trials by mobile courts had resulted in a high number of persons, including minors, serving terms of imprisonment.⁷⁰

42. JS18 [The Human Rights Law Service, Legal Defence and Assistance Project, and The Coalition against the Death Penalty, Montreuil, France (Joint Submission 18)] stated that the police had lacked the capacity to undertake effective criminal investigations. There were no forensic laboratories, equipment or facilities to link crimes to suspects. Most charges for crimes attracting the death penalty had been based on confessional statements and the Judiciary had been complicit when it convicted persons on the evidence of those statements and sentenced them to death, knowing the limitations of the criminal justice system.⁷¹ [...] (p. 5)

39 For relevant recommendations see A/HRC/25/6, paras. 135.68-135.70, 135.72, 135.73, 135.75, 135.80, 135.82, 135.106-135.112, 137.10-137.13, 137.22, 137.24, 137.28-137.30.

[...] 48 AI, p. 1 and footnote 1, referring to A/HRC/25/6, para. 135.69 (Switzerland), para. 135.72 (Canada), para. 135.73 (Hungary), and para. 135.74 (Sweden); See also HRF, para. 11.

49 PRAWA, para. 9. PRAWA made recommendations (para. 11).

50 Ibid, para. 9. PRAWA made recommendations (para. 11); See also HRF, para. 12. HRF made recommendations (para. 18).

51 Ibid, para. 10. PRAWA made recommendations (para. 11).

[...] 55 AI, p. 1 and footnote 3 referring to A/HRC/25/6, para. 136.69 (Switzerland), para. 135.70 (UK), para. 135.71 (USA), para. 135.72 (Canada), para. 135.75 (Czech Republic) and para. 135.79 (Ireland).

[...] 63 For relevant recommendations see A/HRC/25/6, para. 135.71, 135.79, 135.113, 135.114, 135.116-135.121.

[...] 64 FLD, para. 15. FLD made recommendations (para. 27).

65 HRF, para. 14. HRF made a recommendation (para. 18 (c)).

66 LEPAD, p. 6. LEPAD made recommendations (p. 6).

[...] 69 LEPAD, p. 3, referring to A/HRC/25/6, para. 135.117 (Austria), para. 135.118 (Belgium) and para. 135.119 (Switzerland).

70 PRAWA, para. 7. PRAWA made recommendations (para. 8); See also HRF, para. 14, HRF made are commendation (para. 18 (b)).

71 JS18, p. 9. JS18 made recommendations (p. 10).

[United Nations General Assembly, Human Rights Council, Working Group on the Universal Periodic Review, Thirty-first session, 5–16 November 2018, Compilation on Nigeria, Report of the Office of the United Nations High Commissioner for Human Rights \(27 August 2018\)](#)

[...] IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

[...] B. Civil and political rights

1. Right to life, liberty and security of person²⁷

22. Referring to the relevant recommendations from the previous review, the United Nations country team stated that, while several investigations had been launched, they had not led to any prosecutions. Allegations of extrajudicial executions, enforced disappearances and excessive use of force by security agencies continued to be made. The country team considered those recommendations to have been partially implemented.²⁸

23. Referring to the relevant recommendations from the previous review, the United Nations country team noted that the Anti-Torture Act 2017 did not have national application and states were required to adopt complementary legislation to ensure its enforceability. Moreover, the rules and regulations for the implementation of the Act had yet to be formulated. The country team considered those recommendations to have been partially implemented.²⁹ (pp. 3-4)

[...] 34. Noting that the lack of accountability and impunity were repeatedly cited as major flaws of the criminal justice system, the Special Rapporteur on minority issues stated that alleged perpetrators must be persecuted and held accountable for their crimes.⁴¹ [...] (p. 5)

27 For relevant recommendations, see A/HRC/25/6, paras. 135.68–135.70, 135.72–135.73, 135.75, 135.80, 135.82, 135.106–135.112, 137.10–137.13, 137.22, 137.24 and 137.28–137.30.

28 United Nations country team submission, p. 4, referring to A/HRC/25/6, para. 135.70 (United Kingdom of Great Britain and Northern Ireland), para. 135.71 (United States of America) and para. 135.72 (Canada).

29 United Nations country team submission, p. 4, referring to A/HRC/25/6, para. 135.73 (Hungary) and para. 135.74 (Sweden).

[...] 41 See A/HRC/28/64/Add.2, para. 82.

[United Nations General Assembly, Human Rights Council, Fortieth session, 25 February–22 March 2019, Report of the Working Group on the Universal Periodic Review: Nigeria \(26 December 2018\)](#)

[...] I. Summary of the proceedings of the review process

B. Presentation by the State under review

[...] 11. Since the previous review, a number of initiatives had been taken to improve the effectiveness, accessibility, accountability, transparency and fairness of the justice system. They included the development of the justice sector reform action plans, a national legal aid strategy, a national policy on prosecution and a code of conduct and prosecutorial guidelines for federal prosecutors, the establishment of judicial research and a simplified court users' guide.

[...] 15. The Presidential Committee that had been constituted to investigate allegations of violations of human rights by the military during internal security operations had submitted its report to the Government. Steps were being taken to address the recommendations in the report. Furthermore, in 2018 a special investigation panel had been established to investigate allegations of human rights violations by the Special Anti-Robbery Squad and other special units of the Nigeria Police Force.

[...] 19. With regard to the killing in 2015 of members of the Islamic Movement in Nigeria, the Kaduna State Government had undertaken investigations with the military and a government white paper has been issued. The alleged perpetrators would be tried through the robust military justice system.

[...] 23. The federal Government had put in place a national working group on human rights treaty reporting, which assisted with reporting to several United Nations treaty monitoring bodies and with monitoring implementation of accepted recommendations. [...] (pp. 3-4)

[OHCHR, End of visit statement of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her visit to Nigeria, Agnes Callamard, United Nations Special Rapporteur for Extrajudicial, Summary or Arbitrary Executions \(2 September 2019\)](#)

[...] Overview

[...] 2. The warning signs are flashing bright red: increased numbers of attacks and killings over the last five years with a few notable exceptions; increased criminality and spreading insecurity; widespread failure by the federal authorities to investigate and hold perpetrators to account, even for mass killings; a lack of public trust and confidence in the judicial institutions and State institutions more generally; high levels of resentment and grievances within and between communities; toxic ethno-religious narratives and “extremist” ideologies - characterised by dehumanization of the “others” and denial of the legitimacy of the others’ claims; a generalised break down of the rule of law, with particularly acute consequences for the most vulnerable and impoverished populations of Nigeria.

[...] Searching for Accountability in the North East

[...] 26. The number of allegations of arbitrary killings and deaths in custody at the hands of the military forces has decreased over the last two years, a positive development which should be properly examined for learning purposes. However, there has been little progress reported in the securing of accountability and reparations for past massive violations of international human rights or humanitarian law.

27. On 8 March 2017, the military set up a special board of inquiry (SBI) in line with the provision of Section 172(1) of the Armed Forces Act CAP A20 Laws of the Federation of Nigeria, 2004. The SBI found that the delayed trials of Boko Haram detainees resulting in cases of deaths in custody constitute a denial of the detainees’ right to a fair trial. However, the SBI found no evidence of arbitrary arrests or extra judicial executions of detainees; a conclusion that runs contrary to the many allegations that I have received, some of which have been well documented. I intend to pursue these specific cases with the authorities.

28. As stated by one source, *“It is worse than frustrating for survivors and relatives of victims - who time and again take the risk to speak out - to see no progress and no change to their situation.”*

[...] Access to Justice

69. In his 2006 report, the then Special Rapporteur on extrajudicial killings pointed to “the remarkable inadequacies of almost all levels of the Nigerian criminal justice system” and highlighted, in particular, the absence of systematic forensic investigation, the absence of coroners’ inquiries; the repeated practice of adjournments “handed out with reckless abandon, resulting in thousands charged with capital offences being left to rot in prison” and the widespread practice of detention without charge.

70. Fifteen years later, similar patterns and allegations of similar practices were repeatedly brought to my attention, For instance, coroner’s laws in force in most Nigerian states, oblige the state authorities to investigate and determine the circumstances of all unnatural, sudden or violent deaths through an open, public inquiry.¹⁸ Section 6 of the law requires a District Coroner to investigate every death in custody. Yet, with a few anecdotal exceptions, the law is not implemented.

71. A large number of instances of repeated trials adjournments leaving people in legal limbo, and of people held without charge and without the possibility of bail for extensive periods of time, were also reported. These patterns were confirmed by lawyers. It has been further alleged that 70% of all inmates are awaiting trial, in a situation of overcrowded prisons and court congestions. I hope that the signing of the Prisons Act (Repeal and Enactment) Act (2018) by President Buhari will bring some reprieve to the situation.

72. Authorities themselves further undermine the institution of justice and the independence of the judiciary by not implementing court orders that relate to security agencies.

73. In response to the repeated and well documented allegations of extrajudicial killings and allegations of failure to protect, there have been more than 20 commissions of inquiry, panels, fact-finding exercises established by the Federal government, State governments, the military and even the NHRC.

74. The Government has acknowledged in 2016 that “in the course of security operations against Boko Haram in North-East Nigeria and recently in the context of countering militant and separatist

groups like the Islamic Movement of Nigeria (IMN), the Indigenous People of Biafra (IPOB), and the Niger Delta Avengers, the Nigerian Military have been accused of extrajudicial killings, torture, arbitrarily arrest and detention”¹⁹. The report further states that all allegations of torture, extrajudicial killings and war crimes made against the Nigerian Military will be investigated.

75. On 11 August 2017, a Presidential Investigation Panel to Review Compliance of the Armed Forces with Human Rights Obligations and Rules of Engagement (PIP) was established to investigate the military’s compliance with human rights obligations and rules of engagement across the country.²⁰ From 7 September to 6 October 2017, the PIP held a public hearing in Abuja. The last hearing reportedly took place on 8 November 2017, concluding the investigation. Its report was presented to Vice-President Osinbajo in February 2018 but has not been released publicly.

76. To the best of the Special Rapporteur’s knowledge, so far none of these aforementioned initiatives has led to investigations and prosecutions of any (senior or ordinary) members of military, police, civilian authorities or members of militias, such as the such as the Civilian Joint Task Force in Borno State. In most cases, the main findings and outcomes are not even made public, with the exception of those conducted by the national human rights commission.

77. This pattern was highlighted in 2006 by the then Special Rapporteur in his mission report. I can only concur with his conclusion, which remains most sadly accurate 15 years later: these various initiatives appear to be used mostly for whitewashing purposes, or to facilitate a “cooling of the political temperature” (E/CN.4/2006/53/Add.4, para 103). They do not appear to aim at identifying lines of responsibility, delivering accountability and justice, providing remedies and reparations, and determining and implementing structural or systemic changes.

78. The accountability crisis must be addressed. I will strongly recommend that the Government, under the leadership of its President, draws a road map to address the quasi systemic absence of effective investigations and prosecution and of access to justice, particularly for the most vulnerable Nigerians.

79. Every death or serious injury in police custody, and every alleged extrajudicial execution, ought to be adequately and impartially investigated by an independent body. Officers suspected of being responsible should be suspended pending investigation; those who use legitimate lethal force should be cleared and those who are implicated in extrajudicial executions should be dismissed and brought before an ordinary civilian court and guaranteed the right to a fair trial in accordance with international standards without recourse to the death penalty.

80. The Government should condemn publicly all extrajudicial executions and other unlawful killings, including of suspected armed robbers, and announce that perpetrators will be brought to justice in fair trials before ordinary civilian courts and without recourse to death penalty. [...]

19 Periodic country report for 2015-2016 on the implementation of the African Charter on Human and Peoples’ Rights in Nigeria Available at [http://www.achpr.org/files/sessions/62nd_os/state-reports/6th-2015-2016/nigeria state report 6th 2015 2016 eng.pdf](http://www.achpr.org/files/sessions/62nd_os/state-reports/6th-2015-2016/nigeria%20state%20report%206th%202015%202016_eng.pdf)

20 https://www.icc-cpi.int/itemsDocuments/2017-PE-rep/2017-otp-rep-PE_ENG.pdf

Police

EASO, Country of Origin Report: Nigeria – State Actors of Protection (November 2018)

[...] 3.3.3 Oversight and legal safeguards against abuse

The NPF [Nigeria Police Force] was initially overseen by three government agencies: the Nigerian Police Council, the Police Service Commission (PSC), and the Ministry of Police Affairs.¹⁰⁸ However, the latter was scrapped, following the Buhari administration’s re-organisation of the federal executive in 2015.¹⁰⁹

The responsibility of the PSC is the prevention and investigation of police abuses, but it suffers from inadequate resources and a lack of independence. While the National Human Rights Commission (NHRC) may investigate police misconduct, it has not been an effective mechanism for doing so. The

judiciary is generally unable to prosecute police officers for authority abuse, as it lacks an effective internal investigation function. According to the Australian DFAT, 'instances of police abuse are rarely investigated and perpetrators are infrequently held to account in Nigeria.'¹¹⁰

In December 2017 the National Assembly passed into law the Anti-Torture Act 2017, which criminalises torture and protects victims and witnesses of torture, thereby making police officers legally prosecutable for its potential use.¹¹¹ Prior to this, there was no law in Nigeria with the objective of prohibiting and punishing such conduct¹¹², even though Nigeria had signed the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 28 July 1988, and ratified it on 28 June 2001.¹¹³

In December 2017, the NPF launched Force Order 20, which addressed 'free legal services for arrested and/or detained persons in police formations' and institutionalised the Police Duty Solicitor Scheme (PDSS) as a countrywide mechanism for its delivery.¹¹⁴

Complaints of police misconducts can be reported to the Public Complaint Rapid Response Unit of the National Human Rights Council, which says it is available 24/7 via telephonic and electronic channels.¹¹⁵ (p. 25)

[...] 7. National Human Rights Commission (NHRC)

[...] 7.3 Integrity

According to DFAT, the NHRC has not been an effective mechanism for investigating police misconduct, and instances of police abuse are rarely investigated and perpetrators are infrequently held to account in Nigeria.²⁵⁰

While the NHRC can and does conduct prison audits, according to the 2017 human rights report published by the US DoS, despite expressing 'willingness and ability to investigate credible allegations of inhuman conditions', the commission has not publicly released an audit report since 2012²⁵¹, a fact that is explained by the NHRC as a consequence of the aforementioned insufficient funding.²⁵² In June 2018, the NHRC received the permission to commence an audit of detention cells in all police commands and formations in Nigeria, including those of the SARS.²⁵³

Throughout 2017, it was unclear whether the NHRC was allowed to monitor hearings with terror suspects detained by the military.²⁵⁴ In July 2018, NHRC stated it will investigate 'all genuine cases of sharp [sic] practices' - meaning fraudulent activities in the provision of food and other relief items to IDPs - in Nigerian IDP camps.²⁵⁵ [...] (pp. 43-44)

108 Australia, DFAT Country Information Report Nigeria, 9 March 2018, <http://dfat.gov.au/about-us/publications/Documents/country-information-report-nigeria.pdf>, p. 30

109 The Eagle Online, Buhari to name 25 substantive ministers, scrap five ministries, 10 November 2015

110 Australia, DFAT Country Information Report Nigeria, 9 March 2018, <https://dfat.gov.au/about-us/publications/Documents/country-information-report-nigeria.pdf>, p. 30

111 Vanguard, Anti-Torture Act 2017: Issues, implication for police officers, 31 May 2018, <https://www.vanguardngr.com/2018/05/anti-torture-act-2017-issues-implication-police-officers/>

112 Vanguard, Anti-Torture Act 2017: Issues, implication for police officers, 31 May 2018, <https://www.vanguardngr.com/2018/05/anti-torture-act-2017-issues-implication-police-officers/>

113 United Nations Treaty Collection, Chapter IV: Human Rights - 9. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 29 September 2018, https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-9&chapter=4&lang=en

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[United States Department of State, Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2018: Nigeria \(13 March 2019\)](#)

[...] Role of the Police and Security Apparatus

[...] Due to the inability of law enforcement agencies to control societal violence, the government continued to turn to the armed forces to address internal security concerns. The constitution authorizes the use of the military to “[s]uppress insurrection and act in aid of civil authorities to restore order.” Armed forces were part of continuing joint security operations in the Niger Delta, Middle Belt, and Northwest.

Police, DSS [The State Security Service (SSS), self-styled as the Department of State Services (DSS)], and military reported to civilian authorities but periodically acted outside civilian control. The government lacked effective mechanisms and sufficient political will to investigate and punish most security force abuse and corruption. Police remained susceptible to corruption, committed human rights violations, and operated with widespread impunity in the apprehension, illegal detention, and torture of suspects. In September the NPF [National Police Force] Public Complaint and Rapid Response Unit reported it had recovered approximately 1.1 million naira (\$3,038) in bribery payments and dismissed 10 officers in the past two years. Dismissals of low-level officers, however, did not deter continuing widespread extortion and abuse of civilians. The DSS also reportedly committed human rights abuses. In some cases private citizens or the government brought charges against perpetrators of human rights abuses, but most cases lingered in court or went unresolved after an initial investigation. In the armed forces, a soldier’s commanding officer determined disciplinary action, and the decision was subject to review by the chain of command according to the Armed Forces Act. In 2016 the army announced the creation of a human rights desk to investigate complaints of human rights violations brought by civilians, and set up a standing general court martial in Maiduguri. The human rights desk in Maiduguri coordinated with the NHRC [National Human Rights Commission] and Nigerian Bar Association to receive and investigate complaints, although their capacity and ability to investigate complaints outside of major population centers remained limited. As of September the court martial in Maiduguri had reached verdicts in 39 cases since inception, some of which resulted in convictions for rape, murder, and abduction of civilians. Many credible accusations of abuses, however, remained uninvestigated and unpunished. (p. 12)

[...] Nongovernmental Investigation of Alleged Abuses of Human Rights

Domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials sometimes cooperated and responded to their views, but generally dismissed allegations quickly without investigation. In some cases the military threatened NGOs and humanitarian organizations. In April then- Theater Commander for Operation Lafiya Dole, Major General Rogers Nicholas, publicly said three UNICEF Child Protection staff were “persona non grata in the North East” and suggested they were “enemies of Nigeria and the military” who made “spurious and malicious allegations of human rights violations” as a result of UNICEF’s reporting on various human rights issues including sexual and gender based violence and past use of child soldiers in support roles. In May the army issued a statement regarding AI’s intention to release a “malicious” and “false report on fictitious rape incidents in IDP camps in the North East region of Nigeria.” One day prior, protestors--some of whom were reportedly paid to protest by unknown parties--surrounded AI’s Abuja offices. In June the army issued a press release referring to “the Amnesty International (AI) Barnawi faction of B[oko] H[aram] T[errorists],” an apparent reference to the Abu Musab Al-Barnawi group known as ISIS-WA. No retraction was issued and, as of December, the press release remained accessible on the army’s Facebook page.

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State Security Service (SSS)

[Amnesty International, Nigeria: Still No Accountability for Human Rights Violations: Amnesty International Submission For The Un Universal Periodic Review, 31st Session Of The UPR Working Group, November 2018 \(1 March 2018\)](#)

[...] HUMAN RIGHTS VIOLATIONS BY THE SECURITY FORCES

Nigeria accepted six recommendations to prevent and reduce human rights violations by the security forces, including through the provision of training, and to investigate reports of such violations and hold those responsible to account.⁴ Despite efforts by the government, through the army-led Special Board of Inquiry and the Presidential Investigative Panel, to review compliance by the armed forces with human rights, the authorities are yet to hold them accountable for gross human rights violations. While the authorities have set up various investigations, none of their reports have been made public. Despite assurances by the Inspector-General of Police in 2015 and 2017 that the police would reform the Special Anti- Robbery Squad, no concrete steps have been taken to ensure that complaints are duly investigated and prosecuted. Nigeria is also yet to implement the recommendation to amend Police Force Order 237 which provides for much wider scope for the use of lethal force than is permissible under international law and standards.⁵

Nigeria accepted six recommendations to improve conditions in detention, to allow access for monitors, and to ensure that all detainees are brought before a court as soon as possible.⁶ However, in the northeast of the country, the military have continued to detain thousands of people between 2014 and 2017, without access to courts and often for up to two years. Although conditions in detention have improved, inmates continue to die. [...] (pp. 4-5)

4 A/HRC/25/6, recommendations 135.69-72, (Switzerland, UK, USA, Canada), 135.75 (Czech Republic), 135.79 (Ireland).

5 A/HRC/25/6, recommendation 137.7 (Spain).

6 A/HRC/25/6, recommendations 135.106 (Germany), 135.34. (Belgium), 135.106 (Germany), 135.108- 109 (Czech Republic, France), 135.112. (UK), - 135.118 (Belgium).

Special Anti-Robbery Squad (SARS)

[Amnesty International, Nigeria: Still No Accountability for Human Rights Violations: Amnesty International Submission For The Un Universal Periodic Review, 31st Session Of The UPR Working Group, November 2018 \(1 March 2018\)](#)

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[Amnesty International, Nigeria: SARS overhaul is positive step but reforms must be robust \(14 August 2018\)](#)

Responding to news that Nigeria's Acting President Yemi Osinbajo has ordered an immediate overhaul of the country's Special Anti-Robbery Squad (SARS) police unit, Director of Amnesty International Nigeria Osai Ojigho said:

"This is an overdue yet hugely important move by Acting President Osinbajo. The growing outcry over the brutality of Nigeria's notorious SARS police unit has finally got the attention of the country's authorities.

"While this is positive news, it is crucial that any overhaul of SARS is far-reaching and immediately effective. Restructuring SARS is not enough unless the government takes concrete steps to protect Nigerians.

"The reform ordered by the Acting President must translate into ending the serious human rights violations, such as torture and extrajudicial executions, that SARS officers have been committing for years across Nigeria. That includes bringing to justice SARS officers found to have committed such atrocities.

"There is much compelling public evidence of human rights violations committed by SARS, some of it directly documented by Amnesty International, and this should now be used to aid an effective investigation into the unit's crimes.

"The special panel convened to investigate SARS must be independent and impartial. Its aims can only be achieved if victims are given time and protection to present their cases."

In September 2016, an Amnesty International report highlighted gross violations by SARS, including torture and other forms of ill-treatment. The report prompted assurances from the Nigerian authorities that SARS would be reformed, yet shocking violations committed by the unit have continued.

[United National General Assembly, Human Rights Council, Working Group on the Universal Periodic Review, Thirty-first session, 5-16 November 2018, Summary of Stakeholders' submissions on Nigeria: Report of the Office of the United Nations High Commissioner for Human Rights \(24 August 2018\)](#)

[...] III. Information provided by other stakeholders

[...] C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

[...] 2. Civil and political rights

Right to life, liberty and security of person³⁹

[...] 29. PRAWA [Prisoners' Rehabilitation and Welfare Action, Denmark] stated that there had been consistent allegations of torture by members of the Special Anti-Robbery Squad to extort confessions from detainees and arrested persons and conditions in most places of detention constitute at the very least cruel, inhuman or degrading treatment. Unfortunately, those allegations had not been effectively investigated, alleged perpetrators had not been prosecuted, and victims had no access to reparation and rehabilitation.⁵⁰ [...] (p. 4)

50 Ibid, para. 9. PRAWA made recommendations (para. 11); See also HRF, para. 12. HRF made recommendations (para. 18).

[Amnesty International, Nigeria: Disbandment of FSARS not enough to end police atrocities \(21 January 2019\)](#)

Responding to an announcement today by the newly-appointed Inspector General of Nigeria Police who ordered the disbandment of Federal Special Anti-Robbery Squad (FSARS) and other special squads, Osai Ojigho Director of Amnesty International Nigeria said:

"The disbandment of the notorious Federal Special Anti-Robbery Squad (FSARS) acknowledges years of outcry from Nigerians over human rights violations routinely committed by its members. However, disbandment alone is not enough and must be followed with concrete reforms that will end gross violations by the police altogether.

"Much more needs to be done to end unnecessary and excessive use of force, extrajudicial killings, torture, arbitrary detention and extortion. Wide ranging reforms must be carried out so that Nigerians can trust the police to provide law enforcement according to Nigerian laws and international standards. The toxic climate of fear and corruption perpetrated by the police must end.

"Previous attempts to end the use of torture by the Nigerian police has proven ineffective. To draw a line under these atrocities, they must be investigated, and the perpetrators brought to justice. Compelling evidence of crimes and human rights violations committed by FSARS is widely available, including in reports by Amnesty International and can aid effective investigation of crimes committed by the squad."

Military

[Amnesty International, NIGERIA 2017/2018 \(22 February 2018\)](#)

[...] Lack of accountability

In June, the Special Board of Inquiry to investigate allegations of gross violations of human rights, established by the Chief of Army Staff, found that Giwa barracks was extremely overcrowded, with poor sanitation and insufficient ventilation, factors which resulted in detainees' deaths. It cleared senior military officers, alleged to have committed crimes under international law, of wrongdoing.

In August, acting President Yemi Osinbajo set up a presidential investigation panel to probe allegations of human rights violations carried out by the military. Between 11 September and 8 November, the panel sat in the capital, Abuja, and in the cities of Maiduguri, Enugu, Port Harcourt, Lagos and Kaduna.

In its December preliminary report, the Office of the Prosecutor of the ICC announced that it would continue to assess the admissibility of the eight potential crimes it had previously identified as having been allegedly committed in Nigeria. [...]

[Amnesty International, Nigeria: Release presidential panel report to ensure transparency and accountability \(11 September 2018\)](#)

The Nigerian government's delay in making public a report on the military's human rights record is an appalling affront to victims who are still waiting for justice, Amnesty International said today - one year after a presidential investigative panel started its work.

The Panel to Review Compliance of the Armed Forces with Human Rights Obligations and Rules of Engagement submitted its report in February 2018. Since then, Nigerians have been waiting for the full report and fulfilment of the promise made by President Buhari in June 2015 to end impunity and ensure justice for the victims of crimes under international law committed by the armed forces.

"When the panel finally commenced a year ago, many Nigerians took the brave step to testify, driven by their yearning for the truth to come out. Their efforts must not be in vain. It is time for the victims to see the result of the investigations," said Osai Ojigho, Director of Amnesty International Nigeria.

"The government must make good on its promise and show its commitment to transparency and accountability by publishing the report and publicly revealing how it will ensure justice for victims."

During the course of its investigations, the panel held public sittings in Abuja, Maiduguri, Port Harcourt, Enugu, Kaduna and Lagos where it heard from victims and witnesses, who described a range of alleged violations by security forces, including extrajudicial executions, torture, rape, enforced disappearances and the burning down of villages.

"Far too many previous investigative panels and inquiries set up by the government ended nowhere, with no reports published to the public and little evidence of action taken by the government," said Osai Ojigho.

BACKGROUND

Following reports by Amnesty International and other human rights organizations that the Nigerian military has been responsible for crimes under international law and other serious human rights violations across Nigeria, in August 2017 the then Acting President Yemi Osinbajo set up the Presidential Investigative Panel to Review Compliance of the Armed Forces with Human Rights Obligations and Rules of Engagement.

The panel held public sittings in Abuja, Maiduguri, Port Harcourt, Enugu, Kaduna and Lagos from 11 September to 8 November 2017.

Amnesty International appeared before the panel in October 2017 and submitted a memorandum outlining the findings of its years of research relevant to the investigations. Amnesty International has repeatedly called on the government to set up impartial and independent investigations and urged that all findings must be made public.

[United States Department of State, Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2018: Nigeria \(13 March 2019\)](#)

[...] Prison and Detention Center Conditions

[...] Several unofficial military prisons continued to operate, including the Giwa Barracks facility in Maiduguri, Borno State. Although conditions in the Giwa Barracks detention facility reportedly marginally improved, detainees were denied due process and subjected to arbitrary and indefinite detention in conditions that remained harsh and life threatening (see section 1.g.). An AI report released in May documented multiple cases where women determined their husbands had died in custody in previous years. The same report also documented the arbitrary detention of women and children at Giwa Barracks. AI reported that citizens were generally not able to access any information about the fate or welfare of family members in military detention, or whether they were in fact detained. There were no reports of accountability for past reported deaths in custody, nor for earlier reports from AI alleging that an estimated 20,000 persons in the region were arbitrarily detained between 2009-15 with as many as 7,000 dying of thirst, starvation, suffocation, disease due to overcrowding, lack of medical attention, the use of fumigation chemicals in unventilated cells, torture, or extrajudicial execution. [...]

[...] Section 1. Respect for the Integrity of the Person, Including Freedom from:

[...] g. Abuses in Internal Conflict

[...] In March 2017 the army convened a board of inquiry (BOI) to investigate allegations of human rights violations committed by the army during campaigns against the insurgency in the Northeast, including in its detention centers. In May 2017 the BOI presented its findings to the chief of army staff. While the full report was not publicly available, the board briefed the press on some of the report's conclusions and recommendations. The board documented conditions at military detention facilities, including the center at Giwa Barracks, and found instances of overcrowded cells and unsanitary conditions. The BOI concluded that these detention conditions, and delays in trials of alleged Boko Haram members, sometimes resulted in deaths in custody. The BOI also found that the denial of access to legal representation was a violation of human rights. The board, however, reportedly found no evidence of arbitrary arrests or extrajudicial executions of detainees. The board also stated it was "unable to substantiate" any of the allegations against senior officers, claiming a lack of documents or other forensic evidence. The BOI reportedly did not find any individual member of the NA at fault for any human rights violation in military detention facilities, nor did it recommend prosecutions or other accountability measures for any member of the Armed Forces of Nigeria or other government entity. Notably, however, the BOI did not meet internationally accepted best practices for investigations. In particular, the board lacked full independence, did not have forensic or other evidentiary expertise, and did not consult testimonies from victims of human rights violations in compiling its evidence, thus calling into question some of its conclusions.

In August 2017 acting President Osinbajo announced a civilian-led presidential investigative panel to review compliance of the armed forces with human rights obligations and rules of engagement. The panel conducted hearings across the country and submitted its findings to the presidency in February. As of December the report had not been made public. (pp. 18-19)

[...] According to army statements to the press, the 2017 BOI report made numerous recommendations for improving detention conditions and judicial processes for suspected Boko Haram and ISIS-WA members. As of August, however, no one had been held accountable for abuses in Giwa Barracks or other military detention facilities. [...] (p. 20)

14. Redress

Detention in general

[Australian Government, Department of Foreign Affairs and Trade, DFAT Country Information Report: Nigeria \(9 March 2018\)](#)

[...] Judiciary

[...] 5.12 DFAT assesses it is difficult for citizens to obtain legal redress through the Nigerian court system. Nigerian courts suffer from a significant backlog of cases, leading to extremely long pre-trial detention periods, due to a lack of funding and low human resource capacity. Corruption is a barrier to justice, particularly in the lower courts. Judges often fail to appear in court because they are pursuing other sources of income. Court officials commonly lack proper equipment, training and motivation, primarily due to inadequate compensation. Nigerian citizens report facing long delays and alleged requests from judicial officials for bribes to expedite cases or to obtain favourable rulings. [...] (p. 30)

15. Impunity for state human rights abuses

Detention in general

[United National General Assembly, Human Rights Council, Working Group on the Universal Periodic Review, Thirty-first session, 5-16 November 2018, Summary of Stakeholders' submissions on Nigeria: Report of the Office of the United Nations High Commissioner for Human Rights \(24 August 2018\)](#)

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[...] 2. Civil and political rights

[...] Administration of justice, including impunity, and the rule of law⁶³

37. FLD [Front Line Defenders, Ireland] expressed serious concerns about the impartiality and independence of the criminal justice system. It stated that wealthy individuals, the police, the security forces and government agencies had repeatedly used the criminal justice system to target those who exposed corruption.⁶⁴ HRF [Human Rights Foundation, USA] stated that corruption had contributed to the miscarriage of justice as judicial personnel had been known to solicit bribes in order to deliver favourable rulings.⁶⁵

38. LEPAD [Legal Defence and Assistance Project, Lagos, Nigeria] stated that human rights cases had been subjected to unnecessarily long adjournments for reasons, which included the limited number of judges in some of the courts.⁶⁶

[...] 40. Referring to relevant supported recommendations, LEPAD stated that the practice of not ensuring the appearances of arrested and detained suspects before a competent court within the prescribed time, had persisted, despite the Administration of Criminal Justice Act, 2015.⁶⁹

41. PRAWA [Prisoners' Rehabilitation and Welfare Action, Denmark] stated that arrest and detention had appeared to be the standard response to any crime regardless of its severity, and had often happened before any meaningful investigation had been undertaken. Detained suspects had faced significant challenges which hindered them being brought before a judge within a reasonable time. Furthermore, the frequent use of the sentence of imprisonment for petty crimes, such as street hawking, following summary trials by mobile courts had resulted in a high number of persons, including minors, serving terms of imprisonment.⁷⁰

42. JS18 [The Human Rights Law Service, Legal Defence and Assistance Project, and The Coalition against the Death Penalty, Montreuil, France (Joint Submission 18)] stated that the police had lacked the capacity to undertake effective criminal investigations. There were no forensic laboratories, equipment or facilities to link crimes to suspects. Most charges for crimes attracting the death penalty had been based on confessional statements and the Judiciary had been complicit when it convicted persons on the evidence of those statements and sentenced them to death, knowing the limitations of the criminal justice system.⁷¹ [...] (p. 5)

63 For relevant recommendations see A/HRC/25/6, para. 135.71, 135.79, 135.113, 135.114, 135.116-135.121.

[...] 64 FLD, para. 15. FLD made recommendations (para. 27).

65 HRF, para. 14. HRF made a recommendation (para. 18 (c)).

66 LEPAD, p. 6, LEPAD made recommendations (p. 6).

[...] 69 LEPAD, p. 3, referring to A/HRC/25/6, para. 135.117 (Austria), para. 135.118 (Belgium) and para. 135.119 (Switzerland).

70 PRAWA, para. 7. PRAWA made recommendations (para. 8); See also HRF, para. 14, HRF made are commendation (para. 18 (b)).

71 JS18, p. 9. JS18 made recommendations (p. 10).

[United Nations General Assembly, Human Rights Council, Working Group on the Universal Periodic Review, Thirty-first session, 5–16 November 2018, Compilation on Nigeria, Report of the Office of the United Nations High Commissioner for Human Rights \(27 August 2018\)](#)

[...] B. Civil and political rights

[...] 34. Noting that the lack of accountability and impunity were repeatedly cited as major flaws of the criminal justice system, the Special Rapporteur on minority issues stated that alleged perpetrators must be persecuted and held accountable for their crimes.⁴¹ [...] (p. 5)

41 See A/HRC/28/64/Add.2, para. 82.

[United States Department of State, Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2018: Nigeria \(13 March 2019\)](#)

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[The Daily Trust, Falana to NBA: Stop illegal arrest, detention of Nigerians \(28 August 2019\)](#)

Human rights lawyer Femi Falana, SAN, yesterday urged the Nigerian Bar Association to "do more to hold governments at all levels to account for violations of human rights and stop illegal arrests and detention of Nigerians by law enforcement and security agencies."

Falana said this in a paper delivered yesterday at the induction of Mr. Fatai Adeyemi Abinjo as 37th President of the District 9110 of the Rotary Club, Ogba Lagos.

He said Nigerian lawyers should get organized and reposition the NBA to end illegal arrests and detention.

He said: "Due to the failure of lawyers and judges to hold the government accountable, the human rights of millions of poor Nigerians including civil, political, economic and social rights are violated with almost absolute impunity."

[OHCHR, End of visit statement of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her visit to Nigeria, Agnes Callamard, United Nations Special Rapporteur for Extrajudicial, Summary or Arbitrary Executions \(2 September 2019\)](#)

[...] Instead, the poorest and most impoverished Nigerians seem unable to access justice, remedies or reparations for arbitrary killings, while impunity flourishes and the rule of law remains tenuous. [...]

[This Day, Return to Reign of Impunity \(30 September 2019\)](#)

Alex Enumah writes that the increasing propensity of the Federal Government to disregard court order has enthroned a reign of impunity.

It was the beginning of another legal year at the Supreme Court and the Chief Justice of Nigeria [CJN], Ibrahim Tanko Muhammad without mincing words hammered home the message that it was time for government and their agencies in the country to observe the rule of law and obey judgment delivered by courts in the country. He warned that the court would no longer tolerate such untoward actions which has ridiculed the nation in the comity of nations.

"The judiciary under my watch will strongly uphold the tenets of the constitution as the supreme law of the land.

"The rule of law which is the bastion of democracy across the world will be strictly observed in our dealings and we must impress it on governments at all levels to actively toe that path," he said.

The CJN in assuring that the right of every citizen against any form of oppression and impunity would be jealously protected with the legal tools at their disposal, stressed that, "All binding court orders must be obeyed; nobody, irrespective of his or her position, will be allowed to toy with court

judgments,” adding that everyone must collectively show the desired commitment to the full enthronement of the rule of law in the land.

His reason was simple: flagrant disobedience of court orders or non-compliance with judicial orders is a direct invitation to anarchy in the society.

Reading the mind of the CJN, one can readily come to the conclusion that the leadership of the judiciary, the third arm of government is gradually waking up to its responsibility of guaranteeing the rights of citizens in the country.

There is no gainsaying the fact that the current administration of President Muhammadu Buhari has an unenviable human rights record reminiscent of the dark days of the military in Nigeria. According to an Amnesty International report released last year, a lot of people are said to be held in secret detention facilities, without an order of court, while few others are been kept in flagrant disobedience of court orders.

Besides the incarceration of Nigerians, businesses and properties of citizens have been seized or locked down by the Buhari administration without recourse to the law or disregard to valid court order. A case that readily comes to mind is the refusal of the Nigeria Police to unseal the head office of the Peace Corps of Nigeria (PCN) as ordered by the Abuja division of the Federal High Court last year. [...]

Police

[United States Department of State, Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2018: Nigeria \(13 March 2019\)](#)

[...] Role of the Police and Security Apparatus

[...] Police, DSS [The State Security Service (SSS), self-styled as the Department of State Services (DSS)], and military reported to civilian authorities but periodically acted outside civilian control. The government lacked effective mechanisms and sufficient political will to investigate and punish most security force abuse and corruption. Police remained susceptible to corruption, committed human rights violations, and operated with widespread impunity in the apprehension, illegal detention, and torture of suspects. In September the NPF [Nigeria Police Force] Public Complaint and Rapid Response Unit reported it had recovered approximately 1.1 million naira (\$3,038) in bribery payments and dismissed 10 officers in the past two years. Dismissals of low-level officers, however, did not deter continuing widespread extortion and abuse of civilians. [...]

[Amnesty International, Nigeria: Detained Protesters Denied Medical Care \(19 August 2019\)](#)

[...] At least 15 members of the Islamic Movement in Nigeria (IMN) including two children are suffering from gunshot wounds and need urgent medical attention. The IMN members were injured when police used tear gas and live ammunition to disperse a peaceful protest they were participating in.

[...] The Nigerian authorities has not held anyone accountable for the extrajudicial execution of the unarmed IMN protestors which emboldens security officials to act more with impunity. [...]

State Security Services (SSS)

[Premium Times, Nigeria: SSS: Nigeria's Security Agency Notorious for Disobeying Court Orders \(29 September 2019\)](#)

The State Security Service (SSS) has become notorious for disobeying court orders, a PREMIUM TIMES analysis has shown.

The agency, established under military rule in 1986, has a penchant for disobeying court orders and has continued to do so despite a recent statement by the Chief Justice of Nigeria, Tanko Muhammad.

On September 23, Mr Muhammad said the judiciary under his watch will not tolerate disobedience of subsisting court orders.

He described disobedience to court orders as creating “anarchy.”

“The rule of law must be observed in all our dealings and we must impress it on the governments at all levels to actively toe the path.

“The right of every citizen against any form of oppression and impunity must be jealously guarded and protected with the legal tools at our disposal.

“All binding court orders must be obeyed. Nobody, irrespective of his or her position, will be allowed to toy with court judgments,” the chief justice said.

Days after his warning, the SSS has again declined obedience to a court ruling. In this analysis, PREMIUM TIMES looks at major instances where the SSS had disobeyed court orders under President Buhari’s administration.

The SSS is headed by a Director-General who is chosen by the president and reports directly to him.

Mr Buhari has never condemned the SSS for disobeying the court orders and his appointees have repeatedly defended the disobedience.

Sambo Dasuki

Mr Dasuki has been held by the SSS since December 2015 when he was arrested on allegations he diverted \$2.1 billion from funds meant for the war against terrorism.

He has denied wrongdoing and is yet to be convicted.

Several court orders for the release of the former NSA had been flouted by the Nigerian government.

Since his arrest and arraignment before the Federal High Court, Abuja, Mr Dasuki has been granted bail at least seven times by various courts, with the SSS refusing to heed all the orders.

In one of Mr Dasuki’s reactions to his continued detention despite court orders for his bail, the former NSA approached the court of the Economic Community of West African States (ECOWAS Court) in 2016. The court ruled that his continued detention despite a valid court order granting him bail, was unlawful and an affront to his fundamental human rights.

The court also ruled that the federal government should pay Mr Dasuki N15 million as damages, adding that the cost of litigation should also be charged against the Nigerian government.

Despite the court judgement and criticism by local and international human rights activists, Mr Dasuki is still detained by the government.

In a recent development, the Court of Appeal granted yet another bail to the former NSA, in July 2019.

The court also ordered the federal government to pay Mr Dasuki N5 million for holding him against the provisions of section 35 (6) of the constitution which gives every Nigerian the right to free movement.

The government has also refused to obey the appeal court while Mr Dasuki remains in SSS custody.

Ibrahim El-Zakzaky

In December 2015, the Nigerian government also arrested the leader of the proscribed Shiite Islamic Movement of Nigeria, Ibrahim El-Zakzaky, after a clampdown by the army that resulted in the death of over 300 Shiite members. The soldiers had accused the Shiite group of blocking a major road that was to be used by the army chief, Tukur Buratai.

That massacre of the Shiites has been condemned by local and international rights groups.

Since the December 2015 incident, Mr El-Zakzaky and his wife, Zeenah, have been detained by the SSS; first without trial for over two years before they were arraigned on charges of murder for the death of a soldier during the December 2015 incident.

In 2016, when Mr El-Zakzaky was still being held without trial, a Federal High Court in Abuja ordered the SSS to release him and his wife on bail.

The judge, Gabriel Kolawole, also ordered the SSS to pay N50 million as damages to Mr El-Zakzaky and release the Shiite leader along with his wife within 45 days.

However, the agency refused, claiming that the Shiite leader was kept in its custody for his own protection.

Not only did the SSS refuse to obey that order, but the government also continued detaining Mr El-Zakzaky till April 2018 when the Kaduna government eventually filed charges after the Shiite members began a daily protest to demand Mr El-Zakzaky's release.

Members of the House of Representatives on July 10 also called on the Nigerian government to release Mr El-Zakzaky. The House made the call while adopting a motion by the Minority Leader, Ndudi Elumelu.

Omoyele Sowore

A Federal High Court judge, Taiwo Taiwo, on September 24 ordered the immediate release of Mr Sowore after the prosecution informed the court of its completion of investigations into the allegations against the activist.

The judge said Mr Sowore's lead counsel, Femi Falana, a senior advocate of Nigeria, would be responsible for ensuring he appears in court for trial.

"It is therefore ordered that the respondent be released forthwith. But he must deposit his international passport with this court within 48 hours of this order.

"Further, the respondent shall be released to Femi Falana forthwith by the applicant, that is the State Security Service (SSS).

"Femi Falana shall ensure that the respondent is produced for his formal arraignment whenever he or the respondent is notified.

Five days after that court order and four days after Mr Sowore met the bail conditions, the SSS has refused to obey the order.

Many Nigerians have since expressed doubt that the SSS and the Buhari administration would obey the court order, following the disobedience of earlier ones.

Mr Sowore was arrested on August 3 by the SSS for planning a protest popularised with the hashtag #RevolutionNow.

The protest took place on August 5, amidst heavy clampdown of protesters and journalists by security agents.

The SSS accused Mr Sowore of plotting to cause chaos and overthrow President Muhammadu Buhari with the protest. The agency obtained an order for his initial detention from the same Justice Taiwo for 45 days which elapsed on September 21.

On September 20, the Nigerian government filed a seven-count charge against Mr Sowore and a co-accused, Olawale Bakare.

SSS carving notorious image for itself – NBA

In a reaction to the recent case, the Nigeria Bar Association condemned the SSS for refusing to comply with court orders especially that freeing Mr Sowore.

In a statement on Sunday, signed by the association's national publicity secretary, Kunle Edun, the NBA described the agency's action as unfortunate and unacceptable.

"The Nigerian Bar Association has become aware of the unfortunate and flagrant disobedience of the order of directing the release of Omoyele Sowore by the Department of State Security Service of Nigeria on the 24th of September, 2019, of which the bail terms have long been perfected by the detainee's counsel.

"The NBA recalls that the DSS found it convenient to approach the Federal High Court in ensuring the detention of Omoyele Sowore for more than 50 days but has since comfortably refused to comply with the order of the same Court directing the release of Citizen Omoyele Sowore. This is unacceptable," it said.

The association said the conduct of the SSS is inimical to the pledge made by President Muhammadu Buhari at the UN General Assembly, to uphold human rights and the provisions of Nigerian laws.

“The NBA notes that the Department of State Security is cutting for herself the notorious image of an agency that enjoys treating judicial process with disdain, particularly as it pertains to obeying orders of courts enforcing the fundamental rights of Nigerians. The continued detention of Col. Sambo Dasuki (rtd) in spite of various court orders readily comes to mind.”

The NBA said Nigeria operates a constitutional democracy and Nigerian laws must be respected by all.

“The Nigerian Bar Association, therefore, calls for the immediate release of Citizen Omoyele Sowore in terms of the order of the Federal High Court made on the 24th September 2019, and other Nigerians who have been languishing in DSS detention centres without any charge.”

Also in a remark, a Senior Advocate of Nigeria, Mike Ozekhome, said the failure of the SSS to release Mr Sowore was further evidence “of government’s barefaced impunity.”

Mr Ozekhome said the only option available to the SSS is to first obey the court order then appeal the ruling.

[This Day, Return to Reign of Impunity \(30 September 2019\)](#)

[...] Notable Nigerians that are being held by the federal government in total disregard to the rule of law or disobedience to orders of court, include former National security Adviser, Col. Sambo Dasuki (rtd.), leader of the Islamic Movement of Nigeria (IMN), Sheik Ibrahim El-Zakzaky and presidential candidate of the African Action Congress (AAC), Omoyele Sowore, just to mention a few.

Sowore, Convener of #RevolutionNow Protest, was picked up in a Lagos hotel by men of the security services on Saturday, August 3 for what the DSS described as ‘crossing the line’.

Before his arrest, the activist and publisher of SaharaReporters, an online news portal had threatened to call out Nigerians to join him and his group to push out the Buhari administration over alleged corruption and ineptitude.

Sowore was also of the view that the election that brought Buhari to power for a second term was not credible.

Though he had slated Monday, August 5, 2019 for the mass protest nationwide, but before he could do anything he was whisked away by security agencies. Within few days of his arrest, the state security service secured an order of court to keep him for 40 days pending the conclusion of investigation bordering on treasonable felony and terrorism, as he was accused of planning to remove President Buhari through unconstitutional means.

The court in granting the order to the SSS to keep Sowore for the said number of days, held that 45 days would be sufficient for the agency to conclude its investigation.

While Justice Taiwo Taiwo, who granted the order, was magnanimous to assure that the detention order, could be extended at request, he warned that Sowore must not be kept beyond the first 45 days approved without the order of the court.

The order made on August 8, 2019 expired on September 21, 2019 and without a fresh request for its extension, Justice Taiwo on September 24, accordingly ordered the immediate release of Sowore from detention. He said Sowore should be handed to his lawyer, Femi Falana (SAN), after Sowore must have deposited his international passport with the registrar of the court.

However, days after the condition as stipulated by the court was met, the government has refused to obey the valid order of the court. Worse is the fact that the agency is denying being aware of the order of court, as well as, denying that it has been served with such order.

The government’s action on September 26 prompted the issuance of Form 48, a process seeking the committal to prison of the Director General of the SSS for refusing to obey the valid order of court.

It is not yet clear what the court will do to the SSS DG if Sowore was not released as ordered by the court.

Over the years, no punishment including imprisonment has been meted out to government officials who have disobeyed valid court orders. [...]

Military

[Human Rights Watch, Nigeria: End Impunity For Killings of Shia: Halt Crackdown on Protests \(12 December 2018\)](#)

[...] The authorities should end impunity for the disproportionately violent Zaria attacks, carry out a speedy and independent investigation into subsequent crackdowns on protests, and hold anyone found responsible for using unlawful force to account. [...]

[United Nations General Assembly, Human Rights Council: Working Group on Arbitrary Detention, Opinions adopted by the Working Group on Arbitrary Detention at its eighty-third session \(19–23 November 2018\)](#)

Opinion No. 81/2018 concerning Ibraheem El-Zakzaky and Zeenah Ibraheem (Nigeria)

[...] 18. Furthermore, according to the source, on 2 December 2016, the High Court ordered the Department of State Services to release Mr. Zakzaky and his wife within 45 days, therefore at the latest by 15 January 2017, considering their incarceration illegal and unconstitutional. They were, however, not released.

[...] 22. In addition, the source claims that on 22 January 2018, the Attorney General of Nigeria filed an appeal to overthrow the order of the Federal High Court of 2 December 2016 instructing that Mr. Zakzaky and his wife be released within 45 days. The court found that the Government was in contempt of the court order and that Mr. Zakzaky and his wife should have been released immediately after the decision of 2 December 2016 and should have been free during the appeals process.

23. According to the source, the failure to successfully prosecute Mr. Zakzaky for over two years, as well as the pressure from the court order demanding his release immediately as of December 2016, led the Nigerian authorities to charge him, his wife and two of their associates with numerous fabricated charges (namely blocking roads, being responsible for the death of a soldier and inciting violence). The source claims that the authorities have decided to press various charges against the detainees, hoping to succeed. The fact that countless eyewitnesses refute the Government's account of events seems irrelevant to the Office of the Prosecutor.

[...] 28. At the outset, the Working Group wishes to state that the events in question have been widely reported and substantiated by a written submission made to the Prosecutor of the International Criminal Court alleging that the incident amounts to a crime against humanity.² In addition, a number of special procedures mandate holders have written to the Government about the same set of facts but in vain.³ Given the wealth of information available to it, the Working Group is comfortable considering the information provided by the source and will now set out the legal implications.

29. According to the source, Mr. Zakzaky and his spouse were arrested on 14 December 2015. The officers who executed the arrest neither provided an arrest warrant, nor any reasons or legal basis for the deprivation of liberty of Mr. Zakzaky and his spouse. Neither of them was informed of the reasons for their arrest and subsequent detention and no formal charges were filed at that stage. Only recently, according to the source, have the Nigerian authorities decided to prosecute Mr. Zakzaky, Mrs. Ibraheem and their associates on charges of blocking roads, being responsible for the death of a soldier and inciting violence.

30. The State has an obligation to present an arrest warrant whenever a person is arrested and that obligation is enforced through the action of its agents who, in addition, must inform a person under arrest of the reasons for the arrest and subsequent detention. That obligation is established in article 9 of the Universal Declaration and in articles 9 (1) and (2) and 14 (3) (a) of the International

Covenant on Civil and Political Rights. The same is provided in article 6 of the African Charter on Human and Peoples' Rights. It is clear that this obligation has been violated in the present case.

31. In addition, it is reported that Mr. Zakzaky and Mrs. Ibraheem were detained incommunicado. A delegation of the Muslim Council was allowed to visit Mr. Zakzaky on 14 January 2016, one month after his arrest but no family member, independent personal physician or lawyer has been allowed to see him so far. Furthermore, according to the source Mr. Zakzaky was ferried in a wheelbarrow to a waiting truck and taken to an unknown destination. Incommunicado detention prevents the detainee from challenging his detention, in violation of article 9 (4) of the Covenant.

32. The Working Group concludes that all the violations mentioned above render the arrest and the detention arbitrary within category I.

33. According to the source, on 2 December 2016 the Federal High Court considered the incarceration of Mr. Zakzaky and his wife illegal and unconstitutional and subsequently ordered the State to release them within 45 days, that is by 15 January 2017 at the latest. They have, however, still not been released. Indeed, more than a year after the High Court order, on 22 January 2018 the Attorney General of Nigeria filed an appeal to overrule the order. The Working Group considers that when a State does not respect judicial orders from its own courts, especially when the court has ordered the release of individuals, in this case Mr. Zakzaky and Mrs. Ibraheem, continuous detention becomes without legal basis, falling again within category I. The Working Group is particularly concerned by such abuse of the rule of law, which profoundly jeopardizes human rights in the country. In addition, in view of the context of armed conflict in part of Nigeria, the Working Group notes that the source has emphasized that the Islamic Movement in Nigeria is a non-violent movement and cannot therefore be associated with any armed group in Nigeria. The Working Group therefore considers that Mr. Zakzaky and Mrs. Ibraheem, as civilians, cannot be considered as members of armed groups and cannot, therefore, be detained on that basis. Furthermore, the Working Group recalls that, in its general comment No. 31 (2004) on the nature of the general legal obligation imposed on States parties to the Covenant, the Human Rights Committee noted that "the Covenant applies also in situations of armed conflict to which the rules of international humanitarian law are applicable".

34. The Working Group also recalls the statement by the source that the Islamic Movement in Nigeria is a Shia group with close ties to Iran and based in Zaria, Kaduna State. The Movement is led by Mr. Zakzaky and has an estimated 3 million followers spread across Nigeria. There is nothing to suggest that the Movement is a terrorist organization such as Boko Haram, the radical Islamic group also operating in northern Nigeria that the international community has identified as a terrorist group of major concern.⁴ However, according to the source, the Islamic Movement in Nigeria has been regularly targeted over recent years in indiscriminate attacks by the Nigerian army. Eyewitnesses have even reported that the soldiers were celebrating and chanting slogans against the Movement during the Zaria massacre. On the day of the arrests, over 300 people were peacefully protesting against the presence of the army in a circle around Mr. Zakzaky's house. That, however, did not stop the army from targeting those civilians in a mass shooting, including an 18-month-old baby and members of Mr. Zakzaky's family, in order to gain access to the latter. According to the source, such acts of violence are recurrent and part of a process intended to take down Mr. Zakzaky.

35. Mr. Zakzaky and Mrs. Ibraheem were arrested and detained for exercising their freedom of opinion and expression and their right to peaceful assembly and freedom of association. Those rights and freedoms are protected under articles 19 (2), 21 and 22 (1) of the Covenant, articles 19 and 20 (1) of the Universal Declaration of Human Rights and articles 9, 10 and 11 of the African Charter on Human and Peoples' Rights, and can only be restricted, when necessary, to respect the rights or reputations of others or to protect national security, public order or public health or morals. The Working Group therefore concludes that the detention of Mr. Zakzaky and Mrs. Ibraheem falls within category II.

36. The Working Group also bears in mind that on 17 December 2015, the Governor of Kaduna State announced the establishment of a state judicial commission of inquiry into the incident at Zaria. In

his news conference, the Governor listed a range of grievances against the Shia group, including how road traffic had been disrupted during Shiite processions and the group's disregard for Government of Nigeria authorities. His statement shows a certain bias of the Government against Mr. Zakzaky and his movement. However, according to the source, Mr. Zakzaky has never advocated for armed struggle as a means of achieving the establishment of Islamic rule in Nigeria, contrary to what Boko Haram advocates. In addition, Mr. Zakzaky is known to be a voice for peace in the country.

37. Given its finding that the deprivation of liberty of Mr. Zakzaky and Mrs. Ibraheem is arbitrary within category II, the Working Group wishes to emphasize that no trial should take place in the future. However, it appears likely from the information presented by the source that proceedings against Mr. Zakzaky and Mrs. Ibraheem will continue to trial. The Working Group will therefore assess the arguments in that regard. [...]

2 See International Criminal Court, Office of the Prosecutor, "Report on preliminary examination activities 2017" (4 December 2017), para. 213.

3 See <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=22978> and <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=23063>. See A/HRC/WGEID/112/1, para. 75.

4 See, among others, S/PRST/2014/8. Following that statement by the President of the Security Council, on 22 May 2014 the Security Council Committee pursuant to resolutions 1267 (1999), 1989 (2011) and 2253 (2015) concerning Islamic State in Iraq and the Levant (Da'esh), Al-Qaida and associated individuals, groups, undertakings and entities approved the addition of Boko Haram to its list of individuals and entities subject to the targeted financial sanctions and the arms embargo set out in paragraph 1 of Security Council resolution 2083 (2012). See also Security Council resolution 2349 (2017).

16. Death penalty, especially after unfair trials

Detention in general

[Amnesty International, NIGERIA 2017/2018 \(22 February 2018\)](#)

[...] Death penalty

Death sentences continued to be imposed; no executions were recorded. In July, at the National Economic Council, state governors agreed to either sign execution warrants or commute death sentences as a way of addressing overcrowding in prisons. Death row prisoners reported that execution gallows were being prepared for executions in Benin and Lagos prisons.

In August, the Ogun state government announced that it would no longer maintain an informal commitment to refrain from authorizing executions.

In September, the Senate passed a bill prescribing the death penalty for kidnapping. [...]

[Australian Government, Department of Foreign Affairs and Trade, DFAT Country Information Report: Nigeria \(9 March 2018\)](#)

[...] DEATH PENALTY

Capital punishment applies to armed robbery, murder, rape and federal terrorism offences in each state in accordance with the federal Constitution. The Rivers State in the south has extended capital punishment to abduction and kidnapping. The death penalty applies under sharia law in twelve northern states for adultery, rape, incest, apostasy and homosexual sodomy.

Nigeria maintained a de facto moratorium on the death penalty between 2006 and 2013. The moratorium ended in June 2013 with the execution of four detainees for armed robbery and murder. The evidentiary requirements for capital offences under sharia law in some states are considered to be extremely demanding and, as a result, the death penalty rarely applies. In early 2014, the ECOWAS Court of Justice issued an injunction restraining the Nigerian government from implementing the death penalty. While the injunction is not legally binding on Nigeria, the government agreed to honour it and to conduct a national dialogue on the abolition or retention of the death penalty. DFAT understands that the national dialogue has not yet commenced.

According to Amnesty International, three men were executed on 23 December 2016 in Benin prison, Edo state. One of them was sentenced to death by a military tribunal in 1998, which meant he did not have a right to appeal. Judges reportedly continued to impose death sentences. On 4 May 2017, the Senate resolved to enact a law extending the death penalty to kidnapping, following the rise in abductions across the country.

The death penalty cannot apply to individuals under 18 years of age under federal law. It does apply to juveniles considered to have reached puberty in the northern states under sharia law and to individuals 17 years or older in the majority of southern states under state civil law. Federal and state civil laws and state sharia laws do not exclude pregnant women from the death penalty. [...] (p. 27)

[United National General Assembly, Human Rights Council, Working Group on the Universal Periodic Review, Thirty-first session, 5-16 November 2018, Summary of Stakeholders' submissions on Nigeria: Report of the Office of the United Nations High Commissioner for Human Rights \(24 August 2018\)](#)

[...] III. Information provided by other stakeholders

[...] C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

[...] 2. Civil and political rights

[...] Right to life, liberty and security of person³⁹

26. AI [Amnesty International UK] stated that the death penalty remained mandatory in criminal law for a wide range of crimes with some states expanding the range of crimes to include kidnappings.⁴⁵

JS18 stated that as soon as a crime assumes notoriety or begins to overwhelm law enforcement agencies, the response has been to impose the death penalty for such crimes.⁴⁶ (p. 4)

[...] Administration of justice, including impunity, and the rule of law⁶³

42. JS18 [The Human Rights Law Service, Legal Defence and Assistance Project, and The Coalition against the Death Penalty, Montreuil, France (Joint Submission 18)] stated that the police had lacked the capacity to undertake effective criminal investigations. There were no forensic laboratories, equipment or facilities to link crimes to suspects. Most charges for crimes attracting the death penalty had been based on confessional statements and the Judiciary had been complicit when it convicted persons on the evidence of those statements and sentenced them to death, knowing the limitations of the criminal justice system.⁷¹ [...] (p. 5)

39 For relevant recommendations see A/HRC/25/6, paras. 135.68-135.70, 135.72, 135.73, 135.75, 135.80, 135.82, 135.106-135.112, 137.10-137.13, 137.22, 137.24, 137.28-137.30.

[...] 45 AI, p. 5. AI made recommendations (p. 7).

46 JS18, p. 8.

[...] 63 For relevant recommendations see A/HRC/25/6, para. 135.71, 135.79, 135.113, 135.114, 135.116-135.121.

[...] 71 JS18, p. 9. JS18 made recommendations (p. 10).

[EASO, Country of Origin Information Report: Nigeria: Targeting of individuals \(November 2018\)](#)

[...] 2.6 Death penalty

The Nigerian legal system is characterised by its pluralism, where English common law, Islamic law (in 12 northern states)⁴⁸⁸, and customary law coexist.⁴⁸⁹ Under this framework, the death penalty in Nigeria is also applied in different manners, depending on whether the states apply secular or Islamic law.⁴⁹⁰

The capital punishment is generically foreseen in Article 33 of the Federal Constitution of Nigeria:

‘Every person has a right to life, and no one shall be deprived intentionally of his life, save in execution of the sentence of a court in respect of a criminal offence of which he has been found guilty in Nigeria.’⁴⁹¹

Other statutes regulate the application of the death penalty in Nigeria, namely the Criminal Code Act 1990; the Robbery and Firearms Decree 1984; the Armed Forces Act of 1993; and the Sharia Penal Code.⁴⁹²

The following offences are punishable by death under the provisions of the Criminal and Penal Code of Nigeria:

- murder;
- treason;
- conspiracy to treason;
- treachery;
- fabricating false evidence leading to the conviction to death of an innocent person;
- aiding suicide of a child or lunatic;
- armed robbery (under the Robbery and Firearms Decree 1984).⁴⁹³

Under the Nigerian Criminal Procedure Act, the age to be tried as an adult is 17 years or over⁴⁹⁴; if the person convicted for murder and sentenced to death has ‘in the opinion of the court (...) not attained the age of seventeen years at the time the offence was committed has been found guilty of murder such offender shall not be sentenced to death but shall be ordered to be detained during the pleasure of the President.’⁴⁹⁵

Death sentences can be executed either by hanging⁴⁹⁶ or shooting (firing squad).⁴⁹⁷

Examples

In September 2017, the Nigerian Senate approved a bill that applies capital punishment for kidnapping if it results in the death of the victim.⁴⁹⁸

Amnesty International reported that in July 2017, 'state governors agreed to either sign execution warrants or commute death sentences as a way of addressing overcrowding in prisons'. The source reported that in August 2017, 'the Ogun state government announced that it would no longer maintain an informal commitment to refrain from authorizing executions'.⁴⁹⁹

According to Amnesty International, in 2016 Nigeria executed three persons by hanging in Benin Prison (Edo State). It registered 527 death sentences, representing a huge surge when compared to previous years, bringing the total number of people sentenced to death in the country to 1 979. The authorities pardoned 33 prisoners, exonerated another 32 and commuted a total of 105 death sentences.⁵⁰⁰

In December 2014, 54 Nigerian soldiers were convicted to death by shooting, after a military court found them guilty of mutiny.⁵⁰¹ In September 2014, 12 soldiers were also sentenced to death by court-martial in Abuja, for mutiny and attempted murder of a commanding officer in Maiduguri.⁵⁰²

In 2013, Nigeria executed four persons who had been sentenced to death.⁵⁰³

2.6.1 Sharia penal code and the death penalty

Under the various Sharia penal laws applicable to the 12 northern Nigeria states, death penalty is applicable when convicted by one of the following offences:

- *zina* (adultery);
- rape;
- sodomy;
- incest;
- witchcraft and *juju* offences.⁵⁰⁴

According to Hurilaws, under Sharia law, children under 18 years old can be sentenced to death. The age of adulthood is flexible: 'the age at which a person becomes responsible for his or her acts, often taken at the age of puberty [*taklif*].⁵⁰⁵ Children under 18 are therefore possibly subject to death penalty.⁵⁰⁶ Similarly, another source indicates that 'no sentence of *hudud*⁵⁰⁷ or *qisas*⁵⁰⁸ shall be imposed on a person who is under the age of *taklif*.⁵⁰⁹

The execution of death sentences under Sharia law include hanging, stoning (*rajm*) and crucifixion (*salb*). The latter two are applicable only to Muslims. Stoning is applicable in cases of *zina* (adultery), rape (if the offender is married), incest (if the offender is married) and homosexual sodomy, whereas crucifixion (*salb*) is the punishment for armed robbery (*hirabah*) resulting in death when property is actually taken.⁵¹⁰

Adbul Raufu Mustapha, associate professor of African Politics at the Oxford Department of International Development published a study titled 'Exploring 15 years of Sharia implementation in northern Nigeria', where it is found that the 'Islamic criminal law was not being imposed on non-Muslims against their will, and serious punishments such as amputations and stoning to death were rarely being imposed – and where they were imposed, were not being executed'. The study also indicates that the record keeping of court sentences is very poor and information is lacking.⁵¹¹

According to Elizabeth Peiffer, attorney and author of a study on death penalty and its interpretation under traditional Islamic law in Nigeria, although the 12 northern states adopted Shari'a's penal code and criminal law, the 'rigidity' of its application 'varies greatly from state to state'. Shari'a law applies only to Muslim citizens, and non-Muslims in the northern states are tried by common law courts or customary courts.⁵¹²

As most Nigerian Muslims are Sunni⁵¹³, they follow the Maliki school of jurisprudence, which is considered to be 'fairly flexible' due to the sources of it uses: *urf*, the useful public practice, and *maslaha*, the public good. According to Peiffer, 'Shari'a courts decide cases on a case-by-case basis, without the use of precedent' and, contrary to secular law, the 'Maliki school of jurisprudence provides that a person is presumed guilty until innocence is proven'.⁵¹⁴

2.6.2 Offences subjected to death penalty in the Sharia law

Peiffer indicates that the implementation of Sharia law in northern states ‘has resulted in harsher punishments and less discretion for judges’; Zina (adultery), for example, ‘previously punishable by flogging, now carries a mandatory death sentence, by stoning’.⁵¹⁵

According to the author, ‘apostasy, a *hadd*⁵¹⁶ offense for which the penalty is death, is not included in the Shari'a penal codes, probably due to the diversity of religion in Nigeria’.⁵¹⁷ Contrarily, other sources indicate that indeed apostasy is a crime with a mandatory death sentence in the northern states in Nigeria, although there are no recent reports of its actual execution.⁵¹⁸ One source indicates that ‘conversion to Judaism or Christianity is explicitly permitted’.⁵¹⁹ [...] (pp. 65-68)

- 489 EASO COI Report, Nigeria, Country Focus, June 2017, https://coi.easo.europa.eu/administration/easo/PLib/EASO_Country_Focus_Nigeria_June2017.pdf
- 490 Training and Resources in Research Ethics Evaluation (TRREE), Legal Basis For Research Ethics Governance In Nigeria, 5 March 2014, <https://elearning.trree.org/mod/page/view.php?id=142>
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- 492 HURILAWS, Basic Country Report Nigeria, n.d., available at: https://www.biicl.org/files/2160_basic_country_report_nigeria.pdf.
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[United Nations General Assembly, Human Rights Council, Fortieth session, Report of the Working Group on the Universal Periodic Review: Nigeria \(25 February–22 March 2019\)](#)

[...] I. Summary of the proceedings of the review process

A. Presentation by the State under review

[...] 20. Nigeria continued to retain the death penalty. However, efforts were ongoing between the federal Government and the state governments to formalize a moratorium on the death penalty. [...] (p. 3)

[OHCHR, End of visit statement of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her visit to Nigeria, Agnes Callamard, United Nations Special Rapporteur for Extrajudicial, Summary or Arbitrary Executions \(2 September 2019\)](#)

[...] Death Penalty

66. I welcome the informal moratorium in place and the fact that executions have not been carried out since 2016.¹⁶ However, in August 2017, the Ogun state government announced that it would no longer maintain an informal commitment to refrain from authorizing executions. In 2018, 46 persons were sentenced to death. At the end of that year, Nigeria had the highest death row population in sub-Saharan Africa¹⁷.

67. According to reports received, several thousand Nigerians have been sentenced to death abroad. I have received multiple allegations that the Nigerian consular officers in those countries fail to provide consular services to their citizens with a few notable exceptions which are welcomed and should become the norms.

68. I urge the Federal and State authorities to take steps towards formally abolishing the death penalty, including by ratifying the Second optional protocol. I also recommend that the authorities seek to enter bilateral agreement with countries where Nigerians are detained who are facing the death penalty to ensure full access to consular services.

[...] Access to Justice

[...] 79. Every death or serious injury in police custody, and every alleged extrajudicial execution, ought to be adequately and impartially investigated by an independent body. Officers suspected of being responsible should be suspended pending investigation; those who use legitimate lethal force should be cleared and those who are implicated in extrajudicial executions should be dismissed and brought before an ordinary civilian court and guaranteed the right to a fair trial in accordance with international standards without recourse to the death penalty.

80. The Government should condemn publicly all extrajudicial executions and other unlawful killings, including of suspected armed robbers, and announce that perpetrators will be brought to justice in fair trials before ordinary civilian courts and without recourse to death penalty. [...]

16 More than 2,600 people were convicted and executed between 1970 and 1999. However, the rate of executions dropped dramatically after the fall of the military government in May 1999. From May 1999 to 2006, Amnesty estimates that at least 22 people were executed. After a 7-year hiatus without executions, four death row inmates were executed in 2013

17 <https://www.deathpenaltyworldwide.org/country-search-post.cfm?country=Nigeria#f7-1>

Amnesty International, Global Report: Death Sentences and Executions 2018 (2019)

[...] SUB-SAHARAN AFRICA

[...] REGIONAL TRENDS

[...] The scope of the death penalty was expanded in Mauritania and Nigeria.

[...]

COUNTRY	2018 recorded executions	2018 recorded death penalties	People known to be under sentence of death at end of 2018
Nigeria	0	46+	2,000+

[...] The decrease in death sentences was mainly due to a reduction in the number of confirmed death sentences in Nigeria.¹¹⁰ At the end of the year, Nigeria imposed the highest number of death sentences and recorded the highest number of people known to be under the sentence of death in sub-Saharan Africa. (p. 41)

[...] Notable Country Developments

[...] With more than 2,000 people on death row – including at least 46¹¹⁷ sentenced to death in 2018 – Nigeria had the highest death row population in sub-Saharan Africa at the end of the year. No executions were carried out and at least 32 commutations and 16 pardons were granted.

Using powers under Section 212 of the 1999 Nigeria Constitution (as amended), state governors granted clemency to death row prisoners. In March, the Delta State Governor, Ifeanyi Okowa, commuted 30 death sentences to life imprisonment. Later in the year he called on Nigeria to abolish the death penalty, arguing that the world is moving away from this punishment. In November, shortly before leaving office, then Governor of Osun State, Rauf Aregbesola, pardoned four death row prisoners and commuted the sentences of two others to 10 years' imprisonment. On 31 December, Ondo State Governor Rotimi Akeredolu commuted the death sentences of three death row prisoners to life imprisonment and pardoned 12 others.

In a unanimous decision, a five-person panel of the Supreme Court affirmed the death sentence imposed by the Abia State High Court in 2006 on three men who were members of the Bakassi Boys vigilante group.¹¹⁸ The men – Emmanuel Eze, Adiele Ndubuisi and Stanley Azuogu – who had been convicted of murder by the trial court had their appeal dismissed by the Court of Appeal in May 2010. Having exhausted their right of appeal Amnesty International is concerned that the three men are now at risk of execution.

Legislative steps were taken to expand the scope of the death penalty. In March, Rivers State amended its laws to prescribe the death penalty for kidnapping and cultism by adopting the Rivers State Secret Cult and Similar Activities (Prohibition) (Amendment) Law No.6 of 2018 and the Rivers State Kidnap (Prohibition) (Amendment) No.2 Law No.7 of 2018.¹¹⁹ Following the enactment of the laws, the Governor of Rivers State, Nyesom Wike, declared that he would sign the execution warrant of anyone convicted of kidnapping whose conviction is affirmed by the Supreme Court. In addition, the Senate considered a bill prescribing death by hanging for any person found guilty of any form of hate speech that results in the death of another person;¹²⁰ the bill had not become law by the end of the year. [...] (p. 43)

110 Amnesty International was only able to confirm 46 death sentences in Nigeria; however, the real figure is likely to be higher

[...] 117 This figure is Amnesty International's minimum credible estimate, the real figure is likely to be much higher
118 "Supreme Court affirms three Bakassi Boys' death penalty", Punch, 6 July 2018, <https://punchng.com/supreme-court-affirms-three-bakassi-boys-death-penalty/>

119 "I'll sign death warrant of convicted cultists without looking back – Wike", PM News, 15 March 2018, www.pmnewsnigeria.com/2018/03/15/ill-sign-death-warrant-of-convicted-cultists-without-looking-back-wike/

120 "New Senate Bill proposes death sentence for hate speech", Premium Times, 2 March 2018, www.premiumtimesng.com/news/top-news/260466-new-senate-bill-proposes-death-sentence-hate-speech.html

[NigeriaWorld, 3 family members freed after 14 years on death row in Enugu \(4 July 2019\)](#)

Three members of a family- Azubuije Ehirio, 86; his son, Ehiodo, 33, and cousin, Ngozi Onyekwere- sentenced to death by hanging by an Abia State High Court in 2005 were, yesterday, released unconditionally from Enugu Maximum Prisons.

The family members, who hailed from Isiala Ngwa in Abia State, were convicted for murder.

They were released by the Presidential Committee on Prisons Reform and Decongestion that visited the Enugu Maximum Prisons.

Chairman of the committee, Justice Ishaq Bello, who gave the order during their sitting in Enugu, said the committee after reviewing the circumstances that led to their incarceration and subsequent conviction of the inmates, was convinced that they needed to be set free.

When their matter was called up, the octogenarian told the court that they were unjustly convicted by the court and had no money to go on appeal.

Ehirio said he had a dispute with a member of their community, who attempted to take their ancestral land by force.

He said armed robbers killed the man's child, whom he gave his name as Emeka, within the same time and the man accused and arrested him.

According to him, "my son, who was living in Port Harcourt at the time, heard that I was arrested by the Police and came back. The man also arrested him along with my cousin."

Ehirio said they were subsequently charged to court on a trumped murder charge, convicted and sentenced to death by hanging.

Asked whether they appealed the judgment, Ehirio said their family had no money to go on appeal, adding that they had been in prison for 14 years for an offence they did not commit.

After listening to the submission and reviewing their remand notice, Bello expressed the desire of the committee to set them free.

His words: "Our decision is that we are convinced after reviewing the circumstances surrounding the case and we will let them go.

"You should be grateful to God and remain of good behaviour and never engage in dispute again."

Bello advised them to always obey constituted authority as they go home. He added that the committee would give them N10,000 each for their transport fare back to their community.

[VOA News, Nigeria's Prisons Set to Undergo Long-Awaited Reforms \(24 August 2019\)](#)

ENUGU, NIGERIA - After Clinton Kanu was arrested and charged with murder in 1993, he spent 13 years in prison awaiting trial. He waited another 14 years on death row at a prison in southern Nigeria.

He says that prison is horrible and that his entire youth was wasted in an awful situation.

In April this year, Nigeria's Supreme Court acquitted Kanu, saying there was not enough evidence to prove he committed murder. After 27 years in prison, Kanu was released.

It's cases like Kanu's that a prison reform bill signed into law this month by President Muhammadu Buhari is aimed at addressing. The new law, which changed the name of the Nigerian Prison Service to the Nigerian Correctional Service, has been described as unprecedented in Nigeria.

Francis Enobore, the spokesperson for the Nigerian Correctional Service, told VOA the new law was inspired by prison reform initiatives being taken in other countries.

Nigeria's prison service currently has about 250 prisons and 74,000 inmates.

The recently passed law may fix what many say is the most glaring problem in the sector: overcrowding. The prison where Kanu was on death row houses more than 4,000 inmates; it was built for 804.

The new law allows comptrollers to reject additional prisoners when the prison in question is already filled to capacity.

Ways to avoid prison

The law also addresses overcrowding by administering community service, parole and meditation between the offender and the offended. This is so those convicted of minor or petty crimes can avoid prison.

There's also an option for judges to change a death sentence to life imprisonment if an inmate sentenced to death has exhausted all appeals and 10 years have elapsed without the execution of the sentence.

Nigeria currently has the highest number of death sentences in sub-Saharan Africa, with 621 people sentenced to death in 2017 and more than 2,000 inmates on death row, according to Amnesty International.

Giving judges the option to commute death sentences could be a game-changer. But legal analysts and activists like Sylvester Uhaa are already expressing concern about implementation.

Sometimes, Uhaa said, money intended for implementation is not released to the relevant agencies. But corruption is also an issue, he added.

Since 2008, Uhaa has directed the Nigeria chapter of Citizens United for the Rehabilitation of Errants, or CURE. He's among the activists and policymakers who have been waiting for the approval of the 11-year-old bill.

One area the reform law does not address is transparency in contracting for prison services. Earlier this month, about 50 inmates at a prison in Keffi tried to escape, complaining of being poorly fed, forced to live in unsanitary conditions and not receiving medical attention. The prison also has a problem with sewage disposal and a severe shortage of drinking water.

Monies are budgeted for feeding. Monies are budgeted for drugs," Uhaa said. "So why are inmates not getting the food that they need to get? Who is getting these contracts to feed these inmates? Can we know the people and how much is involved?

Large backlog

Slowness and corruption in the country's criminal justice system have resulted in an enormous backlog of cases. Out of the nearly 74,000 inmates in the country, only about 24,000 have actually been convicted. That's means 68 percent of the total prison population is awaiting trial.

A section in the law mandates that steps be taken to speed up these cases. Such a mandate could have drastically reduced Kanu's 27 years in prison.

At 56, he's still getting used to his newfound freedom. He's been applying for work at human rights organizations, where he hopes to focus on prison reform.

[Leadership, 2,742 Inmates Awaiting Execution As Govs Decline To Sign Warrants \(6 September 2019\)](#)

The controller general, Nigeria Correctional Service (NCS), Ahmed Jafa'aru yesterday revealed that Nigeria now has 2,742 inmates on death row.

Jafa'aru made the revelation while briefing newsmen about the key provisions of the Nigeria Correctional Service Act which was recently assented to by President Muhammadu Buhari.

He said, "As of Monday, September 2, the service had 2,742 inmates on death row. We are compiling their list and I am sure a good number of them have exhausted their appeal and are waiting for the approving authority to either approve their execution or commute them to life sentence. The law also talks about rejection of lunatics. Right now, we have 13 lunatics in our Enugu facility."

While stating that the new Act has brought succour and hope to inmates on death row the CG explained that previously, this category of inmates live under the suspense and mental torture of death which the appropriate authorities would neither sign nor easily commute to life imprisonment. [...]

[Premium Times, 37 prisoners on death row in Edo, says Controller of Prisons \(10 September 2019\)](#)

The Edo Controller of Prisons, John Ewulo, said on Wednesday that 37 prisoners are on death row in prisons in the state.

Mr. Ewulo said this in Benin at a conference organised by a France based organisation, Advocates Sans Frontiers and the Nigeria Bar Association (NBA).

The theme of the conference was 'Strengthening the role of stakeholders in addressing the issue of death penalty'.

Represented by Osas Omokaro, the controller said the figure included those who had exhausted their rights of appeal.

Mr. Ewulo added that 31 condemned convicts had been transferred to other prisons for security reasons.

The controller said 1, 971 inmates were currently locked up in prisons across the state out of which 1, 654 of them are awaiting trial.

He added that about 80 per cent of the prison inmates are being held for capital offences such as murder and kidnapping.

The controller said the prisons are over populated and called for urgent measures to de-congest them.

The Head of Mission in Nigeria of Advocates SANs Frontiers, Celine Lemmel, said lawyers in Nigeria should begin discussion on the need to end the death penalty.

She described it as inhuman and abuse of the fundamental rights of citizens.

"We are here on awareness conference of saving lives on the issue of death penalty and to open discussion on death penalty," she said.

She said the organisation is collaborating with France and Nigerian lawyers to seek a way forward.

"We are working with local team of people and our French lawyers are liaising with lawyers here to seek an end to the problem," she said.

Patricia Iyomo, vice chairman of the state branch of the NBA, said although death penalty is part of Nigeria's criminal system, efforts should be made to abolish it.

[Hands Off Cain, Nigeria: 2,742 Inmates Awaiting Execution \(11 September 2019\)](#)

[...] The controller general, Nigeria Correctional Service (NCS), Ahmed Jafa'aru on 5 September 2019 revealed that Nigeria now has 2,742 inmates on death row.

Jafa'aru made the revelation while briefing newsmen about the key provisions of the Nigeria Correctional Service Act which was recently assented to by President Muhammadu Buhari.

He said, "As of Monday, 2 September, the service had 2,742 inmates on death row. We are compiling their list and I am sure a good number of them have exhausted their appeal and are waiting for the approving authority to either approve their execution or commute them to life sentence." [...]

17. Access to legal representation

Detention in general

[Australian Government, Department of Foreign Affairs and Trade, DFAT Country Information Report: Nigeria \(9 March 2018\)](#)

[...] Judiciary

[...] 5.11 Defendants have a legal right to a presumption of innocence, to receive a fair trial without undue delay and to communicate with defence council, and to seek legal aid. Legal aid in Nigeria is extremely limited.

5.12 DFAT assesses it is difficult for citizens to obtain legal redress through the Nigerian court system. Nigerian courts suffer from a significant backlog of cases, leading to extremely long pre-trial detention periods, due to a lack of funding and low human resource capacity. Corruption is a barrier to justice, particularly in the lower courts. Judges often fail to appear in court because they are pursuing other sources of income. Court officials commonly lack proper equipment, training and motivation, primarily due to inadequate compensation. Nigerian citizens report facing long delays and alleged requests from judicial officials for bribes to expedite cases or to obtain favourable rulings. [...] (p. 30)

[United Nations General Assembly, Human Rights Council, Working Group on the Universal Periodic Review, Thirty-first session, 5–16 November 2018, Compilation on Nigeria, Report of the Office of the United Nations High Commissioner for Human Rights \(27 August 2018\)](#)

[...] IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

[...] B. Civil and political rights

[...] 2. Administration of justice, including impunity, and the rule of law³⁸

[...] 35. Referring to the relevant recommendation from the previous review, the United Nations country team noted that the Legal Aid Council had been unable to provide free legal representation to those who needed it due to funding and staffing deficiencies. The country team considered that the recommendation had not been implemented.⁴² The Committee on the Elimination of Discrimination against Women remained concerned at reports that access to justice for women was often impeded by insufficient budget allocations for legal aid, alleged corruption and stereotyping within the judiciary.⁴³ [...] (p. 5)

38 For relevant recommendations, see A/HRC/25/6, paras. 135.71, 135.79, 135.113–135.114 and 135.116–135.121.

[...] 42 United Nations country team submission, p. 6, referring to A/HRC/25/6, para. 135.113 (France).

43 See CEDAW/C/NGA/CO/7-8, para. 13.

[Amnesty International, Nigeria: Detained Protesters Denied Medical Care \(19 August 2019\)](#)

[...] At least 15 members of the Islamic Movement in Nigeria (IMN) including two children are suffering from gunshot wounds and need urgent medical attention. The IMN members were injured when police used tear gas and live ammunition to disperse a peaceful protest they were participating in. They have been denied access to medical care and to their lawyers or family members since their arrest on 22 July. [...]

Nigerian Prisons Service (recently renamed Nigerian Correctional Service)

[PRAWA \(Prisoners' Rehabilitation and Welfare Action\) and NPS \(Nigerian Prison Services\), Nigerian Prisons Survey Report, Volume 1 Summary: A Research On Pre Trial Detention in Nigeria \(1 February 2018\)](#)

[...] Many of the ATPs do not have legal or active legal representation and some who have legal representation are unsatisfied with the quality of service being rendered to them by their lawyers. The majority of respondents in the sampled sites indicated that their legal representation was not active (56%) in total. This means that 6 out of ten inmates do not have a lawyer to represent him/her in the court. Specifically, 67 percent and 54 percent of respondents in Kano Central and Enugu Maximum prisons respectively stated that they did not have active legal representation at the time of data collection for the study.

[...] Responses on reasons for inactive legal representation indicated that 56%, 54% and 37% of the respondents in Kano Central, Ikoyi and Enugu prisons respectively identified lack of funds to engage a lawyer as the main reason for inactive (or even no legal) representation.

[...] For respondents that had lawyers at the time of the census, on the average, 50 percent of the respondents in the three study prisons reported non-satisfaction with their lawyers. This issue raises question as to the constitutional right of access to legal representative of choice vis-a-vis ability to really make quality choice and access justice adequately given their level of education and poverty. [...]

[EASO, Country of Origin Information Report: Nigeria: Targeting of individuals \(November 2018\)](#)

[...] 3.12 Lesbian, Gay, Bisexual, and Transgender persons (LGBT)

[...] 3.12.2 Human rights violations and/or discrimination

[...] 3.12.2.2 Treatment in prison

Imprisoned gay persons reportedly are confronted with rape in prison, are abandoned by their families and suffer seriously in prison of maltreatment, lack of food and lack of legal support.¹⁰³⁷ [...] (p. 124)

1037 ABCNews, 'I didn't want my mum to know': The men and boys arrested for being gay in Nigeria, updated 22 October 2017, <https://www.abc.net.au/news/2017-10-22/arrested-for-being-gay-in-nigeria/9069350>; Erasing 76 crimes, New initiative works to free suspected gay Nigerian prisoners, 18 October 2017, <https://76crimes.com/2017/10/18/new-initiative-works-to-free-suspected-gay-nigerian-prisoners/>; Erasing 76 crimes, Nigeria: Man facing homosexuality charges languishes in prison, 10 May 2018, <https://76crimes.com/2018/05/10/nigeria-man-facing-homosexuality-charges-languishes-in-prison/>

[Francisca Anene and Laura Osayamwen, Remembering the Forgotten: Benefits of Prison Education for Awaiting Trial Inmates in Nigeria, Pan-Commonwealth Forum, Edinburgh \(9-12 September 2019\)](#)

[...] Characteristics of the Typical ATI [awaiting trial inmates]

The factors examined above may apply to all ATIs regardless of particular circumstances. However, economic and social factors predispose certain classes of accused persons to greater disadvantage and a higher possibility of indeterminate remand in custody. As Table 1 clearly shows, the typical Nigerian prisoner is male. Available literature also indicates that he is likely to be socially/economically disadvantaged, at the prime of his life, illiterate/semi-literate, and unemployed/self-employed at the lowest occupational ladder (Tanimu, 2010; Ogunleye, 2014; Emeka et al, 2016; Orjiakor et al, 2017). These characteristics have implications for the possibility of criminalisation of ATIs or recidivism of offenders.

[...] The study findings align with Tanimu (2010) and PRAWA (2018) that majority of prisoners are economically disadvantaged. Only 38% of the total study sample had retained a lawyer. Of these, only 10% were able to pay their legal fees themselves. While majority (70% – 80%) depended on their social network to meet this obligation, others (about 10%) relied on legal aid or pro-bono legal services usually afforded to the indigent. These figures indicate that majority of ATIs are likely to be

indigent, unemployed or semi-employed. With respect to education levels, the study findings indicate that less than 27% of respondents who were charged with bailable offences were aware of the possibility and conditions for applying for bail before arrest. Different levels of bail awareness in the three states align with adult literacy rates per state.

[...] Implications of Characteristics for Criminalisation of ATIs or Rehabilitation in Prison

In Nigeria, an accused person's economic ability significantly influences his experience of the entire criminal justice process including arrest, bail, speed of trial and length of custodial sentence. An economically viable accused person is likely to engage the services of competent lawyers who will ensure a speedy trial with short adjournments, admittance to bail on favourable terms, regular appearance in court and a light sentence upon conviction. These factors go on to influence a convict's prison experiences, possibility of early release, reintegration into society and stigmatisation. Bearing these factors in mind, it is likely that ATIs who spend up to 47 months in remand without conclusion of trial or final judgement (UNODC 2006) lack the economic ability to influence the criminal justice process. The socially disadvantaged status of the typical ATI is also clear from the level of impunity with which ATIs rights are violated. Hence, 59.7% - 84.9% of all the ATIs surveyed were in custody for bailable offences. Furthermore, 50% - 63% were not afforded the chance to apply for bail (UNODC 2006). These are clear breaches of section 35 of the 1999 constitution. [...] (pp. 4-5)

[The Daily Trust, 'We'll provide aid for victims of rights violations' \(17 September 2019\)](#)

[...] The Avocats Sans Frontières France (ASF France), also known as Lawyers Without Borders, France, has reiterated its determination to provide legal aid for victims of human rights violations in Nigeria. The Head of ASFF in Nigeria, Angela Uwandu, made this known in Abuja, during a training session for lawyers on methods of addressing serious human rights violations.

"The project aims to address serious human rights violations of extra judicial executions, torture, ill treatments and arbitrary detention by security agencies in Nigeria," Uwandu said.

She added, "we are poised to engage and train media, security agencies, CSOs and lawyers in order to enhance best practices in the monitoring and documentation of HR violations by security agencies and the provision of legal aid for victims of human rights violations respectively.

"On the 30th of August 2019, the world marked the International Day of Victims of Enforced Disappearances. Family members deserve to know the truth and seek justice for their loved ones who disappeared or were treated unfairly". The three-day training with the theme: 'Reinforcement of Lawyers Technical Skills in the Provision of Legal Assistance' had 13 lawyers comprising of the project support lawyers and the Nigerian Bar Association (NBA)-nominated pro bono lawyers from Enugu, Kaduna and Lagos States. The interactive training which had the participants engaged in group works, covered technical sessions which focused on the three thematic areas of SAFE (extra judicial executions, torture and ill treatments and arbitrary detention) and the SAFE Legal Aid Methodology. The SAFE project in Nigeria is a partnership of ASFF, NBA, and the Carmelite Prisoners' Interest Organization (CAPIO) and funded by the European Union. [...]

[City Lawyer Magazine, Prison Conditions And Poor Legal Representation \(28 September 2019\)](#)

Many of the awaiting trial persons (ATPs) do not have legal or active legal representation and some who have legal representation are unsatisfied with the quality of service being rendered to them by their lawyers, Prison survey report reveals.

According to the report, which is anchored on a research on pre trial detention in Nigeria conducted by the Nigeria Prison Service (NPS) in conjunction with Prisoners' Rehabilitation and Welfare Action (PRAWA), with support from Foreign and Commonwealth Office (FCO), United Kingdom, also indicated that many of the prisoners do not have confidence in the criminal justice system with the police having the worst rating from the prisoners. [...]

Police

[Open Society Foundations, Volunteer Lawyers Give New Direction to Nigerian Legal Aid Initiative \(13 February 2019\)](#)

In late December, two men were arrested by the police in the Nigerian city of Ikorodu, which lies on the northeast edge of Lagos, the country's sprawling commercial capital. Both were charged with nonviolent crimes, and both were offered release on bail.

Yet because neither man could meet the bail conditions, they were immediately at enormous risk: In Nigeria, people can spend months or even years in pretrial detention—even on minor charges—wasting their lives in overcrowded and dangerous cells, awaiting an uncertain trial date. Indeed, that very same month, four people were released from the Kirikiri prison in Lagos after being held for between 8 and 11 years without trial—longer than the sentences they would have faced if actually convicted.

Fortunately, this time, good sense prevailed. The cases were immediately reviewed by volunteer lawyers from the local branch of the Nigerian Bar Association (NBA), working at the police station as duty solicitors. They made the case with the police that neither man was likely to fail to appear when summoned to court. Both walked free.

The involvement of the NBA lawyers in Ikorodu represents an important evolution in a 12-year effort to provide duty solicitors at Nigerian police stations. The objective is to make a reality of the Nigerian constitution's commitment to providing suspects with access to legal aid within 48 hours of arrest—a step that can protect suspects' rights, and reduce the number of people held unnecessarily in pretrial detention in the country's overcrowded prison system.

Until December 2018, the Police Duty Solicitors Scheme relied exclusively on young lawyers engaged in mandatory national service, who were trained by the Legal Aid Council of Nigeria and the Rights Enforcement and Public Law Centre, and then deployed to select police stations.

In the first five years of operation, in four states, supported by the Open Society Justice Initiative and run by the Rights Enforcement and Public Law Centre, the scheme achieved much—over 13,000 people were kept out of unnecessary detention in four states, 90 percent of them going home within 10 days of arrest. The results and ensuing advocacy were sufficient to persuade the Nigerian Police Force to expand the initiative: In September 2017, the Inspector General of Police issued Force Order 20, an internal police regulation officially recognizing the scheme.

Despite the successes, however, the scheme struggled to expand because of a shortage of resources. In particular, the Council struggled to get the funding needed to pay a basic stipend to the national service lawyers it was seeking to train and deploy, leading to a shortage of available lawyers for the scheme.

Then, amid the growing concern about how to move things forward, the Ikorodu branch of the NBA stepped in with a bold new approach: Instead of using national service lawyers, why not seek voluntary support from socially-committed members of the Bar Association, working on a pro bono basis?

Led by its recently elected chairman, Bayo Akinlade, a lawyer with a strong commitment to social justice and reform, NBA Ikorodu reached out to the police, the judiciary, the Council, and members of the local community to mobilize the effort. The initiative launched on International Human Rights Day, December 10, with an initial team of 13 volunteer lawyers on standby to provide the crucial legal service in six police stations.

NBA Ikorodu has now created an alternative model for expanding the duty solicitor scheme, offering an alternative path for growth alongside the use of the Council-trained national service lawyers. The question is whether the challenge can be taken up by any of the other 124 branches of the NBA spread across the country.

So what are the incentives that might persuade other branches of the Bar Association to get involved, and persuade lawyers to offer their skills for free to people too poor to pay for their services?

For NBA Ikorodu and Akinlade, supporting this initiative has clearly strengthened their reputation, both locally and within the broader Nigerian legal community. For the lawyers who participate, volunteering offers a chance to give something back, by assisting the most vulnerable members of society. In addition, Akinlade says a lawyer's participation in the scheme builds goodwill with the branch and the community, which invariably recommends them to other clients, including paying clients.

The NBA Ikorodu initiative to provide legal aid at police stations is also mirrored by another effort focused on the Kirikiri prison: more volunteer lawyers, working in the courts, have secured the release of some 70 people held in pretrial detention.

Hopefully, similar factors can persuade more branches of the NBA to pick up the challenge and join Ikorodu in the struggle to build a better justice system.

[United States Department of State, Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2018: Nigeria \(13 March 2019\)](#)

[...] Arrest Procedures and Treatment of Detainees

[...] Police and other security services have the authority to arrest individuals without first obtaining warrants if they have reasonable suspicion a person committed an offense, a power they often abused. The law requires that, even during a state of emergency, detainees must appear before a magistrate within 48 hours and have access to lawyers and family members. In many instances government and security officials did not adhere to this regulation without being bribed. Police held for interrogation individuals found in the vicinity of a crime for periods ranging from a few hours to several months, and after their release, authorities frequently asked the individuals to return for further questioning. The law requires an arresting officer to inform the accused of charges at the time of arrest, transport the accused to a police station for processing within a reasonable time, and allow the suspect to obtain counsel and post bail. Families were afraid to approach military barracks used as detention facilities. Police routinely detained suspects without informing them of the charges against them or allowing access to counsel and family members; such detentions often included solicitation of bribes. (pp. 12-13)

[...] Trial Procedures

Pursuant to constitutional or statutory provisions, defendants are presumed innocent and enjoy the rights to: be informed promptly and in detail of charges (with free interpretation as necessary from the moment charged through all appeals); receive a fair and public trial without undue delay; be present at their trial; communicate with an attorney of choice (or have one provided at public expense); have adequate time and facilities to prepare a defense; confront witnesses against them and present witnesses and evidence; not be compelled to testify or confess guilt; and appeal.

Authorities did not always respect these rights, most frequently due to a lack of capacity and resources. Insufficient numbers of judges and courtrooms, together with growing caseloads, often resulted in pretrial, trial, and appellate delays that could extend a trial for as many as 10 years. Although accused persons are entitled to counsel of their choice, there were reportedly some cases where defense counsel absented himself or herself from required court appearances so regularly that a court might proceed with a routine hearing in the absence of counsel, except for certain offenses for which conviction carries the death penalty. Authorities held defendants in prison awaiting trial for periods well beyond the terms allowed by law (see section 1.c.). [...]

State Security Service (SSS)

[United States Department of State, Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2018: Nigeria \(13 March 2019\)](#)

[...] Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

[...] In August, after more than two years of incommunicado detention by the SSS without trial, access to counsel, or family visitation, the publisher of Bayelsa State-based tabloid the *Weekly Source*, Jones Abiri, was released on bail (see section 1.b). [...] (p. 23)

Special Anti-Robbery Squad (SARS)

[Amnesty International, Nigerian Journalist Detained and Threatened: Samuel Ogundipe \(17 August 2018\)](#)

Journalist Samuel Ogundipe is being detained at the Special Anti-Robbery Squad (SARS) headquarters, Guzape district Abuja. He was brought to court without a lawyer present and has been charged with ‘criminal trespass’ and ‘theft of police document’. He was arrested on 14 August after honouring an invitation by the SARS unit of the Nigerian police to report to their office as part of an investigation into a news article Premium Times, the online newspaper he works for, published.

Samuel Ogundipe, a journalist with Nigeria’s leading investigative newspaper, Premium Times, received a call on 14 August from the Special Anti-Ribbery Squad unit of the Nigeria police to report to their office. Immediately he presented himself at their office he was arrested and detained. The police also freeze his bank accounts.

The next morning he was interrogated without his lawyer present. The police demanded that he reveal his sources for a news article published by the Premium Times. The news article referred to a report on the investigation into the invasion of the National Assembly by operatives of the State Security Services (SSS) which the Inspector General of Police, Ibrahim Idris, had submitted to the Acting President, Yemi Osinbajo. Other media organizations published the same report. He refused to reveal his sources even after police threatened that they would not release him unless he reveals his sources.

On 15 August, Samuel Ogundipe’s lawyer visited his client in detention at 10am, but the police asked the lawyer to come back at 4pm. At around 3:30pm Samuel was secretly arraigned at a magistrate court without his lawyer present, despite him asking for one. Samuel Ogundipe was charged with ‘criminal trespass’ and ‘theft of police document’. The police accused him of stealing police documents, but failed to mention in court that Samuel Ogundipe is a journalist. The court ordered that he be remanded for five days. The Registrar of the court allowed him to make a phone call. He was able to briefly speak with his editor-in-chief. [...]

Military

[Amnesty International, NIGERIA 2017/2018 \(22 February 2018\)](#)

[...] Arbitrary arrests and detentions

The military arbitrarily arrested and held thousands of young men, women and children in detention centres around the country. Detainees were denied access to lawyers and family members. The army released 593 detainees in April and 760 in October. [...]

[United Nations General Assembly, Human Rights Council: Working Group on Arbitrary Detention, Opinions adopted by the Working Group on Arbitrary Detention at its eighty-third session \(19–23 November 2018\)](#)

Opinion No. 81/2018 concerning Ibraheem El-Zakzaky and Zeenah Ibraheem (Nigeria)

[...] 12. According to the source, the attack on Mr. Zakzaky's residence ended on 14 December 2015 with the arrest of Mr. Zakzaky and his family.

[...] 13. The source specifies that on the same day, the Nigerian army confirmed the arrest of Mr. Zakzaky and his detention at an army barracks.

[...] 16. The source states that it is not clear whether Mr. Zakzaky and his wife are in the custody of the army or the police. No formal charges have been filed and initially the army refused to allow anyone, including his family, doctors or lawyers, to see Mr. Zakzaky and his wife. At that time, it was feared that he might have died in custody.

17. The source reports that the army eventually allowed a delegation of the Muslim Council to visit him on 14 January 2016, one month after his arrest. A member of the delegation confirmed that he was alive but injured by multiple shots. No family member, independent personal physician or lawyer has been allowed to see him so far.

[...] 31. In addition, it is reported that Mr. Zakzaky and Mrs. Ibraheem were detained incommunicado. A delegation of the Muslim Council was allowed to visit Mr. Zakzaky on 14 January 2016, one month after his arrest but no family member, independent personal physician or lawyer has been allowed to see him so far. Furthermore, according to the source Mr. Zakzaky was ferried in a wheelbarrow to a waiting truck and taken to an unknown destination. Incommunicado detention prevents the detainee from challenging his detention, in violation of article 9 (4) of the Covenant.

[...] 38. The Working Group notes that the legal counsel of Mr. Zakzaky and Mrs. Ibraheem was not able to contact them between the time of their arrest and 1 April 2016, three and a half months later, contravening article 14 (3) (d) of the Covenant, which guarantees legal assistance in criminal proceedings, and principle 17.1 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment. As a result, the Working Group is convinced that the right of Mr. Zakzaky and Mrs. Ibraheem to have effective legal representation and adequate time and facilities for the preparation of a proper defence has not been respected by the State. [...]

[United States Department of State, Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2018: Nigeria \(13 March 2019\)](#)

[...] Human rights groups stated the government denied terror suspects detained by the military their rights to legal representation, due process, and to be heard by a judicial authority. In October 2017 the government announced it had begun hearings in front of civilian judges at the Kainji military facility for 1,669 detained persons and intended to do so for 651 held at Giwa Barracks in Maiduguri. Human rights groups generally welcomed the initiative as a step towards delivering justice for victims of Boko Haram, but raised serious concerns regarding potential due process violations of the accused. Subsequent rounds of hearings took place in February and July, with increasing access for national and international monitoring organizations and somewhat improved process. Rights groups including Human Rights Watch (HRW); however, expressed concerns regarding inadequate access to defense counsel, a lack of interpreters, and inadequate evidence leading to an overreliance on confessions. It was unclear if confessions were completely voluntary. According to a credible international organization, the three rounds of hearings resulted in 366 convictions for terrorism-related offenses, primarily based on confessions and guilty pleas; 421 cases at or awaiting trial, primarily involving individuals who pled not-guilty; and 882 individuals whose cases were dismissed because the state had insufficient evidence to bring charges. Those whose cases were dismissed, however, reportedly remained in detention without clear legal authority. [...] (pp. 15-16)

[OHCHR, End of visit statement of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her visit to Nigeria, Agnes Callamard, United Nations Special Rapporteur for Extrajudicial, Summary or Arbitrary Executions \(2 September 2019\)](#)

[...] 29. Information about violations of international human rights and humanitarian violations that I have received during the mission include the following:

- [...] Several women reported to me that more than 1200 men detained by the military during operations in Bama (Borno State) between June and December 2015 remained in military custody and without access to their families and legal representatives. These women have formed a group the KNIFAR Movement to agitate for the release and/or information on their loved ones. [...]

[Human Rights Watch, “They Didn’t Know if I Was Alive or Dead”: Military Detention of Children for Suspected Boko Haram Involvement in Northeast Nigeria \(10 September 2019\)](#)

[...] Detention without charge or access to legal assistance

None of the 32 children interviewed said that they were brought before a judge or informed of any charges against them. One child said that someone came to Giwa barracks on one occasion and asked him questions about his background. He thought the person might have been a lawyer, but was not sure.¹¹⁸ None of the other children had any contact with a lawyer, they said. “I was never given an opportunity to contact my family or a lawyer,” said Sadiq. “They didn’t provide one for me. There was no mention of charges against me and I was not brought before any court.”¹¹⁹

[...] Standards for Children Accused of Terrorism-Related Crimes

The Convention on the Rights of the Child stipulates a number of important rights for children accused of committing crimes. It prohibits torture and ill-treatment, provides that children should only be detained as a last resort and for the shortest appropriate period of time, and generally be allowed to maintain contact with his or her family through correspondence and visits.¹⁸¹ Children have the right to prepare an appropriate defense with “legal or other appropriate assistance,” the right “to have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance,” including the child’s parents or legal guardian, and the right to “not to be compelled to give testimony or to confess guilt.”¹⁸² [...]

118 Human Rights Watch interview, Maiduguri, June 26, 2019.

119 Human Rights Watch interview, Maiduguri, June 21, 2019.

181 CRC, article 37(a); CRC, article 37(b); CRC, article 37(c).

182 CRC, article 40(2)(b)(ii); CRC, article 40(2)(b)(iii); CRC, article 40(2)(b)(iv).

18. Separation of and situation for women detainees

Detention in general

[United Nations General Assembly, Human Rights Council, Working Group on the Universal Periodic Review, Thirty-first session, 5–16 November 2018, Compilation on Nigeria, Report of the Office of the United Nations High Commissioner for Human Rights \(27 August 2018\)](#)

[...] IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

[...] B. Civil and political rights

[...] 2. Administration of justice, including impunity, and the rule of law³⁸

[...] 35. Referring to the relevant recommendation from the previous review, the United Nations country team noted that the Legal Aid Council had been unable to provide free legal representation to those who needed it due to funding and staffing deficiencies. The country team considered that the recommendation had not been implemented.⁴² The Committee on the Elimination of Discrimination against Women remained concerned at reports that access to justice for women was often impeded by insufficient budget allocations for legal aid, alleged corruption and stereotyping within the judiciary.⁴³ [...] (p. 5)

38 For relevant recommendations, see A/HRC/25/6, paras. 135.71, 135.79, 135.113–135.114 and 135.116–135.121.

[...] 42 United Nations country team submission, p. 6, referring to A/HRC/25/6, para. 135.113 (France).

43 See CEDAW/C/NGA/CO/7-8, para. 13.

Nigerian Prisons Service (recently renamed Nigerian Correctional Service)

[PRAWA \(Prisoners' Rehabilitation and Welfare Action\) and NPS \(Nigerian Prison Services\), Nigerian Prisons Survey Report, Volume 1 Summary: A Research On Pre Trial Detention in Nigeria \(1 February 2018\)](#)

The specific objectives of this research are to determine the nature and demographic features of the selected prison population including their pre-trial detention population; examine the extent of the pre-trial detainee's inflow in prison, their duration of stay in prison custody and access to justice; and examine some of the impact of the demographic characteristics of the prison population, and the inflow and duration of custody of the pre-trial prison population. The study aims at identifying the root causes, trends and other dynamics that help to explain the high levels of inflow of ATPs as well as document the status and condition of the sampled prisons across three geopolitical zones in Nigeria.

Three key questions were addressed in the research, namely: who are the persons in pre-trial detention, why they are in prison custody, and what is the impact of their being there? Specifically, this is aimed at providing some information that will help identify strategies for effectively reducing the number of persons in custody awaiting trial and their length/duration of stay in custody awaiting trial as well as promote good prison/correctional practices and justice sector reforms in general.

Methodology

Cross-sectional study design was employed to examine issues pertaining to the conditions of prisoners particularly the awaiting trial inmates, their legal representation and other issues. Given the complexity of the information collected, the study employed triangulation (the mixed method approach) to ensure validity and reliability of data. Thus three sets of questionnaires were designed and administered on different category of respondents. These included the Self Report Questionnaire (SRQ) administered on inmates, Baseline Questionnaire (BQ) administered on Officers in Charge of the Prisons and Questionnaire for Prison Staff (QPS) administered on the personnel. In

addition, In-depth Interviews were conducted with the Controllers of Prisons in the three states where the study took place and the Officers in Charge of the specific prisons.

The project location selection was done in consultation with the Nigeria Prison Service (NPS), Implementing Institution and the British High Commission using the following criteria; size of the prison, geopolitical spread, evidence of justice sector reform, existence of past, ongoing and potential future intervention in the prisons and justice sector reforms in the state. The sampling procedure adopted for the study was the Total Enumeration of all inmates and staff in the three selected prisons at the time of the research. Total population study approach refers to a type of purposive sampling technique that involves examining the entire population of a study. (p. 4)

[...] The findings:

Who are those in Prison Custody?

[...] Most of the Awaiting Trial Prisoners are males. Female prisoners are few and constitute a minority in the prison population:

On the sex distribution of respondents, more males populate the prisons sampled for the study. Apart from Ikoyi prisons which is exclusively for male inmates, in Enugu Maximum and Kano Central over 96 percent of inmates are males. Female prisoners are minorities within the prison population and this fact clearly calls for closer examination of how they are treated within the criminal justice system and whether in fact the criminal justice system in general and the prison service in particular can be said to be gender sensitive or not.

Of the respondents only eighty five (85) inmates which represented 2% are females and four thousand one hundred and thirty one (4,131) making up 98% are males. This is consistent with the figure for the whole prison. As at August 2016, out of 67,624 total inmates in the 242 prisons in Nigeria, only 1416 were females representing 2.09%. Of this numbers, 1043 were awaiting trials while 372 were convicted across the countries. With respect to the target prison for this research, their total of female prisoners' population was 89 with the convicted and awaiting trial female prisoners' population being 24 (28.24%) and 65 (73.03%) respectively.

As at September 2017 during the data validation exercise, Enugu prison had 5 pregnant female detainees but there were no female prisoner(s) with child/children as shown in figure above while Kano central prison has 11 pregnant women and 12 women with children in the prison custody. [...] (pp. 7-9)

[PRAWA \(Prisoners' Rehabilitation and Welfare Action\), Newsletter \(March 2018\)](#)

[...] Behind Bars: One Woman's Living Nightmare; By Mercedes Alfa

Women in prison make up a paltry 2% of the entire inmate population in Nigeria according to statistics by the Assistant Controller-General of Prisons, Suraj Olarinde at the PRAWA-organised Technical Session on the Prison Survey Reports to Development Partners on 15th March 2018. This means that because women in prisoners constitute a minority, their specific and unique needs are often unaccounted for thus making them a marginalised group.

Aisha*, a female inmate in a Nigerian prison details her harrowing experience within the system. Detained without trial when she was four months pregnant, she describes the troubles and ills associated with prenatal care and general personal hygiene. The conditions were so poor due to the overcrowding and a dearth of resources so items such as soap and detergent were a luxury to inmates like her. Unfortunately for her, her situation was compounded by the presence of fibroids made worse due to stress. According to her, she experienced severe abdominal pains and the bleeding she encountered made her fear for the life of her unborn child.

There were no sanitary pads available to her or any of the other female inmates save for whenever a non-governmental organisation or religious group would donate these items. So, they were irregular, and the women had to make do with pieces of cloth which would be reused over and over causing infections to several of them. It also meant that there was a regular stench in the cells from dried up blood.

Aisha was lucky that she did not lose her baby. It was an extremely difficult birth for her and things got even more challenging when the baby came. She did not lactate enough and so the baby had to make do with pap and water sometimes. Her child is now eight months old but looks younger than that. She is frail and has some spotting on her skin.

This is just one woman's story of what she has had to go through in prison. We need to bring the experiences of women in prison to light to ensure that their needs are recognised. In this light, PRAWA and the Nigerian Prisons Service have begun the process of mapping the needs of women as well as other groups of vulnerable prisoners for inclusion in the annual prison budget.

It is also necessary for the public to partake in this discourse to ensure that we all work towards the goal of providing basic personal and health needs in line with their specific needs.

*Please note that names have been changed for the purpose of confidentiality and to protect the identities of the parties mentioned.

Behind Bars is a series that touches on human stories within the Nigerian prison system. [...]

[Premium Times, Group seeks effective implementation of new prison law \(31 August 2019\)](#)

The Prisoners' Rehabilitation and Welfare Action (PRAWA) has said the many benefits contained in the Nigerian Correctional Service Act, 2019, can be exploited through effective implementation.

Uju Agomoh, the Executive Director of PRAWA, said a sensitisation workshop in Lagos Friday that the new law aims to provide separate facilities for young offenders and female inmates, especially pregnant women.

"This new law will make correctional service take a more active role in helping manage prison overcrowding by having them trigger an early warning system of alerting the judiciary and other key stakeholders on impending prison congestion," Mrs Agomoh, who participated in drafting the law, said.

President Muhammadu Buhari signed the Nigerian Correctional Service Bill into law on August 14, 11 years after it was presented to the floor of the Senate.

The new law changes the name of the Nigerian Prisons Service to Nigerian Correctional Service.

It also provides a platform for non-custodial measures, focus on corrections, rehabilitation and reintegration of offenders and creation of a sustainable way to tackle the high rate of people awaiting trial in prisons.

John Gannon, the Executive Director of Global Justice Resource Center (GJRC), USA, described the new law as an extraordinary piece of legislation.

"The idea that there are provisions for young people and female and addressing health issues are very paramount," he said.

"One of the most interesting provision that I see in the law is social visits and monthly visits to all facilities in all states by prominent people," Mr Gannon added.

Rotimi Oladokun, the Superintendent of Prisons, Lagos State Command expressed delight at the core provisions of the new law. He canvassed support for the effective implementation of the law.

Kathryn Otten, the Director, Non-Custodial services, GJRC, also described the law as an excellent legislation that must be fully implemented.

"I was taken aback by the thoughtfulness of the writing and how it speaks to the non-custodial programmes," she said.

"The community service scheme, provision for women and nursing mothers, this is gender sensitivity and will help address some issues."

Police

[Australian Government, Department of Foreign Affairs and Trade, DFAT Country Information Report: Nigeria \(9 March 2018\)](#)

[...] Detention and Prison

5.18 Women are sometimes held in the same sections as male prisoners and face a high risk of sexual assault. In March 2013, four male inmates raped a woman in police custody in Delta State. The police officers in question were charged with neglecting to provide her with adequate protection. Authorities often hold juveniles with adult prisoners, despite requirements to hold them in specific juvenile detention facilities. [...] (p. 31)

[United States Department of State, Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2018: Nigeria \(13 March 2019\)](#)

[...] Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

[...] Women could arrange but not post bail at most police detention facilities. [...] (p. 35)

Military

[Amnesty International, NIGERIA 2017/2018 \(22 February 2018\)](#)

[...] Arbitrary arrests and detentions

The military arbitrarily arrested and held thousands of young men, women and children in detention centres around the country. Detainees were denied access to lawyers and family members. The army released 593 detainees in April and 760 in October.

By April, the military detention facility at Giwa barracks, Maiduguri, held more than 4,900 people in extremely overcrowded cells. Disease, dehydration and starvation were rife and at least 340 detainees died. At least 200 children, as young as four, were detained in an overcrowded and unhygienic children's cell. Some children were born in detention.

The military detained hundreds of women unlawfully, without charge, some because they were believed to be related to Boko Haram members. Among them were women and girls who said they had been victims of Boko Haram. Women reported inhuman detention conditions, including a lack of health care for women giving birth in cells. [...]

[United States Department of State, Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2018: Nigeria \(13 March 2019\)](#)

[...] Prison and Detention Center Conditions

[...] Several unofficial military prisons continued to operate, including the Giwa Barracks facility in Maiduguri, Borno State. Although conditions in the Giwa Barracks detention facility reportedly marginally improved, detainees were denied due process and subjected to arbitrary and indefinite detention in conditions that remained harsh and life threatening (see section 1.g.). An AI report released in May documented multiple cases where women determined their husbands had died in custody in previous years. The same report also documented the arbitrary detention of women and children at Giwa Barracks. AI reported that citizens were generally not able to access any information about the fate or welfare of family members in military detention, or whether they were in fact detained. There were no reports of accountability for past reported deaths in custody, nor for earlier reports from AI alleging that an estimated 20,000 persons in the region were arbitrarily detained between 2009-15 with as many as 7,000 dying of thirst, starvation, suffocation, disease due to overcrowding, lack of medical attention, the use of fumigation chemicals in unventilated cells, torture, or extrajudicial execution.

After multiple releases during the year (see Improvements sub-subsection), it was unclear how many children or adults remained in detention at Giwa Barracks or other unofficial detention facilities. According to press and NGO reporting, the military continued to arrest and remand to military

detention facilities, including Giwa Barracks, additional persons suspected of association with Boko Haram or ISIS-WA.

The government continued to arrest and, in some cases, inappropriately detain for prolonged periods, women and children removed from or allegedly associated with Boko Haram and ISIS-WA. They included women and girls who had been forcibly married to or sexually enslaved by the insurgents. The government reportedly detained them for screening and their perceived intelligence value. A credible international organization, however, reported the typical length of time spent in detention shortened during the year. [...] (pp. 9-10)

[Amnesty International, Nigeria: Children and women face sexual violence in Borno prisons \(29 April 2019\)](#)

An Amnesty International investigation has exposed sexual violence against children and women by security agents and inmates at two high-security prison facilities in Borno State, Nigeria.

The harrowing violations took place at Maiduguri Maximum Security Prison and Giwa Barracks, where thousands of civilians arrested due to claimed links to the Boko Haram armed group are being held. Amnesty's research also found that scores of children are being unlawfully detained alongside adults in Maiduguri Prison.

"This is another sad and disturbing case of human rights violations against civilians caught up in the Boko Haram crisis in northeast Nigeria," said Osai Ojigho, Amnesty International's Nigeria Director.

"It is inexcusable that children are subjected to such vile treatment under government care, and likewise it is intolerable that women are once again bearing the brunt of abuse by the Nigerian security forces that are meant to protect them."

[...] Women raped at Giwa Barracks

Amnesty International researchers in Nigeria also uncovered fresh allegations that soldiers have raped women in the Giwa Barracks detention facility.

Three former female detainees independently said they had witnessed such attacks and identified 10 of the male soldiers responsible - including five who worked in the detention centre's health clinic. Two of these former detainees were women who said they had been sexually violated themselves.

According to the eyewitnesses, at least 15 former female detainees were victims of rape, with soldiers demanding sex in exchange for food, soap, basic necessities and the promise of freedom.

One female former detainee told Amnesty International: "We knew them, all the women befriended by soldiers. They always had things we did not have, like soap, detergent and wrappers [clothing items]. Some of the women... had as many as 15 wrappers each [given by soldiers]. The soldiers also bought bread, beverages and other food for their 'girlfriends'."

A victim and former detainee explained that while the soldiers did not use physical force to make women have sexual relationships with them, it was not possible to refuse sex due to their circumstances. One woman told us she had a soldier "boyfriend" to survive her time in detention and access additional food. She said she knew of others.

Another former detainee said soldiers promised to get women released if they agreed to sex, such as in the case of a woman who became pregnant by a soldier.

"Since [the soldiers] were the ones that would call the names of those to be released, it was easy for them to substitute some names. The women knew that the soldier's girlfriend was two months pregnant. So a night before they released some women, the soldier did documentation for her and the next morning her name was called among those to be released," the former detainee said.

Last year, female former detainees at Giwa Barracks [told Amnesty International](#) about sexual violence in the detention centre. Amnesty International called for an investigation into these allegations in May 2018, but it is unclear if one has been carried out.

“Even in cases where detained women apparently consented, these acts constitute rape as the soldiers took advantage of a coercive environment in which the detainees had little choice but to have sex with them,” said Osai Ojigho.

“The soldiers held massive power over the women; they controlled much of women’s daily life in detention, they held the power to mete out arbitrary punishments on the one hand, or to provide desperately needed food and medicine on the other. And yet some abused this power. This is despicable behavior and the soldiers involved must be held accountable.”

“These latest testimonies follow a pattern of violation we have repeatedly documented in Nigeria’s prisons. It is time for President Buhari to act.”

Background

On 23 March 2019, Sahara Reporters revealed details of a 30-page eyewitness report by Charles Okah which described a pattern of sexual violence perpetrated against women and young boys in the prison. According to the media report, there are at least 106 young boys aged between 11 and 17 in detention in the prison.

A Borno State government committee visited the prison shortly after its inauguration to investigate the allegations in the Okah report. Some prison officials were arrested but released the following day. Nothing has been heard of the committee since. Amnesty International is calling on the Borno State government to make public the committee’s findings.

The Nigerian Prisons Service denied the allegations of sexual violence at the Maiduguri Prison, saying a committee set up to investigate the allegations did not find evidence of sexual violence.

The Public Relations Officer of the Nigerian Prisons Service said the service would not share the report with the organization for security reasons because the report contains other security concerns.

The official, however, suggested that children were being detained in the same area with adult inmates at the Maiduguri Prisons.

According to the official: “Because of the nature of the crime, you may have people who are not supposed to be where they are. Maiduguri is an unusual situation due to the Boko Haram crisis.”

In April 2019 Amnesty International interviewed one adult detainee and one former prison warder at Maiduguri Prison, along with 18 former Giwa Barracks detainees, 15 boys and three women. It also spoke with relatives of detainees in Maiduguri Prison, court officials and sources with inside knowledge of Maiduguri Prison, including a former prison official.

[Human Rights Watch, “They Didn’t Know if I Was Alive or Dead”: Military Detention of Children for Suspected Boko Haram Involvement in Northeast Nigeria \(10 September 2019\)](#)

[...] The girls’ and women’s cell

At Giwa barracks, women and girls were housed together in a single cell with younger children and babies. Rashida was detained in the cell for nine months when she was 12 years old. She said, “There were many of us around my age in the cell, there were women with babies too.”¹⁰⁶ She said that the cell was crowded, and they were not allowed out, except when they were occasionally removed to be counted or for interrogation. “In the cell, we didn’t do much, we plaited each other’s hair and watched television.” She described a bathroom in the room, but said, “The toilet was not working well. We had to use sticks to push down feces.”¹⁰⁷

Farida, now 17, was detained in the female cell for nine months in 2017, together with her mother and two younger brothers, aged three and five. “They stayed in the female cell because they were too young to look after themselves,” she said.¹⁰⁸ She said some of the women in the cell were breastfeeding babies who were a few months old, and there were many young children in the cell.¹⁰⁹

Three girls said that they believed soldiers sexually exploited girls in the female cell. One said that soldiers made sexual advances to female detainees when their superiors were not around.¹¹⁰ Halima, 14, said: “The soldiers had girlfriends. One of the girls from our village was a girlfriend of a soldier. He would usually take her out of the compound. Some ladies got pregnant in

the cell and delivered while I was there.”¹¹¹ Farida said that while she was detained, the soldiers guarding the cell were all male. “Although senior officers warned against any sexual relations, I suspect some of the soldiers had them,” she said. “They would usually call out some girls and take them away from morning till night but I don’t know the details of what happened when they went away.”¹¹²

Halima, 14, detained in the female cell from 2013 to 2015, said that conditions were crowded and that she did not receive enough food.¹¹³ Farida, detained in 2017, described conditions in the female cell as comparatively better and said the female detainees got enough to eat, daily showers, soap, and menstrual products.¹¹⁴

Safiya, five months pregnant when she arrived at Giwa barracks, said she was only detained there for two weeks before she was moved to another facility where she was housed with other girls who had been with Boko Haram. She described conditions there as good, and said she gave birth there and stayed for several more months before her release.¹¹⁵ [...]

106 Human Rights Watch interview, Maiduguri, June 21, 2019.

107 Ibid

108 Human Rights Watch interview, Maiduguri, June 25, 2019.

109 Ibid.

110 Human Rights Watch interview, Maiduguri, June 26, 2019.

111 Human Rights Watch interview, Maiduguri, June 25, 2019.

112 Human Rights Watch interview, Maiduguri, June 25, 2019.

113 Human Rights Watch interview, Maiduguri, June 25, 2019.

114 Human Rights Watch interview, Maiduguri, June 25, 2019.

115 Human Rights Watch interview, Maiduguri, June 26, 2019.

19. Situation of detained children

Detention in general

[OHCHR, End of visit statement of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her visit to Nigeria, Agnes Callamard, United Nations Special Rapporteur for Extrajudicial, Summary or Arbitrary Executions \(2 September 2019\)](#)

[...] 29. Information about violations of international human rights and humanitarian violations that I have received during the mission include the following:

[...] I met several children who had been subjected to detention, some for as long as 18 months, detained along with adults, when they were no more than 8 years old. In one such incident in Gumche Village (Mafa local authority), some 40 men, women, boys and girls (number is very approximate) were arrested. This included at least five male children. Of these 40 persons, one child and one adult died. The women and children were released after 18 months. The children were sent to hospital before their release. It is alleged that all the men were transferred to Kahinji Barrack. [...]

Nigerian Prisons Service (recently renamed Nigerian Correctional Service)

[PRAWA \(Prisoners' Rehabilitation and Welfare Action\), Newsletter \(February 2018\)](#)

[...] BEHIND BARS: Where "Children Die Like Flies" By Mercedes Alfa

When people think about prison, they often conjure up images of hardened criminals behind bars who deserve to be where they are. We often don't think about those who are in prison as victims of circumstance such as the innocent who get convicted because of incriminating evidence or those who commit petty offences. We think even less about the possibility that there are minors or children in prison.

In PRAWA and the Nigerian Prison Service's 2017 Prison Survey Reports, it was documented that there are several children within the prisons of the focal states where the research was carried out. In Enugu for instance, it was found that a startling 43.2% of the inmate population were children! That's almost half! Further analysis shows that they were convicted for petty offences such as breach of peace, breaking and entering, stealing etc. save for only one child offender who was convicted of murder.

To fully understand how dire the situation is, let's take a closer look at Badagry Prison, Lagos. It was reported by several news outlets late last year that the former Chief Judge of the state, Justice Funmilayo Atilade released 80 children who were being held there. It was with shock that she discovered just how many children there were within the system and also how terrible the conditions they were kept in.

There were children with bullet wounds, open sores, gaunt bodies, amputated legs. The tale of two thirteen-year olds in there strike us with horror. It is told that one of both was brought to the Badagry Prison in relatively good condition but subsequently suffered a stroke becoming a lifeless shell of his former self. The other had his privates ravaged by infection and declared his organ to be "finished".

The stench in the prison on the fateful day was so bad due to the fact that the children do not take regular baths. There is often not enough water to do so. The Sunday Tribune also reports that the prison decongestion team were all moved to tears. These children wanted to go home to their families. In the account of one of the child inmates, he was originally from the South-East and was forced to hawk by his relatives in Lagos. His parents had no idea he was languishing in prison. Perhaps they even thought he was dead.

In the words of a Prison Decongestion team member who asked to remain anonymous, “the children die like flies”. This is what obtains in Nigeria today and it is a pathetic reality that needs to resonate with all Nigerians.

The issue with Nigeria's Criminal Justice system is not merely one of legislation. In fact, the Administration of Criminal Justice Act and the Child Rights Act are welcome developments in penal reform. However, implementation is the real crux of the issue.

Child Rights is a responsibility of every Nigerian. We must protect the lives and futures of the most vulnerable in society. No child deserves to be within the walls of an adult prison system. Join PRAWA as we advocate for urgent intervention nationwide in the plight of child prisoners. Read our policy brief on Juveniles in Prison here: <https://goo.gl/66qoBw>

Behind Bars is a series that touches on human stories within the Nigerian prison system [...]

[PRAWA \(Prisoners' Rehabilitation and Welfare Action\) and NPS \(Nigerian Prison Services\), Nigerian Prisons Survey Report, Volume 1 Summary: A Research On Pre Trial Detention in Nigeria \(1 February 2018\)](#)

The specific objectives of this research are to determine the nature and demographic features of the selected prison population including their pre-trial detention population; examine the extent of the pre-trial detainee's inflow in prison, their duration of stay in prison custody and access to justice; and examine some of the impact of the demographic characteristics of the prison population, and the inflow and duration of custody of the pre-trial prison population. The study aims at identifying the root causes, trends and other dynamics that help to explain the high levels of inflow of ATPs as well as document the status and condition of the sampled prisons across three geopolitical zones in Nigeria.

Three key questions were addressed in the research, namely: who are the persons in pre-trial detention, why they are in prison custody, and what is the impact of their being there? Specifically, this is aimed at providing some information that will help identify strategies for effectively reducing the number of persons in custody awaiting trial and their length/duration of stay in custody awaiting trial as well as promote good prison/correctional practices and justice sector reforms in general.

Methodology

Cross-sectional study design was employed to examine issues pertaining to the conditions of prisoners particularly the awaiting trial inmates, their legal representation and other issues. Given the complexity of the information collected, the study employed triangulation (the mixed method approach) to ensure validity and reliability of data. Thus three sets of questionnaires were designed and administered on different category of respondents. These included the Self Report Questionnaire (SRQ) administered on inmates, Baseline Questionnaire (BQ) administered on Officers in Charge of the Prisons and Questionnaire for Prison Staff (QPS) administered on the personnel. In addition, In-depth Interviews were conducted with the Controllers of Prisons in the three states where the study took place and the Officers in Charge of the specific prisons.

The project location selection was done in consultation with the Nigeria Prison Service (NPS), Implementing Institution and the British High Commission using the following criteria; size of the prison, geopolitical spread, evidence of justice sector reform, existence of past, ongoing and potential future intervention in the prisons and justice sector reforms in the state. The sampling procedure adopted for the study was the Total Enumeration of all inmates and staff in the three selected prisons at the time of the research. Total population study approach refers to a type of purposive sampling technique that involves examining the entire population of a study. (p. 4)

[...] The findings:

Who are those in Prison Custody?

[...] Many of the Prisoners fall within the Youthful ages. There is also evidence of under aged persons in the prisons.

[...] Results also showed that most of the inmates in the study prisons belong to age category 18-39 years.

The result from the Self Report Questionnaires (SRQ) indicate that going by the number of respondents that responded to the SRQ as at March 2017 that Enugu prison has more prisoners (35 representing 43.2%) whose ages were below 18 years than the other two prisons (21 representing 25.9%) and (25 representing 30.9) for Kano Central and Ikoyi respectively. Kano Central prison has 22 out of the 43 prisoners whose ages are 65 years and above; in fact more than half the total number of this age group are in the Kano Central prison relative to others. The number of prisoners within the ages of 18 and 35 years are almost the same in Enugu (953 representing 36%) and Lagos (955 representing 36.2%). The average age of the inmates in the three sampled prisons is 31 years. During the data validation exercise carried out in September 2017 observed that from prison records it was observed that the following number of juveniles were found in the following prisons: Enugu 1 (age 12) and Ikoyi 31 (20 aged 17, 7 aged 18 and 4 aged 16). With the exception of the juvenile detained in Enugu prison (at the order of court) who was charged with murder, the types of offences that the juveniles were charged with are: Breach of peace, stealing and conspiracy, breaking and entering, stealing and assault.

Of great concern is the evidence of under 18 years in prisons and the fact that there are no process of documenting and tracking these especially those that the prison refuse to admit based on the fact that they are under aged. There are few Young Offenders' institutions in the country. There are three Borstal Institutions in the country located in Kakuri (Kaduna State), Abeokuta (Ogun State) and Ilorin (Kwara State). Some States such as Lagos and Kano States have Remand Homes for Juveniles. There is no operational young Offenders institution in Enugu State.

During the Data Validation/Verification Exercise when the explanation was sort concerning the number of juveniles in prisons as indicated in the Enugu prison official record it was explained that all under aged persons brought to the prison were rejected by the prison authority and that there was a court order issued for the detention of the young child currently in the prison. When requested to have the data as to how many of such cases were rejected, the team was informed that the prison currently do not keep such records. This was also the case in all the other prisons (Kano Central and Ikoyi prisons). [...] (pp. 9-10)

[Sahara Reporters, Child Prostitution, Sodomy, Forced Abortions... It's Hell Inside Maiduguri Maximum Security Prison \(23 March 2019\)](#)

The trio of Goni Ali Shettima, Abba Musa, and Salisu Usman are three children locked inside death row cells in MMSP [Maiduguri Maximum Security Prison]. He appealed to Femi Falana, human rights activist and Senior Advocate of Nigeria (SAN), "to bring a fundamental human rights lawsuit against the Federal Government of Nigeria, naming the Minister of Interior and the Controller General of Prison among others as defendants".

Inside the confines that house the Maiduguri Maximum Security Prison in Borno State is a booming array of illegal activities that tether on the dangerous brink of life and death.

From child prostitution to sodomy, abortions, and even outright murder, the situation within the MMSP is a stark reality of the wildest imaginations.

A 31-page piece entitled 'Sodomy of Children in Maiduguri Prison and The ICRC Conspiracy of Silence', released on Friday, March 22, 2019 by Charles Okah, chronicles the experience the inmates of the prison are subjected to, sometimes with the cooperation of prison officials.

MMSP is divided into four separate compounds: Clusters 1, 2, 3 and 4. Clusters 1, 2 and 3 are to accommodate men, while another "much smaller compound, 'Gidan Mata', is for the female inmates."

Charles Okah currently occupies Cell 9, Unit 1, Cluster 2 in MMSP.

For some reason, among the 71 persons on death row in MMSP is 13-year-old Suleiman Salisu, who bludgeoned his father to death as a way of saying 'no more' to being sexually defiled. The older

Salisu had been defiling his son since he was five years old, an action he took after sniffing glue. However, according to Okah's account, Suleiman's maternal uncle, Usman Durkwa, who is also Deputy Governor of Borno State, had told the teenager to say during trial that he killed his father because he was unhappy with his sniffing glue.

However, Suleiman, like his peers in prison are far from safe as they have become victims of sexual molestation by older inmates.

It's also a fight for territory between cats and rats, and within that space is an inmate identified as Yaya, who has taken to raising cats within the walls. Yaya has been on death row for 23 years.

There is also a booming farming business within the prison, as inmates take to bribing prison warders to get access to the available land within the premises to cultivate vegetables. For this, human waste comes to the rescue as manure.

And then, there is child prostitution.

Okah narrates: The first I saw a frightened child same age range as mine locked up inside cages; it had such a profound and a heart-rending effect on me. But of a particular poignancy was the day a pimp approached me to prostitute the boys.

"The pimp, a notorious armed robber serving a fourteen-year jail sentence, a life sentence, and a death sentence, has been on a death row since 2013, but still retained his villainous features. His large red protuberant eyes can be compared to that of a fly; a tsetse fly to be precise. I can imagine that together with a gun, those eyes must have frightened his victims to total submission. He asked me in halting English if I liked little boys and I replied that 'of course, I do'. And I went on and on, without him prompting, to tell him I have a nine-year-old boy myself, who I saw last when he was one, and how much I miss him... blah, blah, blah.

"At a point, while I droned on, he began shaking his large head, broad across his temples slowly from side to side. What I was telling him was literally entering into one ear and coming out unfiltered through the other ear that had been deformed by bullet wound. He then proceeded to demonstrate what he actually meant by joining the index finger and thumb tips of his left hand to form a circle, and then with his index finger of his right hand, he poked in and out of the circle.

"As the pimp was poking a dirty finger into the circle, those big eyes bore into me like a laser beam, as if trying to read my thoughts and gauge my seriousness. As he did that, his thick black lips looking like roasted animal hide, curled into certain slyness. I nodded my head to indicate that I understood, but I was in shock. Instead of showing disgust, I decided to play along, maintaining that face many would wear at the visa section of the American embassy when lying to the interviewer as the only way out when candor fails.

"Convinced I was game, he gave me the rates with which to have anal sex or fellatio with a little boy of my choice. The younger the boy, the higher the price, while the mentally challenged or imbeciles as he referred to them, are the costliest because of their fetish/ritual values based on a fallacy that one's problems or trying circumstances can be transferred to them through intercourse. The cheapest goes for fellatio offered by the children and known as 'quick relief'.

"Out of curiosity, I opted for an 'imbecile' and was taken the next day to cell number 16 in unit 3 of cluster 2 where I met Goni Ali Shettima for the first time, huddled up in a corner with resignation and confusion in those angelic eyes of a child.

"After I expressed disinterest in Goni Ali, I was sworn to secrecy, that night I annulled the oath with solemn vow to spill the beans and do everything within my limits to save the children by telling their story to the world, even at the risk of my life."

Sexual exploitation within MMSP is not limited to child prostitution among inmates, but to warders who "take undue advantage of female prisoners and detainees under their custody".

"The trafficking of female inmates for sex with senior prison officers is done through the staff canteen situated inside the bungalow administration building in MMSP. The canteen serves two purposes. On the surface, it looks like any other staff canteen where food and drinks are prepared and served. But beneath the surface, under the supervision of a large imposing female wardress with the rank of senior inspector of prison (SIP), the MMSP staff canteen, like a chameleon, can

transform itself in a jiffy into a brothel where the female inmates, used as waitresses and cooks are arranged for quick sex in exchange for cash.”

There is the account of Hauwa ‘Shuwa’ Mohammed, who became pregnant and had to endure a forceful termination of her pregnancy right inside the prison. She came close to losing her life during the incident.

And then there’s the allegation bordering on the conspiracy of the International Committee of Red Cross (ICRC).

“On Thursday, the 12th of April 2018, led by one Zainab, several ICRC officials visited cluster 2 to see things for themselves. They even entered unit 3 and peeped into cell number 16, holding their breath to see Goni Ali like visitors in a zoo. They spoke to all three boys incarcerated in the death row cells.

“Jotting down notes and pretending to look shocked, the ICRC team, relieved to be out in the fresh air, promised the victims to take up their matter at the ‘highest level’ of government. Nothing was heard from them. Again on September 10th, 2018, Zainab, a regular visitor to the prison who acts superciliously around prisoners, visited MMSP in the company of two female ICRC officials and stopped by cluster 2. When asked why nothing had been done about the plight of abused children and prostituted women, they came up with a lame excuse that, ‘the ICRC is not a human rights body, and would not meddle into sexual abuse or human right issues.’”

Okah’s account, particularly refers to the trio of Goni Ali Shettima, Abba Musa, and Salisu Usman, the three children locked inside death row cells in MMSP. He appealed to Femi Falana, human rights activist and Senior Advocate of Nigeria (SAN), “to bring a fundamental human rights lawsuit against the federal government of Nigeria, naming the Minister of Interior and the Controller General of Prison among others as defendants”.

“The plaintiffs are asking for one billion naira each as damages. They also want the court to declare their continued detention as null, void the court and cruel. They look forward to plunge again into that whirlpool of life, get an education and lead a normal existence as bona fide Nigeria citizens.

“Modibo Musa, whose entire family was arrested along with his late father also wish to bring a similar fundamental human rights law suit against the federal government of Nigeria, naming the Minister of Interior and the Controller-General of Prisons among others, as defendants.

“Modibo and the other plaintiffs made up of his six siblings — Hauwa, Aisha, Halima, Maryam, Usman and Mohammed — are demanding five hundred million naira each as damages. They want the court to declare their continued incarceration null and void and cruel. The ten children wish to find out if the ICRC is culpable and be taken to the International criminal court. They plead to be represented pro bono.”

Okah extended his regards to his family members and a few friends who have not deserted him, as well as comrades and well-wishers who have not heard from him since his transfer from Kuje Prison to MMSP on March 13, 2018. [...]

[Amnesty International, Nigeria: Children and women face sexual violence in Borno prisons \(29 April 2019\)](#)

An Amnesty International investigation has exposed sexual violence against children and women by security agents and inmates at two high-security prison facilities in Borno State, Nigeria.

The harrowing violations took place at Maiduguri Maximum Security Prison and Giwa Barracks, where thousands of civilians arrested due to claimed links to the Boko Haram armed group are being held. Amnesty’s research also found that scores of children are being unlawfully detained alongside adults in Maiduguri Prison.

“This is another sad and disturbing case of human rights violations against civilians caught up in the Boko Haram crisis in northeast Nigeria,” said Osai Ojigho, Amnesty International’s Nigeria Director.

“It is inexcusable that children are subjected to such vile treatment under government care, and likewise it is intolerable that women are once again bearing the brunt of abuse by the Nigerian security forces that are meant to protect them.”

Children detained and abused at Maiduguri Prison

An Amnesty International research team visited Maiduguri earlier this month to investigate claims made by inmate Charles Okah – first documented by [Sahara Reporters](#) – that children were being abused and unlawfully detained in Maiduguri Prison.

Okah alleged that three children detained on death row in Maiduguri were among the many victims of sexual abuse.

Amnesty International has obtained court documents confirming that at least 68 children are being held in Maiduguri Prison. The organization also spoke to former Giwa Barracks child detainees who identified 39 of these children as their former cellmates at Giwa; a list that included names of the three young boys detained in the same area with death row inmates mentioned in Okah’s report.

The findings confirm that dozens of children are being held in the maximum security prison in connection with the Boko Haram crisis. According to Amnesty International’s findings, the 68 boys held in Maiduguri Prison were first detained without charge by the Nigerian military in Giwa Barracks before they were transferred between late 2016 and early 2017.

“The government has so far failed in its duty to protect these children and violated its obligations under the UN Convention on the Rights of the Child,” said Osai Ojigho.

“The Nigerian government must ensure the immediate transfer of all children from Maiduguri prison and those who have not been charged with a recognizable criminal offence must be released. Children suspected of criminal responsibility should only be detained in children’s facilities. The detention of children in the same cells with adults is unacceptable.”

Amnesty International interviewed a Maiduguri Prison detainee as well as a former prison warder who both confirmed that sexual abuse of children was widespread in the prison. The detainee said he had observed the abuse of children by adult inmates.

“It is not a secret in the prison what is happening with the little boys,” said the detainee, who spoke to Amnesty International via a contact to protect his identity.

The source also told Amnesty that it was sometimes possible to hear what was happening in the stalls, and this confirmed his understanding that sexual assault was occurring.

“Sometimes, you see that a little boy goes into the toilet and immediately, an adult detainee goes after them, and when the boy comes out, you don’t need to be told what has happened to him.”

The Maiduguri Prison former warder, who was also too afraid to meet Amnesty International in person, confirmed that he had been aware of sexual abuse of children.

According to the former warder: “The condition there [in the prison] is not good for children and it is difficult to stop what is going on with the boys. The only way is for them to be taken out of there. What do you expect when you keep children with grown up men?”

Amnesty International also documented the sexual assault of a 16-year-old boy by an adult inmate in Giwa Barracks in or around January 2018, six months before all children were released from the facility.

At the time, children were being detained in a cell next to adult cells, making interactions with adult inmates inevitable. A former detainee told Amnesty International he had witnessed an adult inmate “trying to take the trousers off” a sleeping boy.

“A boy who saw it woke the boy that was being assaulted and, in the morning, it was reported to the soldiers,” said the eyewitness. It is understood the adult inmate was subsequently transferred a different cell, although no other steps were taken to protect the boys. This incident was confirmed to Amnesty International by the boy who had been assaulted, along with 15 male former detainees. Immediately after Okah’s report was published, the Borno State governor announced he had set up a panel to investigate and submit its findings and recommendations within a week. However, there has been no word on its progress. Amnesty International called the Borno State Attorney General on phone but there was no response. A text message sent to his phone was not replied to. The

organization also sent an email and text message to the spokesperson of the Borno State governor but no response was received.

"To detain children with adults in the full knowledge that they may be abused is despicable. Far from protecting these children from this abuse, the Nigerian authorities have created the enabling environment for it to thrive," said Osai Ojigho.

"The authorities must ensure that the investigation into these allegations is prompt, independent and impartial, and that any prison officials or military members found responsible for human rights violations are brought to justice."

[...] Background

On 23 March 2019, Sahara Reporters revealed details of a 30-page eyewitness report by Charles Okah which described a pattern of sexual violence perpetrated against women and young boys in the prison. According to the media report, there are at least 106 young boys aged between 11 and 17 in detention in the prison.

A Borno State government committee visited the prison shortly after its inauguration to investigate the allegations in the Okah report. Some prison officials were arrested but released the following day. Nothing has been heard of the committee since. Amnesty International is calling on the Borno State government to make public the committee's findings.

The Nigerian Prisons Service denied the allegations of sexual violence at the Maiduguri Prison, saying a committee set up to investigate the allegations did not find evidence of sexual violence.

The Public Relations Officer of the Nigerian Prisons Service said the service would not share the report with the organization for security reasons because the report contains other security concerns.

The official, however, suggested that children were being detained in the same area with adult inmates at the Maiduguri Prisons.

According to the official: "Because of the nature of the crime, you may have people who are not supposed to be where they are. Maiduguri is an unusual situation due to the Boko Haram crisis."

In April 2019 Amnesty International interviewed one adult detainee and one former prison warder at Maiduguri Prison, along with 18 former Giwa Barracks detainees, 15 boys and three women. It also spoke with relatives of detainees in Maiduguri Prison, court officials and sources with inside knowledge of Maiduguri Prison, including a former prison official.

[Punch, 523 children languishing in Anambra prisons – NHRC \(2 May 2019\)](#)

No fewer than 523 children are detained in various prisons in Anambra State, the National Human Rights Commission has said.

The Anambra State coordinator of the NHRC [National Human Rights Commission], Mrs Nkechi Ugwuanyi, stated this at the Onitsha Prisons during an interface with some juvenile inmates.

Ugwuanyi said the visit was in commemoration of the African Pre-Trial Day 2019 themed: Decriminalisation of Petty and Minor Offences.

She added that the focus was to gather details of the inmates, whose offences fell within the classification.

She said such cases involved no fewer than 523 inmates in Awka and Onitsha prisons.

"It's on account of these offences that NHRC is propelled to undertake this visit.

"The focus is to gather details of the inmates, whose alleged offences fall within the classification," she said.

While describing the number of juvenile cases recorded as quite high, she assured that inmates whose cases had been compiled would "have reasons to smile at the end of the exercise."

"Decriminalisation of petty offences is expected to reduce the challenges that pre-trial detention poses on the prison system and society.

"We encourage stakeholders to effect the law, policy and practice of reforms," she said.

Speaking, the Deputy Controller of Onitsha Prisons, Mr Jerry Mazi, called for alternative punishment for juveniles that committed offences rather than remanding them in prison custodies.

He recommended the construction of what he called "Correctional Centres" with facilities for erring juveniles in the South East as had been done in some parts of the country so as to keep them away from adults in prisons.

He commended churches and public spirited individuals for assisting in the provision of welfare needs of no fewer than 1,456 inmates of the Onitsha prison.

[Vanguard, Nigeria Prison service to establish Borstal homes in Enugu, Bayelsa \(12 July 2019\)](#)

The Nigeria Prisons Service plans to establish Borstal homes in Enugu and Bayelsa States, to serve the South East and South regions of the country.

When fully operational, the borstal homes will complement the existing facilities in Kaduna, Abeokuta and Ilorin, for the reformation of juvenile offenders.

The Comptroller of Prisons in Anambra state, Mr Emmanuel Nwakeze disclosed this in Awka while speaking with a team of Media and Civil Society support group who are committed to the reform of justice sector.

He stated that the two projects which are nearing completion are located at Ngwo in Enugu State, and Ogbia in Bayelsa State.

Mr Nwakeze said the current system where police officers investigate crime and prosecute suspects in courts have contributed to the high population of awaiting trial inmates, leading to congestion of prison facilities in the country.

The Prisons Comptroller explained that Police officers who are not legal practitioners were trained to investigate crimes and not to carry out prosecution of suspects in courts, alleging that such officers muddle up the cases and facilitate the dumping of suspects in prison, as soon as they are transferred out of the court's jurisdiction.

According to him, "even if the police must be allowed to continue with their prosecutorial powers, then each case should have a team of police prosecutors, so that the absence of one officer would not stall the criminal trial. This is inline with international best practices, which has been adopted by other Anti-graft agencies like EFCC and ICPC".

Mr Nwakaeze therefore called for the review of all relevant laws in the criminal justice sector to remove police officers who are non-lawyers, from prosecuting cases, especially at the Magistrate Courts.

He assured that the authorities of the Nigeria Prisons Service are now more open to human right activists, Civil Societies and charitable organizations that can undertake free legal services for prison inmates.

Earlier, the leader of the group, Mr Ejiofo Umegbogu said the advocacy visit was aimed at interfacing with relevant stakeholders in the justice sector including the police, prisons, Judiciary and Anti-graft agencies, with a view to increasing citizens participation in the ongoing reform of the criminal justice sector, being by the Rule of Law and Anti-Corruption, RoLAC, programme of the British Council, with support from the European union.

Police

[Australian Government, Department of Foreign Affairs and Trade, DFAT Country Information Report: Nigeria \(9 March 2018\)](#)

[...] Detention and Prison

5.18 Women are sometimes held in the same sections as male prisoners and face a high risk of sexual assault. In March 2013, four male inmates raped a woman in police custody in Delta State. The police officers in question were charged with neglecting to provide her with adequate

protection. Authorities often hold juveniles with adult prisoners, despite requirements to hold them in specific juvenile detention facilities. [...] (p. 31)

[The Daily Sun, Group petitions Enugu Police over death of 3-month-old baby in detention \(29 March 2018\)](#)

An Enugu-based human rights organisation, Civil Rights Realisation and Advancement Network (CRRAN), has called on police authorities to investigate the alleged unlawful detention of a woman and her 3-month-old baby by operatives of Oji-River division, an action which reportedly led to the death of the baby.

The group made the appeal in a petition to the Commissioner of Police, Enugu State Police Command, titled: 'Appeal for justice; Re: Complaint of Mr. Sunday Agbowo over unlawful detention of his wife Mrs. Ukamaka Agbowo and her 3 months old baby which led to the subsequent death of the baby', and was signed by the group president, Olu Omotayo, Esq.

The letter read: "We write to you in respect of the above-mentioned matter on behalf of Mr. Sunday Agbowo of Afor-Oghe, Ezeagu. Mr. Agbowo, a patent medicine dealer at Afor-Oghe, Ezeagu, informed us that sometime in January 2017, some policemen led by one Inspector Jerry (Phone number 07066136711), came to Afor Oghe, and arrested his wife who was nursing a three months old baby named Adaeze Agbowo.

"According to Mr. Agbowo, the offence of his wife who was arrested in her shop was that she sells rolls of white paper, which the policemen claimed Indian hemp smokers used in wrapping Indian hemp. Mrs. Agbowo said all she knows is that the paper is used for writing and if some people are using it to wrap Indian hemp is not her business.

"Mr. Agbowo further informed us that the policemen arrested his wife with her 3 months old baby and took her to Oji River Police Station.

"Agbowo said that he later went to the Police Station with the Lady Chairman of Patent medicine dealers, Ezeagu and secured the bail of his detained wife after paying some amount of money.

"Agbowo further stated that his wife was detained in the cell alongside the baby till evening which made the baby very weak. The baby later became sick and was taken to a hospital where she later died. The Doctors' Report from the Hospital is attached herewith.

"Agbowo said that a policeman from Oji River named Mr. Ugwu later came to him and said that he heard what happened and would want to make peace between his family and the policemen who arrested his wife.

"Agbowo said that he and his wife have been in pains since the death of their daughter, Adaeze, who was a victim of police unlawful arrest," the letter narrates.

The organisation wondered why policemen should come from Oji River to make arrest in Ezeagu Local Government Area.

The organisation which feels that the arrest was illegal therefore urges the Commissioner of Police to do a thorough investigation over the issue.

"We urge you, in the interest of justice, to order a thorough investigation into this matter and ensure that justice is done in respect of this case as the circumstances of this case demands," the organisation pleaded.

Military

[Amnesty International, NIGERIA 2017/2018 \(22 February 2018\)](#)

[...] Arbitrary arrests and detentions

The military arbitrarily arrested and held thousands of young men, women and children in detention centres around the country. Detainees were denied access to lawyers and family members. The army released 593 detainees in April and 760 in October.

By April, the military detention facility at Giwa barracks, Maiduguri, held more than 4,900 people in extremely overcrowded cells. Disease, dehydration and starvation were rife and at least 340 detainees died. At least 200 children, as young as four, were detained in an overcrowded and unhygienic children's cell. Some children were born in detention.

The military detained hundreds of women unlawfully, without charge, some because they were believed to be related to Boko Haram members. Among them were women and girls who said they had been victims of Boko Haram. Women reported inhuman detention conditions, including a lack of health care for women giving birth in cells. [...]

[UNICEF, Press Release: UNICEF Nigeria welcomes release of over 180 children suspected of Boko Haram ties from administrative custody \(9 July 2018\)](#)

UNICEF welcomes today the release of 183 children from Nigerian Armed Forces, in Maiduguri, Borno State, northeast Nigeria. The release comes after the children, aged 7-18, were cleared of ties with Boko Haram insurgents.

"These 8 girls and 175 boys are first and foremost victims of the ongoing conflict and their release is an important step on their long road to recovery," said Mohamed Fall, UNICEF Representative in Nigeria. "We will be working with the Borno State Ministry of Women Affairs and Social Development and partners to provide the children with all the assistance they need. I also want to commend the action taken by the military and the authorities, it demonstrates a clear commitment to better protect children affected by the conflict."

After having been held in administrative custody, the children will receive medical attention and psychosocial support before the process of reuniting them with their families and reintegrating them into society begins.

Since 2017, UNICEF has supported the social and economic reintegration of more than 8,700 children released from armed groups, helping trace their families, returning them to their communities, and offering them psychosocial support, education, vocational training and informal apprenticeships, and opportunities to improve livelihoods.

[OCHA, 2019 Humanitarian Needs Overview: Nigeria \(1 February 2019\)](#)

[...] Part II: Protection

[...] The humanitarian situation in north-east Nigeria is a protection crisis.

[...] Adolescent boys and men face a high risk of forced recruitment by NSAGs and, if they resist, of disappearance and killing; once outside of NSAG[non-state armed groups]-controlled areas, they risk arbitrary arrest and detention by the military on suspicion of affiliation with NSAGs.

[...] The process of screening new arrivals from these areas often results in extended military detention, particularly of adolescent boys and men, with reports of serious injuries and even death during detention.⁵⁸ IDPs from these areas also face stigmatization and discrimination on suspicion of affiliation with the non-state actors. [...] (pp. 20-21)

58 PSWG Advocacy Note on Detention of IDPs, Humanitarians lack access to detention centres. with the exception of ICRC, January 2018.

[United States Department of State, Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2018: Nigeria \(13 March 2019\)](#)

[...] Prison and Detention Center Conditions

[...] Several unofficial military prisons continued to operate, including the Giwa Barracks facility in Maiduguri, Borno State. Although conditions in the Giwa Barracks detention facility reportedly marginally improved, detainees were denied due process and subjected to arbitrary and indefinite detention in conditions that remained harsh and life threatening (see section 1.g.). An AI report

released in May documented multiple cases where women determined their husbands had died in custody in previous years. The same report also documented the arbitrary detention of women and children at Giwa Barracks. AI reported that citizens were generally not able to access any information about the fate or welfare of family members in military detention, or whether they were in fact detained. There were no reports of accountability for past reported deaths in custody, nor for earlier reports from AI alleging that an estimated 20,000 persons in the region were arbitrarily detained between 2009-15 with as many as 7,000 dying of thirst, starvation, suffocation, disease due to overcrowding, lack of medical attention, the use of fumigation chemicals in unventilated cells, torture, or extrajudicial execution.

After multiple releases during the year (see Improvements sub-subsection), it was unclear how many children or adults remained in detention at Giwa Barracks or other unofficial detention facilities. According to press and NGO reporting, the military continued to arrest and remand to military detention facilities, including Giwa Barracks, additional persons suspected of association with Boko Haram or ISIS-WA.

The government continued to arrest and, in some cases, inappropriately detain for prolonged periods, women and children removed from or allegedly associated with Boko Haram and ISIS-WA. They included women and girls who had been forcibly married to or sexually enslaved by the insurgents. The government reportedly detained them for screening and their perceived intelligence value. A credible international organization, however, reported the typical length of time spent in detention shortened during the year. [...] (pp. 9-10)

[Amnesty International, Nigeria: Children and women face sexual violence in Borno prisons \(29 April 2019\)](#)

An Amnesty International investigation has exposed sexual violence against children and women by security agents and inmates at two high-security prison facilities in Borno State, Nigeria.

The harrowing violations took place at Maiduguri Maximum Security Prison and Giwa Barracks, where thousands of civilians arrested due to claimed links to the Boko Haram armed group are being held. Amnesty's research also found that scores of children are being unlawfully detained alongside adults in Maiduguri Prison.

"This is another sad and disturbing case of human rights violations against civilians caught up in the Boko Haram crisis in northeast Nigeria," said Osai Ojigho, Amnesty International's Nigeria Director.

"It is inexcusable that children are subjected to such vile treatment under government care, and likewise it is intolerable that women are once again bearing the brunt of abuse by the Nigerian security forces that are meant to protect them."

Children detained and abused at Maiduguri Prison

An Amnesty International research team visited Maiduguri earlier this month to investigate claims made by inmate Charles Okah – first documented by [Sahara Reporters](#) – that children were being abused and unlawfully detained in Maiduguri Prison.

Okah alleged that three children detained on death row in Maiduguri were among the many victims of sexual abuse.

Amnesty International has obtained court documents confirming that at least 68 children are being held in Maiduguri Prison. The organization also spoke to former Giwa Barracks child detainees who identified 39 of these children as their former cellmates at Giwa; a list that included names of the three young boys detained in the same area with death row inmates mentioned in Okah's report.

The findings confirm that dozens of children are being held in the maximum security prison in connection with the Boko Haram crisis. According to Amnesty International's findings, the 68 boys held in Maiduguri Prison were first detained without charge by the Nigerian military in Giwa Barracks before they were transferred between late 2016 and early 2017.

"The government has so far failed in its duty to protect these children and violated its obligations under the UN Convention on the Rights of the Child," said Osai Ojigho.

“The Nigerian government must ensure the immediate transfer of all children from Maiduguri prison and those who have not been charged with a recognizable criminal offence must be released. Children suspected of criminal responsibility should only be detained in children’s facilities. The detention of children in the same cells with adults is unacceptable.”

Amnesty International interviewed a Maiduguri Prison detainee as well as a former prison warder who both confirmed that sexual abuse of children was widespread in the prison. The detainee said he had observed the abuse of children by adult inmates.

“It is not a secret in the prison what is happening with the little boys,” said the detainee, who spoke to Amnesty International via a contact to protect his identity.

The source also told Amnesty that it was sometimes possible to hear what was happening in the stalls, and this confirmed his understanding that sexual assault was occurring.

“Sometimes, you see that a little boy goes into the toilet and immediately, an adult detainee goes after them, and when the boy comes out, you don’t need to be told what has happened to him.”

The Maiduguri Prison former warder, who was also too afraid to meet Amnesty International in person, confirmed that he had been aware of sexual abuse of children.

According to the former warder: “The condition there [in the prison] is not good for children and it is difficult to stop what is going on with the boys. The only way is for them to be taken out of there. What do you expect when you keep children with grown up men?”

Amnesty International also documented the sexual assault of a 16-year-old boy by an adult inmate in Giwa Barracks in or around January 2018, six months before all children were released from the facility.

At the time, children were being detained in a cell next to adult cells, making interactions with adult inmates inevitable. A former detainee told Amnesty International he had witnessed an adult inmate “trying to take the trousers off” a sleeping boy.

“A boy who saw it woke the boy that was being assaulted and, in the morning, it was reported to the soldiers,” said the eyewitness. It is understood the adult inmate was subsequently transferred a different cell, although no other steps were taken to protect the boys. This incident was confirmed to Amnesty International by the boy who had been assaulted, along with 15 male former detainees.

Immediately after Okah’s report was published, the Borno State governor announced he had set up a panel to investigate and submit its findings and recommendations within a week. However, there has been no word on its progress. Amnesty International called the Borno State Attorney General on phone but there was no response. A text message sent to his phone was not replied to. The organization also sent an email and text message to the spokesperson of the Borno State governor but no response was received.

“To detain children with adults in the full knowledge that they may be abused is despicable. Far from protecting these children from this abuse, the Nigerian authorities have created the enabling environment for it to thrive,” said Osai Ojigho.

“The authorities must ensure that the investigation into these allegations is prompt, independent and impartial, and that any prison officials or military members found responsible for human rights violations are brought to justice.”

[...] Background

On 23 March 2019, Sahara Reporters revealed details of a 30-page eyewitness report by Charles Okah which described a pattern of sexual violence perpetrated against women and young boys in the prison. According to the media report, there are at least 106 young boys aged between 11 and 17 in detention in the prison.

A Borno State government committee visited the prison shortly after its inauguration to investigate the allegations in the Okah report. Some prison officials were arrested but released the following day. Nothing has been heard of the committee since. Amnesty International is calling on the Borno State government to make public the committee’s findings.

The Nigerian Prisons Service denied the allegations of sexual violence at the Maiduguri Prison, saying a committee set up to investigate the allegations did not find evidence of sexual violence.

The Public Relations Officer of the Nigerian Prisons Service said the service would not share the report with the organization for security reasons because the report contains other security concerns.

The official, however, suggested that children were being detained in the same area with adult inmates at the Maiduguri Prisons.

According to the official: "Because of the nature of the crime, you may have people who are not supposed to be where they are. Maiduguri is an unusual situation due to the Boko Haram crisis."

In April 2019 Amnesty International interviewed one adult detainee and one former prison warder at Maiduguri Prison, along with 18 former Giwa Barracks detainees, 15 boys and three women. It also spoke with relatives of detainees in Maiduguri Prison, court officials and sources with inside knowledge of Maiduguri Prison, including a former prison official.

[Human Rights Watch, Nigeria: Military Holding Children as Boko Haram Suspects \(10 September 2019\)](#)

(Abuja) – The Nigerian military has arbitrarily detained thousands of children in degrading and inhuman conditions for suspected involvement with the armed Islamist group Boko Haram, Human Rights Watch said in a report released today. Many children are held without charge for months or years in squalid and severely overcrowded military barracks, with no contact with the outside world.

The 50-page report, "‘They Didn’t Know if I Was Alive or Dead’: Military Detention of Children for Suspected Boko Haram Involvement in Northeast Nigeria," documents how Nigerian authorities are detaining children, often based on little or no evidence. Children described beatings, overwhelming heat, frequent hunger, and being packed tightly in their cells with hundreds of other detainees "like razorblades in a pack," as one former detainee said.

"Children are being detained in horrific conditions for years, with little or no evidence of involvement with Boko Haram, and without even being taken to court," said Jo Becker, children's rights advocacy director at Human Rights Watch. "Many of these children already survived attacks by Boko Haram. The authorities' cruel treatment adds to their suffering and victimizes them further."

Between January 2013 and March 2019, Nigerian armed forces detained over 3,600 children, including 1,617 girls, for suspected involvement with non-state armed groups, according to the UN. Many are detained at Giwa military barracks in Maiduguri, the main military detention facility in Borno State.

Nigerian authorities have released at least 2,200 children from detention, nearly all without charge. According to the UN, 418 children were detained in 2018, a significant decrease from 2017, when over 1,900 children were detained. Human Rights Watch does not know the number of children who may be currently detained.

The Nigerian government should sign and put into effect a United Nations handover protocol to ensure the swift transfer of children apprehended by the military to child protection authorities for rehabilitation, family reunification, and community reintegration. Other countries in the region, including Chad, Mali, and Niger, have already signed such protocols.

In June 2019, Human Rights Watch interviewed in Maiduguri 32 children and youth who had been detained as children at Giwa barracks for alleged involvement with Boko Haram. None of the children said they were taken before a judge or appeared in court, as required by law, and only one saw someone who he thought may have been a lawyer. None were aware of any charges against them. One was detained when he was only 5 years old.

Nigerian authorities arrested the children during military operations, security sweeps, screening procedures for internally displaced people, and based on information from informants. Many of the children said they were arrested after fleeing Boko Haram attacks on their village or while seeking refuge at camps for internally displaced people. One said he was arrested and detained for more

than two years for allegedly selling yams to Boko Haram members. Several girls had been abducted by Boko Haram or forced to become Boko Haram “wives.”

Approximately one-third of the children interviewed said security forces beat them during interrogation after their arrest or at Giwa barracks. One girl who was forced to marry a Boko Haram member said that after soldiers captured her, “The soldiers were beating us with their belts, calling us names and telling us they will deal with us because we are Boko Haram wives.” Others said they were beaten if they denied association with Boko Haram.

Children described sharing a single cell, approximately 10-by-10 meters, with 250 or more detainees. They said the stench from a single open toilet was often overwhelming and that detainees sometimes fainted from the heat. In Maiduguri, the average annual maximum temperature is 35 degrees Celsius and temperatures can exceed 40 degrees.

Nearly half of the children said they saw dead bodies of other detainees at Giwa barracks. Many said they suffered frequent thirst or hunger.

Fifteen of the children had been detained for more than a year, and some had been held for more than three years. None had been allowed to contact family members outside the detention center, nor had the authorities contacted their families. Such cases may constitute enforced disappearances, a serious human rights violation.

The children said that Giwa has a cell for boys under 18 with children as young as 7, or even younger. The military also detains children in adult cells, where children said food and water were scarcer and conditions even more crowded. Very young children and babies are kept with their mothers and older girls in a separate cell. Three girls said they saw male soldiers making sexual advances toward female detainees or removing girls from the cell for long periods for what they believed was sexual exploitation.

The military provides no formal education or rehabilitation activities for children at Giwa. Children reported that their only activities were prayer, watching television, and informal lessons that some children provided for others. The overcrowded conditions made physical activity impossible, and some children said they developed sores from restricted movement.

Following their release, some children said they suffered social stigma from presumed involvement with Boko Haram, even if they had no ties to the group. Nearly all said they wanted to go to school, but many said that available schools were too far away, or that they didn’t have money for transportation.

Nigerian authorities should immediately release children currently in military custody. If military or intelligence authorities have credible evidence of criminal offenses by children, they should transfer them to civilian judicial authorities to be treated in accordance with national and international juvenile justice standards.

“Nigeria faces formidable challenges from the Boko Haram insurgency, but detaining thousands of children is not the answer,” Becker said. “Children affected by the conflict need rehabilitation and schooling, not prison.”

[Human Rights Watch, “They Didn’t Know if I Was Alive or Dead”: Military Detention of Children for Suspected Boko Haram Involvement in Northeast Nigeria \(10 September 2019\)](#)

[...] Giwa Barracks

Children arrested in the context of the insurgency may be detained for short periods of time at local detention facilities, but many of those suspected of involvement with Boko Haram are eventually sent to Giwa barracks, a military detention center located in Maiduguri, Borno State. All the children interviewed by Human Rights Watch said they were detained at Giwa barracks. According to Amnesty International, in April 2017 the military detained more than 4,900 people at the detention center.⁶⁷

The children interviewed described multiple cells of approximately 10 by 10 meters that each held 250 or more detainees. One cell was designated for boys of age 17 and under, and one cell was for

women, girls, babies, and small children. The remaining cells were for adults, although many children interviewed reported that they were held with adults in these cells for periods ranging from a week to more than a year.

The children said that some cells had adjacent outdoor “cages” constructed with iron bars of similar size as their cells. They said they were allowed into the cage during the day, and some said they had the option of sleeping there at night. Sleeping mats placed on the top of the cage provided some shelter from the sun during the day.

In April 2018, Nigerian media reported that in response to criticism regarding conditions at Giwa barracks, Nigerian Army engineers had constructed a new detention facility at Giwa with capacity for 200.⁶⁸ Human Rights Watch has no information on whether children have been detained in the new facility.

Overcrowding, heat, and sanitation

Nearly all of the children described severe overcrowding in their cells. Most said there wasn’t enough room for all detainees to sit or lie down and that at night, detainees would sleep on their sides, packed one next to another. One child, age 15, said, “We were so close you couldn’t put one finger between one person and the next.”⁶⁹ Several children described the sleeping arrangement “like razorblades in a pack.” Once in position, no one would be able to move or roll over until the morning. Several children said they developed sores on their bodies from restricted movement and sleeping or sitting on hard floors for prolonged periods.

Overcrowding was even worse in the adult cells. Several detainees described the adult cells of similar size holding up to 400 detainees. Salisu, age 17, was held in an adult cell for a year, and said that he was forced to sleep sitting up, and developed sores on his buttocks.⁷⁰

Many children described an overwhelming stench in the cells. Sani said, “When the smell was very bad, it made me want to faint. We used our clothes to cover our nose and mouth, but our clothes were very dirty, so it didn’t really help.”⁷¹ A cell would typically have a single toilet or a couple of buckets for 250 or 300 people. Saeed was held in an adult cell at Giwa for several months.

[...] Children said the cells were often very hot, with four small windows and inadequate ventilation. In Maiduguri, the average annual maximum temperature is 35 degrees Celsius (95 degrees Fahrenheit). In hot months, temperatures can exceed 40°C (104°F).

Abdullahi said, “There was a fan in the cell, but even with the fan, there were lots of people and the air smells very bad. Often there was no power and the fan and lights don’t work, so it was even worse.”⁷⁵ Several children said that they had seen other detainees faint from the heat. Some said they saw soldiers carry dead bodies from other cells (see “Deaths in Custody,” below), and believed the deaths were due to excessive heat.

Some children described being unable to bathe for extended periods. Three children said they were detained in an adult cell for two months without being allowed to bathe. One girl was detained for nearly two years in a cell with women and children between 2016 and 2018 and said that for the first 10 months, she was not allowed to bathe at all.⁷⁶

Several children said that they and other detainees were infested with lice. Ibrahim said, “I had small bugs in my hair and the collar of my clothes. They laid eggs in my hair. I itched a lot. I had no soap.”⁷⁷ Khadija said, “The lice was everywhere, we were itching everywhere.”⁷⁸

Several children described visits by people they believed to be representatives of the Red Cross. They said that after the Red Cross’ visits, conditions improved noticeably, and that they received more food, soap, and opportunities to bathe. Saeed, for example, was held in an adult cell and said, “Before the Red Cross intervention, I took a shower once in two months, but this changed to once a week with their intervention. We slept on mats at first and then Red Cross brought us blankets.”⁷⁹

Some children said they were able to bathe once or twice a month, while others said they could bathe two to three times per week. Some of the children said they had access to soap, while others did not.

Deaths in custody and access to medical care

Nearly half of the children had personally seen dead bodies of other detainees while in custody at Giwa barracks. Nurudeen was detained for two years and spent his first year in the adult cell. He said four people died in that cell while he was there, and he saw other bodies carried from other adult cells. "I think it was because of the heat," he said.⁸⁰ Abdulrahman, 16, spent six months in the adult cell, and then was transferred to the children's cell for two more years.

[...] Abdullahi was arrested with his brother, and said his brother died the day after they arrived at Giwa. He saw his brother's body in the cell but didn't know the cause of death. When Abdullahi was released two months later, he discovered that the authorities had never informed his parents of his brother's death. "So I had to tell them. They cried bitterly," he said.⁸²

Amnesty International estimated in 2015 that more than 7,000 men and boys had died in Nigerian military custody, due to starvation, thirst, severe overcrowding, disease, torture, and lack of medical attention.⁸³

Most of the children interviewed said they had access to a doctor when they were ill, but some questioned the quality of treatment. Some said that a doctor came to the cell, while others said they were taken to a clinic at the barracks. Hussein said several children in his cell became ill from the heat. He said a doctor saw them just outside the cell, but had no equipment and simply stood and spoke to the children, without providing any treatment. He said one of the boys died shortly after.⁸⁴

Abdulrahman said that a 14-year-old friend of his died in detention, despite medical treatment.

[...] Several children said they got malaria while at Giwa, describing symptoms including fever, vomiting, severe headaches, and joint pain. One said mosquitos were "everywhere" in the cell, and others said the military took no steps to keep the mosquitos away.⁸⁶

Food and Water

Most of the children said they did not get enough food and were often hungry. They typically said they received "pap" (a porridge made of corn meal) for breakfast, rice in the afternoon, and beans at night. Ibrahim said, "They would give a half plate of food for five people. I was hungry all the time."⁸⁷ Yar'adua said he volunteered to clean toilets so that he would receive extra food.⁸⁸ Several children said they lost weight. Bana, 17, said, "The food was never enough... I was always hungry. I became so lean and unrecognizable."⁸⁹

Children said that food was scarcer in the adult cell. Some children, particularly those held in an adult cell, also said they did not receive enough water. Abdulsalam said that in the adult cell, he sometimes went two days without water.⁹⁰ Another child held in the adult cell said he received only half a cup of water in the morning, and another half-cup in the evening.⁹¹

Beatings and Discipline

Six of the 32 children interviewed said that soldiers beat them at Giwa barracks. Abdulsalam said that when he arrived in 2016, "They put four of us in a room and started beating us with ropes tied together in a ball. The balls tore our skin on impact. They beat us daily for some time after we arrived but they eventually stopped. I can't say how many times they beat us. It was too many."⁹²

Malam, 16, said, "Soldiers would flog us with '*koboko*' [a whip made with cow skin] if there was fighting, noise, or if we didn't sleep in the right position."⁹³

Some children said that other child detainees designated as cell leaders beat them. Soldiers appointed older children to serve as the cell's "chairman," "vice-chairman," and "discipline master." According to the children interviewed, the "chairman" or "discipline master" often beat children for perceived misbehavior, most often for making noise or taking up too much space. Some said the beatings took place on a daily basis, and that they couldn't count the number of times the leaders beat them.

Muhammed said, "If you make a noise, if you drink water without asking them, if you go toward the door to get fresh air, they beat you."⁹⁴ Yar'adua said, "Whenever we make noise, they would start beating. They would beat everyone in the area where the noise came from. But it's impossible to stay quiet in a group so big."⁹⁵

Yar'adua said that on one occasion the military chose a boy as "chairman" who refused to take on the role. He said a soldier asked the boy to state the reason for his refusal, and the boy replied that

he couldn't beat children for doing nothing wrong. Yar'adua said that the soldier punished the boy by transferring him to an adult cell.⁹⁶

Several children said that soldiers would shout at the child detainees. Sani said, "They would shout and threaten us, tell us if we didn't tell them the truth about whether we were part of Boko Haram, we would never get out of prison."⁹⁷

Other children described the soldiers in positive terms, saying that they treated the children well.

[...] The girls' and women's cell

At Giwa barracks, women and girls were housed together in a single cell with younger children and babies. Rashida was detained in the cell for nine months when she was 12 years old. She said, "There were many of us around my age in the cell, there were women with babies too."¹⁰⁶ She said that the cell was crowded, and they were not allowed out, except when they were occasionally removed to be counted or for interrogation. "In the cell, we didn't do much, we plaited each other's hair and watched television." She described a bathroom in the room, but said, "The toilet was not working well. We had to use sticks to push down feces."¹⁰⁷

Farida, now 17, was detained in the female cell for nine months in 2017, together with her mother and two younger brothers, aged three and five. "They stayed in the female cell because they were too young to look after themselves," she said.¹⁰⁸ She said some of the women in the cell were breastfeeding babies who were a few months old, and there were many young children in the cell.¹⁰⁹

Three girls said that they believed soldiers sexually exploited girls in the female cell. One said that soldiers made sexual advances to female detainees when their superiors were not around.¹¹⁰ Halima, 14, said: "The soldiers had girlfriends. One of the girls from our village was a girlfriend of a soldier. He would usually take her out of the compound. Some ladies got pregnant in the cell and delivered while I was there."¹¹¹ Farida said that while she was detained, the soldiers guarding the cell were all male. "Although senior officers warned against any sexual relations, I suspect some of the soldiers had them," she said. "They would usually call out some girls and take them away from morning till night but I don't know the details of what happened when they went away."¹¹²

Halima, 14, detained in the female cell from 2013 to 2015, said that conditions were crowded and that she did not receive enough food.¹¹³ Farida, detained in 2017, described conditions in the female cell as comparatively better and said the female detainees got enough to eat, daily showers, soap, and menstrual products.¹¹⁴

Safiya, five months pregnant when she arrived at Giwa barracks, said she was only detained there for two weeks before she was moved to another facility where she was housed with other girls who had been with Boko Haram. She described conditions there as good, and said she gave birth there and stayed for several more months before her release.¹¹⁵

Contact with families

Children uniformly said that they had no contact with family members outside Giwa barracks during their detention. Many said they had no idea whether their parents knew where they were, or whether they were alive or dead. Nurudeen, 16, was detained at Giwa for two years and four months and said that during that time, his parents didn't know where he was. He said, "Maybe they were wondering whether I am alive or not. I don't know if they had any hope that I would come back."

Musa asked military guards if he could call his parents, but was told that calls were not allowed.¹¹⁶ None of the children interviewed said that authorities had informed their family of their arrest or detention. In most cases, if family members knew about the child's detention, it was either because they had witnessed the arrest or had been given information by other detainees who had been released.

These cases may constitute enforced disappearances. Enforced disappearance is defined under international law as the arrest or detention of a person by state officials, agents of the state, or by persons acting with the authorization, support or acquiescence of the state, followed by a refusal to acknowledge the arrest or to reveal the person's fate or whereabouts.¹¹⁷

Khadija, detained for nearly two years, said that an older man witnessed her arrest and told her mother what had happened. She learned later that her mother had gone to Giwa barracks to try to see her, but that the military refused to let her enter and threatened to put her in a cell if she did not leave. Nafis said his parents learned that he was in Giwa from other detainees who had been released, but said, “They never tried [to visit] because they were afraid it would not be good for them.”

Many children were arrested with other family members who were also taken to Giwa. In some cases, boys were detained together with brothers who were also underage, but separated from their parents or older siblings. Abdul, for example, was arrested with his father and uncle, and detained in the adult cell for his first week at Giwa, but was then transferred to the children’s cell. He was detained for another year and two months at Giwa, but was not allowed further contact with his father. Abubak was arrested with his older brother. They spent the first two months together in the adult cell, but then Abubak was transferred to the children’s cell. He said that sometimes when he was allowed into the “cage,” he would see his brother, but they had no further direct contact during his two years of detention.

Detention without charge or access to legal assistance

None of the 32 children interviewed said that they were brought before a judge or informed of any charges against them. One child said that someone came to Giwa barracks on one occasion and asked him questions about his background. He thought the person might have been a lawyer, but was not sure.¹¹⁸ None of the other children had any contact with a lawyer, they said. “I was never given an opportunity to contact my family or a lawyer,” said Sadiq. “They didn’t provide one for me. There was no mention of charges against me and I was not brought before any court.”¹¹⁹

[...] Standards for Children Accused of Terrorism-Related Crimes

The Convention on the Rights of the Child stipulates a number of important rights for children accused of committing crimes. It prohibits torture and ill-treatment, provides that children should only be detained as a last resort and for the shortest appropriate period of time, and generally be allowed to maintain contact with his or her family through correspondence and visits.¹⁸¹ Children have the right to prepare an appropriate defense with “legal or other appropriate assistance,” the right “to have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance,” including the child’s parents or legal guardian, and the right to “not to be compelled to give testimony or to confess guilt.”¹⁸² [...]

67 Amnesty International, “Nigeria,” *The State of the World’s Human Rights*, February 22, 2018, <https://www.amnesty.org/en/countries/africa/nigeria/report-nigeria/> (accessed August 3, 2019).

68 “In Pictures: Nigerian Army engineers build modern detention center,” *News Agency of Nigeria*, April 29, 2018, <https://www.today.ng/multimedia/photo/pictures-nigerian-army-engineers-build-modern-detention-centre-109675> (accessed July 2, 2019).

69 Human Rights Watch interview, Maiduguri, June 21, 2019.

70 Human Rights Watch interview, Maiduguri, June 24, 2019.

71 Human Rights Watch interview, Maiduguri, June 25, 2019.

75 Human Rights Watch interview, Maiduguri, June 24, 2019.

76 Human Rights Watch interview, Maiduguri, June 25, 2019.

77 Human Rights Watch interview, Maiduguri, June 25, 2019.

78 Human Rights Watch interview, Maiduguri, June 25, 2019.

79 Human Rights Watch interview, Maiduguri, June 21, 2019.

80 Human Rights Watch interview, Maiduguri, June 24, 2019.

82 Human Rights Watch interview, Maiduguri, June 24, 2019.

83 Amnesty International, *Stars on their Shoulders, Blood on Their Hands: War Crimes Committed by the Nigerian Military*, June 3, 2015.

84 Human Rights Watch interview, Maiduguri, June 24, 2019.

86 Human Rights Watch interview, Maiduguri, June 24, 2019.

87 Human Rights Watch interview, Maiduguri, June 25, 2019.

88 Human Rights Watch interview, Maiduguri, June 26, 2019.

89 Human Rights Watch interview, Maiduguri, June 25, 2019.

90 Human Rights Watch interview, Maiduguri, June 24, 2019.

91 Human Rights Watch interview, Maiduguri, June 24, 2019.
 92 Human Rights Watch interview, Maiduguri, June 24, 2019.
 93 Human Rights Watch interview, Maiduguri, June 26, 2019.
 94 Human Rights Watch interview, Maiduguri, June 21, 2019.
 95 Human Rights Watch interview, Maiduguri, June 26, 2019.
 96 Human Rights Watch interview, Maiduguri, June 26, 2019.
 97 Human Rights Watch interview, Maiduguri, June 25, 2019.
 106 Human Rights Watch interview, Maiduguri, June 21, 2019.
 107 Ibid
 108 Human Rights Watch interview, Maiduguri, June 25, 2019.
 109 Ibid.
 110 Human Rights Watch interview, Maiduguri, June 26, 2019.
 111 Human Rights Watch interview, Maiduguri, June 25, 2019.
 112 Human Rights Watch interview, Maiduguri, June 25, 2019.
 113 Human Rights Watch interview, Maiduguri, June 25, 2019.
 114 Human Rights Watch interview, Maiduguri, June 25, 2019.
 115 Human Rights Watch interview, Maiduguri, June 26, 2019.
 116 Human Rights Watch interview, Maiduguri, June 21, 2019.
 117 Human Rights Watch interview, Maiduguri, June 21, 2019.
 118 Human Rights Watch interview, Maiduguri, June 26, 2019.
 119 Human Rights Watch interview, Maiduguri, June 21, 2019.
 181 CRC, article 37(a); CRC, article 37(b); CRC, article 37(c).
 182 CRC, article 40(2)(b)(ii); CRC, article 40(2)(b)(iii); CRC, article 40(2)(b)(iv).

[National Human Rights Commission, NHRC Committed to Tackling Child Detention----Ojukwu \(11 September 2019\)](#)

The National Human Rights Commission (NHRC) is committed to bringing to a closure the issues of child detention in some military facilities and other detention centres in the country.

The Executive Secretary of the Commission, Tony Ojukwu Esq stated this in Abuja when a delegation of Human Rights Watch led by its Nigerian Researcher, Anietie Ewang paid a courtesy visit to the Commission. Ojukwu regretted that some children who are victims of Boko Haram attacks in various communities in the North East end up in military detention facilities.

The Executive Secretary however noted that it is not every child arrested by the military in the Boko Haram ravaged communities that is innocent. The activities of Boko Haram according to him has exposed alot of children to dangerous situation necessitating the need to build the capacities of the military to be able to conduct effective and efficient profiling of all detainees especially children.

According to Ojukwu, it is necessary to avoid violating the rights of children who are merely victims of Boko Haram attacks otherwise they will needlessly become double victims.

The Executive Secretary informed the visiting delegation that trial of alleged Boko Haram members is yet to commence at Giwa barracks and that the NHRC/UNHCR committee monitored the trial of members of the terrorist group at Kainji Barracks which according to him was 75% accomplished.

Earlier, the Human Rights Watch Nigerian Researcher, Ewang said they were in the Commission to guage the efforts of the Commission at ensuring that detention of chidren as a result of insurgency or other reasons are addressed accordingly.

She opined that Nigeria is among the list of countries with the highest rate of child detention in the word, saying that they expect the Commission to dissipate more energy in ensuring the protection of the rights of this vulnerable group in the society.

[The Daily Independent, Human Rights Commission Laments Detention Of Children In Military Facilities In N/East \(19 September 2019\)](#)

The National Human Rights Commission (NHRC), has expressed regret that some children who are victims of Boko Haram attacks in various communities in the North East are in military detention facilities.

The Commission has thus stated that it is committed to bringing the development to an end.

Mr. Tony Ojukwu, Executive Secretary of the Commission, who stated this in Abuja when a delegation of Human Rights Watch led by its Nigerian Researcher, Anietie Ewang, paid a courtesy visit to the Commission, said children are innocent and therefore undeserving of detention in such facility.

Ojukwu, however, noted that it is not every child arrested by the military in the Boko Haram-ravaged communities that is innocent.

According to him, the activities of the dreaded Islamist organisation has tended to expose a lot of children to dangerous situation, necessitating the need to build the capacities of the military to be able to conduct effective and efficient profiling of all detainees, especially children.

Ojukwu added that it is necessary to avoid violating the rights of children who are merely victims of Boko Haram attacks; otherwise they will needlessly become double victims.

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He stressed that the NHRC/UNHCR committee had monitored the trial of suspected members of the terrorist group at Kainji Barracks, which according to him was 75 percent accomplished.

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20. Discrimination including freedom to practice religion, special needs including treatment of disabled prisoners

No information was found amongst the sources consulted published within the timeframe for this report.

21. Incidence of arbitrary detention / without pretrial

Detention in general

[United Nations General Assembly, Human Rights Council, Working Group on the Universal Periodic Review, Thirty-first session, 5–16 November 2018, Compilation on Nigeria, Report of the Office of the United Nations High Commissioner for Human Rights \(27 August 2018\)](#)

[...] IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

[...] B. Civil and political rights

1. Right to life, liberty and security of person²⁷

[...] 25. OHCHR had received confirmation that in areas affected by Boko Haram, young men were not only exposed to the risk of being targeted by Boko Haram, but also of being arbitrarily arrested and detained by the army, police or civilian vigilante groups, if suspected of being Boko Haram members.³¹

27 For relevant recommendations, see A/HRC/25/6, paras. 135.68–135.70, 135.72–135.73, 135.75, 135.80, 135.82, 135.106–135.112, 137.10–137.13, 137.22, 137.24 and 137.28–137.30.

[...] 31 A/HRC/30/67, para. 60.

[United States Department of State, Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2018: Nigeria \(13 March 2019\)](#)

[...] Section 1. Respect for the Integrity of the Person, Including Freedom from:

[...] d. Arbitrary Arrest or Detention

Although the constitution and law prohibit arbitrary arrest and detention, police and security services employed these practices. According to numerous reports, since 2013 the military arbitrarily arrested and detained--often in unmonitored military detention facilities--thousands of persons in the context of the fight against Boko Haram in the Northeast (see section 1.g.). According to AI, freedom of movement restrictions in IDP camps in Borno State, in some instances, constituted de facto detention (see section 1.c.). In their prosecution of corruption cases, law enforcement and intelligence agencies often failed to follow due process and arrested suspects without appropriate arrest and search warrants. (p. 11)

[...] Arrest Procedures and Treatment of Detainees

Police and other security services have the authority to arrest individuals without first obtaining warrants if they have reasonable suspicion a person committed an offense, a power they often abused. The law requires that, even during a state of emergency, detainees must appear before a magistrate within 48 hours and have access to lawyers and family members. In many instances government and security officials did not adhere to this regulation without being bribed. Police held for interrogation individuals found in the vicinity of a crime for periods ranging from a few hours to several months, and after their release, authorities frequently asked the individuals to return for further questioning. The law requires an arresting officer to inform the accused of charges at the time of arrest, transport the accused to a police station for processing within a reasonable time, and allow the suspect to obtain counsel and post bail. Families were afraid to approach military barracks used as detention facilities. Police routinely detained suspects without informing them of the charges against them or allowing access to counsel and family members; such detentions often included solicitation of bribes. Provision of bail often remained arbitrary or subject to extrajudicial influence. Judges often set exceedingly stringent bail conditions. In many areas with no functioning bail system, suspects remained incarcerated indefinitely in investigative detention. Authorities kept detainees incommunicado for long periods. Numerous detainees stated police demanded bribes to

take them to court hearings or to release them. If family members wanted to attend a trial, police often demanded additional payment.

Arbitrary Arrest: Security personnel arbitrarily arrested numerous persons during the year, although the number remained unknown. In the Northeast the military and members of vigilante groups, such as the CJTF, rounded up individuals during mass arrests, often without evidence.

Security services detained journalists and demonstrators during the year (see sections 2.a. and 2.b.).

Pretrial Detention: Lengthy pretrial detention remained a serious problem. According to NPS [Nigerian Prison Services] figures released in March, approximately 70 percent of the prison population consisted of detainees awaiting trial, often for years. The shortage of trial judges, trial backlogs, endemic corruption, bureaucratic inertia, and undue political influence seriously hampered the judicial system. In many cases multiple adjournments resulted in years-long delays. Many detainees had their cases adjourned because the NPF [Nigeria Police Force] and the NPS did not have vehicles to transport them to court. Some persons remained in detention because authorities lost their case files. Prison officials did not have effective prison case file management processes, to include a databases or cataloguing systems. In general, the courts were plagued with inadequate, antiquated systems and procedures.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: Detainees may challenge the lawfulness of their detention before a court and have the right to submit complaints to the NHRC [National Human Rights Commission].

Nevertheless, most detainees found this approach ineffective because, even with legal representation, they often waited years to gain access to court. [...] (pp. 12-13)

Nigerian Prisons Service (recently renamed Nigerian Correctional Service)

[PRAWA \(Prisoners' Rehabilitation and Welfare Action\) and NPS \(Nigerian Prison Services\), Nigerian Prisons Survey Report, Volume 1 Summary: A Research On Pre Trial Detention in Nigeria \(1 February 2018\)](#)

The specific objectives of this research are to determine the nature and demographic features of the selected prison population including their pre-trial detention population; examine the extent of the pre-trial detainee's inflow in prison, their duration of stay in prison custody and access to justice; and examine some of the impact of the demographic characteristics of the prison population, and the inflow and duration of custody of the pre-trial prison population. The study aims at identifying the root causes, trends and other dynamics that help to explain the high levels of inflow of ATPs as well as document the status and condition of the sampled prisons across three geopolitical zones in Nigeria.

Three key questions were addressed in the research, namely: who are the persons in pre-trial detention, why they are in prison custody, and what is the impact of their being there? Specifically, this is aimed at providing some information that will help identify strategies for effectively reducing the number of persons in custody awaiting trial and their length/duration of stay in custody awaiting trial as well as promote good prison/correctional practices and justice sector reforms in general.

Methodology

Cross-sectional study design was employed to examine issues pertaining to the conditions of prisoners particularly the awaiting trial inmates, their legal representation and other issues. Given the complexity of the information collected, the study employed triangulation (the mixed method approach) to ensure validity and reliability of data. Thus three sets of questionnaires were designed and administered on different category of respondents. These included the Self Report Questionnaire (SRQ) administered on inmates, Baseline Questionnaire (BQ) administered on Officers in Charge of the Prisons and Questionnaire for Prison Staff (QPS) administered on the personnel. In addition, In-depth Interviews were conducted with the Controllers of Prisons in the three states where the study took place and the Officers in Charge of the specific prisons.

The project location selection was done in consultation with the Nigeria Prison Service (NPS), Implementing Institution and the British High Commission using the following criteria; size of the prison, geopolitical spread, evidence of justice sector reform, existence of past, ongoing and potential future intervention in the prisons and justice sector reforms in the state. The sampling procedure adopted for the study was the Total Enumeration of all inmates and staff in the three selected prisons at the time of the research. Total population study approach refers to a type of purposive sampling technique that involves examining the entire population of a study. (p. 4)

[...] The findings:

Who are those in Prison Custody?

[...] The study found that the three prisons were overpopulated in excess of about 200 percent compared to their capacities at the time of establishment. Awaiting Trial Prisoners¹ represented the bulk of the prisoners representing 76% as at December 2016, 74% as at March 2017 and 79% as at September 2017. As at September 2017 in Ikoyi and Enugu prisons, more than 80% of the inmates are awaiting trial persons whereas 70.5% of the inmates are awaiting trial persons in Kano central prison. Only 13.3%, 29.4% and 18% of the total inmates in Enugu, Kano central and Ikoyi prisons respectively are convicts. This means 8 out of 10 inmates are awaiting trials persons.

The distribution of the prison population for the entire country as at August 2016 which shows that out of 67,626 prisoners in the 242 prison in Nigeria, 47,953 were not convicted whereas 19,671 were convicted and the percentage of ATPs was 71% of the total prison population.

The breakdown of the total population in each of the targeted prisons in August 2016 and September 2017 respectively show that ATPs population in Enugu remained the same between the two time periods; 84% in August 2016 against 85% in September 2017. The situations with Kano Central and Ikoyi prisons were different. Kano Central prison recorded an increase from 60% in August 2016 to 71% in September 2017. Conversely, Ikoyi prisons showed a decrease from 85% in August 2016 to 81% in September 2017. The result confirms that high ATP population is a major feature of the three targeted prisons; Kano Central, Enugu and Ikoyi Prisons all located in Kano, Enugu and Lagos States respectively. And it is also a major problem for the country in general. [...] (pp. 6-7)

[...] Why are the ATPs in Custody?

Most of the prisoners are charged for property and property related crimes (economic and economic related crimes).

The study found that property/economic (property/economic related offences). For example, armed robbery and stealing/theft ranked high among offences for which a large number of the inmates were charged for.

The prisons records show that armed robbery top the offence charged in Enugu prison in line with the report from SRQ. From the Enugu prison record, 50.25% of the ATPs were charged for armed robbery followed by rape (10.13%) and murder (9.68%). Similarly, in Ikoyi prison, the official record shows that 46.5% of the ATPs were charged for armed robbery while 22.6% and 14.6% were charged for murder and stealing respectively. In like manner, report from official record shows that armed robbery offence top the table with 25.3% followed by rape and defilement (24.6%) and murder (12.7%) in that order. When all economic and economic related (property and property-related) offences are clustered differently from the non-economic (non-property) related, the figure for the economic/property related offences tops the chart. For example, for those charged for armed robbery (46.5%) and stealing (14.6%) in Ikoyi prison that will give 61.1%.

[...] The police are the institution that was reported to be responsible for most of the arrest of the detainees.

[...] About 75.9%, 76.5% and 78.2% of the respondents in Enugu, Kano Central and Ikoyi prisons reported they were arrested by the police. Also when included the numbers arrested by SARS, the percentage of inmates arrested by the police sums up to 86.4%, 78.8% and 80% for Enugu, Kano central and Ikoyi prisons respectively. The second top arresting agency in the three sampled prisons is NDLEA.

[...] Many cases were reported to be either stalled or taking time to conclude.

This research showed that over 8 percent of the inmates sampled had not appeared in court for more than 5 years for the offences they were charged some of which could attract 6 months imprisonment or less upon conviction. On the average, 2 percent of those sampled for this study had spent over 10 years in prison custody without conclusion of their trial.

In September 2017 during the data validation exercise it was observed that in Enugu prison 17.12% are reported to be stalled. In the case of Kano central prison, 24.65% are reported as stalled while in Ikoyi prison, 6.68% reported that their cases were stalled. This report even showed a higher proportion of stalled cases than that reported in the self-report questionnaires (SRQs) collected in March 2017. This suggested that either most of the awaiting trial persons whose cases are stalled did not respond to the question or had no knowledge whether their cases are stalled or not as the number of stalled cases from the official record exceeds those from the SRQs. When the operationally define criteria used to extract information from records is used to cross-classify responses in the SRQ. 35.6% in Enugu prisons have their cases stalled and the figures for Kano Central and Ikoyi prisons 10.2% and 10.1% respectively. Data from the BRQ (March 2017) showed that in Enugu prison 41.6% had their cases stalled. The figures for Kano Central and Ikoyi prisons were 29% and 20.5% respectively.

[...] The result as reported in the figure above shows that most of the stalled cases are capital offences ranging from Armed Robbery, Murder/Homicide, Kidnapping/Abduction and Rape/Defilement. In Enugu prison, 61.4% of the stalled cases are charged for armed robbery while 21.57% and 3.92% cases are charged for murder and kidnapping respectively. In Kano central prison, 44.38% out of the stalled cases are charged for armed robbery while 35.89% and 18.63% cases are charged for rape and murder respectively. In the case of Ikoyi prison, 98 inmates out of the 155 stalled cases are charged for murder while 43 representing 27.74% are charged for armed robbery.

[...] On the duration of stalled cases in the three prisons, in Enugu prison 99 inmates had been in prison for about one year without going to court while 119 inmates out of 306 had not appeared before court for 2 to 3 years. Four (4) inmates had not been to court for about 6 to 7 years from the time of this report. Sadly, one of the inmates who had been in custody for about 7 years without going to court was charged for assault. The result further shows that 43.87% of the inmates with stalled cases had not been to court between 1 to 3 years. Three (3) inmates had not appeared in court for the past five (5) years. In Kano 71.5% had not been to court for about 6 months to one year while those who had not been to court between 2 to 4 years were 27.1% of the stalled cases. Three inmates had not appeared in court for the past 5 years as at the record time. Some inmates had been in prison custody for 8 years without going to court. This result equally showed that over 8 percent of the inmates sampled had not appeared in court for more than 5 years for the offences they were charged some of which could attract 6 months imprisonment or less upon conviction. On the average, 2 percent of those sampled for this study had spent over 10 years in prison custody without conclusion of their trial.

A further investigation on the reason why cases are stalled was carried out and the report from the official record shows that all the stalled cases in both Enugu and Kano central prisons are awaiting DPPs advice while in Ikoyi prison 91% are equally awaiting DPPs advice. 7% of the stalled cases are as a result of 'adjoined sine die' while 3 cases are yet to be assigned or charged to court.

[...] There was evidence of some ATPs not knowing the status of their cases.

41.9%, 21.4% and 17.7% of the inmates in Enugu, Kano and Ikoyi prisons respectively indicated that they are not aware of the current status of their case. When asked about their bail status of those that responded to this question about 27.7% , 13% and 23.3% in Enugu, Kano and Ikoyi prisons respectively said that they did not know if they were granted bail or not. This response was verified in the official record in Enugu prison. Out of the 25 inmates that were granted bail in Enugu prison based on official record, only 5 inmates know that they had been granted bail while the remaining 20 inmates representing 80% of those granted bail did not know they had been granted bail.

[...] Many of the ATPs were not granted bail and for those granted bail the conditions were stringent and many are still in custody unable to meet their bail conditions.

As findings of this study revealed, a large majority of respondents were not granted bail by the court and those that were granted bail could not perfect the bail condition because it was stringent or they could not meet the conditions given by the Court. All this contributes to extension of the duration in custody of ATPs.

[...] From data collected from the Self Report Questionnaire, it was observed that only 32.5% of the respondents had bail granted while 67.5% of those that responded to this question were not granted bail. Another issue to note is the number of ATPs that could not perfect their bail.

[...] Of those that were granted bail, most of them could not perfect their bail and thus they continue to remain in prison custody despite the fact that they have been given bail (81.4% of those granted bail). Of this number 67.7% indicated that they could not meet their conditions while 13.8% described their bail conditions as stringent. In Enugu, 52.8% pre-trial detainees were able to perfect their bail while remaining 42.7% were unable to perfect theirs. In Lagos, 37.9% perfected their bails while 62.1% could not meet with the bail conditions. In kano, 71.8% were able to meet with the bail conditions while the remaining 28.2% were unable to meet with the bail conditions.

Examples of the stringent bail conditions include the following: N50,000 to N2million and one to two sureties in like sum depending on the nature of offences; the sureties must be resident and/or owned landed property within the area of jurisdiction of the court; sureties must be a civil servant not below salary of Grade level 13 or that a surety must deposit title documents of a landed property situated within the jurisdiction of the court or that one of the sureties must be ward or village head of the area where the accused reside. On the issue title documents most of the accused are from rural areas whose properties do not have a formal and verifiable title documents. Or the issue of village/ward head to be a surety, there is a recent order from the emirate council restraining traditional title holders from using their traditional title office to act as sureties.

[...] Lack of comprehensive prison data for all those granted bail.

The Prison authority disclosed that they do not have information regarding all the ATPs that have been granted bail by the Court. That this information is not routinely provided by the court in all the cases, it is only endorsed in some of the ATPs Court warrants.

To buttress this point, in Enugu prison when the ATPs were asked if they had bail during the Data Validation/Verification Exercise, 45 ATPs indicated that they had bail. Of this number only 5 were amongst the 25 ATPs that their records in the prison indicated that they had bail. So, the remaining 20 ATPs whose record indicated this also were not even aware of this. In Kano, the team was informed that the records unit did not have any such information. It was only during the Data Validation/Verification Exercise that the ATPs were asked about this information. The situation in Ikoyi Prison was not much different. More so, if the ATP was not present in court on the last court adjourned date and bail was granted this will not be endorsed in the ATPs warrant, the ATP will not be aware of this and of course the ATP may not also know the next adjourned date. Thus, it can be argued that the information regarding ATPs that had bail may be higher than the picture portrayed above. Without having accurate figure of those granted bail, it will be difficult for ATPs to be assisted by the Prison Welfare Unit or any other unit/agency to contact their families for perfection of their bail or for any other action.

[...] Many of the ATPs do not have legal or active legal representation and some who have legal representation are unsatisfied with the quality of service being rendered to them by their lawyers.

The majority of respondents in the sampled sites indicated that their legal representation was not active (56%) in total. This means that 6 out of ten inmates do not have a lawyer to represent him/her in the court. Specifically, 67 percent and 54 percent of respondents in Kano Central and Enugu Maximum prisons respectively stated that they did not have active legal representation at the time of data collection for the study.

[...] Responses on reasons for inactive legal representation indicated that 56%, 54% and 37% of the respondents in Kano Central, Ikoyi and Enugu prisons respectively identified lack of funds to engage a lawyer as the main reason for inactive (or even no legal) representation.

[...] For respondents that had lawyers at the time of the census, on the average, 50 percent of the respondents in the three study prisons reported non-satisfaction with their lawyers. This issue raises question as to the constitutional right of access to legal representative of choice vis-a-vis ability to really make quality choice and access justice adequately given their level of education and poverty.

[...] Some of the consequences of having large numbers of ATPs?

[...] High numbers of ATPs are transported from prison to court every work day.

[...] These include the burden of transportation of ATPs to and fro prison and courts on a daily basis; the cost and security implication of this, the prison staff - inmate ratio and the attendant stress level and weakening of efficiency level occasioned by this.

For example, in Enugu prison in a week an average number of 960 inmates are transported to court covering a distance of 1762km weekly and in a month an average number 3840 inmates are been transported to court. Annually 47,280 inmates (against the annual maximum capacity of 22,080) are transported to court with only 5 vehicles covering 22, 340.4 kilometers. In Ikoyi prison, in total the vehicles most days carry more than 60 inmates in excess of total vehicle capacity of 92 inmates to court and cover more distance beyond the carrying capacity. On the average 975 inmates are transported to different courts every week covering a total distance of 700 kilometer and in a month an average number of 3900 inmates is transported to court at a total distance of 2800 kilometer. When this is calculated annually, we have a total of 62,400 inmates (against the maximum capacity of 46,800) are transported and 33,600 kilometers covered with only 3 Vehicles in Ikoyi prison Lagos. High numbers of ATPs are transported from prison to court every work day.

Many of the prisoners indicated that they have no confidence in the criminal justice system with the police having the worst rating from the prisoners.

For the three study locations combined, 47 percent of the respondents indicated lack of confidence in the justice system.

Majority of the inmates rated all the institutions low. Police was rated the lowest as out of 3839 responses, 63% rated police 0 which represents lowest. This was followed by the DPP as 39% of the respondents rated the DPP low. In the case of prison service and court, 27% of the respondents rated prison service and court low. [...] (pp. 5-24)

[Premium Times, Presidential Committee on Prisons' Reform frees 5,000 inmates – Chairman \(4 April 2019\)](#)

Ishaq Bello, Chairman of the Presidential Committee on Prisons Reform and Decongestion (PCPRD), has said that 5,000 inmates have so far regained their freedom in 15 states of the federation.

Mr Bello, who is also the Chief Judge of the Federal Capital Territory (FCT), made the disclosure in an interview with News Agency of Nigeria (NAN) in Zaria, Kaduna State.

The chairman said, "In terms of statistics, within the short period of time, we have released almost 5,000 inmates in 15 states visited so far.

"This is bothering on those with option of fines, age factor, some of them beyond 70 years, 80 years and above, ill-health and by reasons of certain errors were made."

He said his committee believed that those persons should no longer remain in prison by reason of these fundamental errors.

"For instance, where somebody has been awaiting trial well beyond the imprisonment terms if he were convicted, you will find out that we have no reason to allow such a person to stay in prison."

"If he had been convicted, he would have served his imprisonment terms and since left and became a free citizen."

"We don't allow such kind of thing to strive once we are confronted with it, there and then we take decisions."

[Premium Times, SPECIAL REPORT: Inside Nigeria's prisons where thousands languish for years without trial \(25 June 2019\)](#)

For nearly two years, Chris Chom and 61 other inmates shared a filthy cell in the Kaduna State Central Prisons.

According to the 34-year-old, the cell had only three beds, so the inmates slept in a pile on the bare floor at night and yearned for the day they would see the priceless light of freedom.

Mr Chom spoke with undercover reporters from PREMIUM TIMES who visited the prison last December. He said what was worse for him than his prison experience was the fact that the authorities could not explain why they were keeping him.

[...] Until his release from prison in February, Mr Chom said he still did not know the reason for his arrest and detention.

[...] **Illegal Detention**

Mr Chom regained freedom on February 27 after 21 months in prison for an "offence" he said he did not commit.

The police filed a case of murder against him, but he said: "Even the prison officials regard me as a victim of circumstance."

An Abuja-based lawyer, Monday Ejeh, described as shocking the decision of the court to remand him.

"I have not seen any offence in what you have explained. How is it possible that he has been there for over a year? Why would any judge or magistrate order such a person detained?" Mr Ejeh queried.

Although Mr Chom has been released his case is still on-going.

"They just granted me bail. I am still expected to return to court. I cannot even return to Abuja, where I was working in a hotel before all of these," he said in a telephone interview with this newspaper in March.

[...] Mr Chom was one of many Nigerians remanded in prisons across the country over strange "crimes." [...]

Police

[PRAWA \(Prisoners' Rehabilitation and Welfare Action\) and NPS \(Nigerian Prison Services\), Nigerian Prisons Survey Report, Volume 1 Summary: A Research On Pre Trial Detention in Nigeria \(1 February 2018\)](#)

[...] The police are the institution that was reported to be responsible for most of the arrest of the detainees.

[...] About 75.9%, 76.5% and 78.2% of the respondents in Enugu, Kano Central and Ikoyi prisons reported they were arrested by the police. Also when included the numbers arrested by SARS [Special Anti-Robbery Squad], the percentage of inmates arrested by the police sums up to 86.4%, 78.8% and 80% for Enugu, Kano central and Ikoyi prisons respectively. The second top arresting agency in the three sampled prisons is NDLEA [National Drug Law Enforcement Agency]. [...] (pp. 15-16)

State Security Service (SSS)

[BBC News, Nigerian activist in custody despite court ordering release \(26 September 2019\)](#)

The Nigerian political activist facing charges including insulting President Muhammadu Buhari, money laundering and treason has remained in detention two days after a court ordered his immediate release.

Omoyele Sowore is the publisher of US-based news site Sahara Reporters and ran for president in February's election.

He was arrested in early August after planning nationwide anti-government protests under the slogan "Revolution Now".

One of Mr Sowore's lawyers told the BBC that they have already met the conditions set by the court for his release including depositing his passport with the authorities.

The Nigerian state security agency, the DSS, which is holding Mr Sowore, has yet to give reasons for his continued detention.

Nigeria's Justice Minister Abubakar Malami told the BBC that the government would not defy the court order for Mr Sowore's release - but might appeal against it.

The activist has not been seen in public since his arrest.

Military

[Amnesty International, NIGERIA 2017/2018 \(22 February 2018\)](#)

[...] Arbitrary arrests and detentions

The military arbitrarily arrested and held thousands of young men, women and children in detention centres around the country. Detainees were denied access to lawyers and family members. The army released 593 detainees in April and 760 in October.

By April, the military detention facility at Giwa barracks, Maiduguri, held more than 4,900 people in extremely overcrowded cells. Disease, dehydration and starvation were rife and at least 340 detainees died. At least 200 children, as young as four, were detained in an overcrowded and unhygienic children's cell. Some children were born in detention.

The military detained hundreds of women unlawfully, without charge, some because they were believed to be related to Boko Haram members. Among them were women and girls who said they had been victims of Boko Haram. Women reported inhuman detention conditions, including a lack of health care for women giving birth in cells.

On 24 September, the Minister of Justice announced that the mass trial of Boko Haram suspects held in different detention centres had commenced. The first phase of trials was handled by four judges in secret, between 9 and 12 October. Fifty defendants were sentenced to various terms of imprisonment. An interim report of the Director of Public Prosecutions showed that 468 suspects were discharged and the trial for the remainder was adjourned to January 2018. [...]

[United Nations General Assembly, Human Rights Council: Working Group on Arbitrary Detention, Opinions adopted by the Working Group on Arbitrary Detention at its eighty-third session \(19–23 November 2018\)](#)

Opinion No. 81/2018 concerning Ibraheem El-Zakzaky and Zeenah Ibraheem (Nigeria)

[...] 10. According to the source, attacks against the Islamic Movement in Nigeria occurred between 12 and 14 December 2015. On 13 December 2015, at around 9 p.m., nine Nigerian army trucks carrying heavy weapons and ammunition drove to the private residence of Mr. Zakzaky. They started bombing a tea shop and setting surrounding shops on fire. Once they had taken up position outside the walls of the Ahmadu Bello University, close to the house of Mr. Zakzaky, soldiers opened fire indiscriminately on the people who had formed a human shield around the house.¹ As the shooting began, people around the house started throwing stones at the soldiers. The attack reportedly lasted until 5.30 a.m., when another 20 trucks carrying reinforcements arrived in support of the army and joined in the attack. The attack lasted for another two hours, after which soldiers

successfully reached the fence of the house. It took them another two hours of shooting at the besieged civilians before they reached the entrance to Mr. Zakzaky's house.

11. The source reports that Mr. Zakzaky, his wife and their six children remained confined in the house. At least 700 supporters of the Islamic Movement of Nigeria were reportedly killed while many others, who were injured and left outside the residence in urgent need of medical assistance, were denied medical treatment until the following day. The source claims that eyewitness reports and photographs show piles of bodies lying on the floor outside Mr. Zakzaky's house. Later the army threw explosives at sections of the house, setting it on fire.

Allegedly, some of those who were too badly injured to move, as well as some of the corpses, were burnt in the fire. Eyewitnesses reported that soldiers were seen killing anyone who had been injured during the attack and allowing groups of criminals to steal and loot the victims' belongings from their corpses. Those inhuman acts of violence were carried out in the presence and with the complicity of the soldiers. The eyewitnesses also reported that the soldiers were celebrating and chanting slogans against the Islamic Movement in Nigeria, such as "we have finished with the Shia and El-Zakzaky" and "no more Shia in Nigeria".

12. According to the source, the attack on Mr. Zakzaky's residence ended on 14 December 2015 with the arrest of Mr. Zakzaky and his family. Three of his sons and his elder sister were shot dead while Mr. Zakzaky and his wife were both shot and injured immediately before their arrest. Hundreds of other people were also reportedly arrested that day. Afterwards, evidence started circulating showing Mr. Zakzaky severely injured and bleeding while in military custody, with six gunshot wounds to his face, right leg, hand, arm and chest. Other photographic evidence showed him injured and being mistreated by Nigerian soldiers, forced to sit on the ground, brutalized and possibly tortured. He was subsequently ferried in a wheelbarrow to a waiting truck and taken to an unknown destination.

13. The source specifies that on the same day, the Nigerian army confirmed the arrest of Mr. Zakzaky and his detention at an army barracks.

14. The source reports that also on 14 December 2015, Mr. Zakzaky was moved to a military hospital in Kaduna. His wife was also moved to a military hospital.

15. The source reports that on 15 December 2015, the house of Mr. Zakzaky was razed to the ground by the army. On 23 December 2015, the grave of Mr. Zakzaky's mother was also destroyed by the army.

16. The source states that it is not clear whether Mr. Zakzaky and his wife are in the custody of the army or the police. No formal charges have been filed and initially the army refused to allow anyone, including his family, doctors or lawyers, to see Mr. Zakzaky and his wife. At that time, it was feared that he might have died in custody.

17. The source reports that the army eventually allowed a delegation of the Muslim Council to visit him on 14 January 2016, one month after his arrest. A member of the delegation confirmed that he was alive but injured by multiple shots. No family member, independent personal physician or lawyer has been allowed to see him so far.

18. Furthermore, according to the source, on 2 December 2016, the High Court ordered the Department of State Services to release Mr. Zakzaky and his wife within 45 days, therefore at the latest by 15 January 2017, considering their incarceration illegal and unconstitutional. They were, however, not released.

[...] 20. The source also reports a rapid deterioration in Mr. Zakzaky's health at the beginning of 2018, his doctor suspecting a stroke. He has difficulty moving and can now only speak while lying down. His condition is growing worse owing to the lack of treatment following his suspected stroke.

21. The source indicates that owing to the severity of his previous, untreated injuries, as well as the complications created by a possible stroke, it is essential that Mr. Zakzaky receives immediate medical treatment. As his condition is severe and complex, he may need to seek specific medical treatment abroad.

22. In addition, the source claims that on 22 January 2018, the Attorney General of Nigeria filed an appeal to overthrow the order of the Federal High Court of 2 December 2016 instructing that Mr. Zakzaky and his wife be released within 45 days. The court found that the Government was in contempt of the court order and that Mr. Zakzaky and his wife should have been released immediately after the decision of 2 December 2016 and should have been free during the appeals process.

23. According to the source, the failure to successfully prosecute Mr. Zakzaky for over two years, as well as the pressure from the court order demanding his release immediately as of December 2016, led the Nigerian authorities to charge him, his wife and two of their associates with numerous fabricated charges (namely blocking roads, being responsible for the death of a soldier and inciting violence). The source claims that the authorities have decided to press various charges against the detainees, hoping to succeed. The fact that countless eyewitnesses refute the Government's account of events seems irrelevant to the Office of the Prosecutor.

[...] 28. At the outset, the Working Group wishes to state that the events in question have been widely reported and substantiated by a written submission made to the Prosecutor of the International Criminal Court alleging that the incident amounts to a crime against humanity.² In addition, a number of special procedures mandate holders have written to the Government about the same set of facts but in vain.³ Given the wealth of information available to it, the Working Group is comfortable considering the information provided by the source and will now set out the legal implications.

29. According to the source, Mr. Zakzaky and his spouse were arrested on 14 December 2015. The officers who executed the arrest neither provided an arrest warrant, nor any reasons or legal basis for the deprivation of liberty of Mr. Zakzaky and his spouse. Neither of them was informed of the reasons for their arrest and subsequent detention and no formal charges were filed at that stage. Only recently, according to the source, have the Nigerian authorities decided to prosecute Mr. Zakzaky, Mrs. Ibraheem and their associates on charges of blocking roads, being responsible for the death of a soldier and inciting violence.

30. The State has an obligation to present an arrest warrant whenever a person is arrested and that obligation is enforced through the action of its agents who, in addition, must inform a person under arrest of the reasons for the arrest and subsequent detention. That obligation is established in article 9 of the Universal Declaration and in articles 9 (1) and (2) and 14 (3) (a) of the International Covenant on Civil and Political Rights. The same is provided in article 6 of the African Charter on Human and Peoples' Rights. It is clear that this obligation has been violated in the present case.

31. In addition, it is reported that Mr. Zakzaky and Mrs. Ibraheem were detained incommunicado. A delegation of the Muslim Council was allowed to visit Mr. Zakzaky on 14 January 2016, one month after his arrest but no family member, independent personal physician or lawyer has been allowed to see him so far. Furthermore, according to the source Mr. Zakzaky was ferried in a wheelbarrow to a waiting truck and taken to an unknown destination. Incommunicado detention prevents the detainee from challenging his detention, in violation of article 9 (4) of the Covenant.

32. The Working Group concludes that all the violations mentioned above render the arrest and the detention arbitrary within category I.

33. According to the source, on 2 December 2016 the Federal High Court considered the incarceration of Mr. Zakzaky and his wife illegal and unconstitutional and subsequently ordered the State to release them within 45 days, that is by 15 January 2017 at the latest. They have, however, still not been released. Indeed, more than a year after the High Court order, on 22 January 2018 the Attorney General of Nigeria filed an appeal to overrule the order. The Working Group considers that when a State does not respect judicial orders from its own courts, especially when the court has ordered the release of individuals, in this case Mr. Zakzaky and Mrs. Ibraheem, continuous detention becomes without legal basis, falling again within category I. The Working Group is particularly concerned by such abuse of the rule of law, which profoundly jeopardizes human rights in the country. In addition, in view of the context of armed conflict in part of Nigeria, the Working Group

notes that the source has emphasized that the Islamic Movement in Nigeria is a non-violent movement and cannot therefore be associated with any armed group in Nigeria. The Working Group therefore considers that Mr. Zakzaky and Mrs. Ibraheem, as civilians, cannot be considered as members of armed groups and cannot, therefore, be detained on that basis. Furthermore, the Working Group recalls that, in its general comment No. 31 (2004) on the nature of the general legal obligation imposed on States parties to the Covenant, the Human Rights Committee noted that “the Covenant applies also in situations of armed conflict to which the rules of international humanitarian law are applicable”.

34. The Working Group also recalls the statement by the source that the Islamic Movement in Nigeria is a Shia group with close ties to Iran and based in Zaria, Kaduna State. The Movement is led by Mr. Zakzaky and has an estimated 3 million followers spread across Nigeria. There is nothing to suggest that the Movement is a terrorist organization such as Boko Haram, the radical Islamic group also operating in northern Nigeria that the international community has identified as a terrorist group of major concern.⁴ However, according to the source, the Islamic Movement in Nigeria has been regularly targeted over recent years in indiscriminate attacks by the Nigerian army. Eyewitnesses have even reported that the soldiers were celebrating and chanting slogans against the Movement during the Zaria massacre. On the day of the arrests, over 300 people were peacefully protesting against the presence of the army in a circle around Mr. Zakzaky’s house. That, however, did not stop the army from targeting those civilians in a mass shooting, including an 18-month-old baby and members of Mr. Zakzaky’s family, in order to gain access to the latter. According to the source, such acts of violence are recurrent and part of a process intended to take down Mr. Zakzaky.

35. Mr. Zakzaky and Mrs. Ibraheem were arrested and detained for exercising their freedom of opinion and expression and their right to peaceful assembly and freedom of association. Those rights and freedoms are protected under articles 19 (2), 21 and 22 (1) of the Covenant, articles 19 and 20 (1) of the Universal Declaration of Human Rights and articles 9, 10 and 11 of the African Charter on Human and Peoples’ Rights, and can only be restricted, when necessary, to respect the rights or reputations of others or to protect national security, public order or public health or morals. The Working Group therefore concludes that the detention of Mr. Zakzaky and Mrs. Ibraheem falls within category II.

36. The Working Group also bears in mind that on 17 December 2015, the Governor of Kaduna State announced the establishment of a state judicial commission of inquiry into the incident at Zaria. In his news conference, the Governor listed a range of grievances against the Shia group, including how road traffic had been disrupted during Shiite processions and the group’s disregard for Government of Nigeria authorities. His statement shows a certain bias of the Government against Mr. Zakzaky and his movement. However, according to the source, Mr. Zakzaky has never advocated for armed struggle as a means of achieving the establishment of Islamic rule in Nigeria, contrary to what Boko Haram advocates. In addition, Mr. Zakzaky is known to be a voice for peace in the country.

37. Given its finding that the deprivation of liberty of Mr. Zakzaky and Mrs. Ibraheem is arbitrary within category II, the Working Group wishes to emphasize that no trial should take place in the future. However, it appears likely from the information presented by the source that proceedings against Mr. Zakzaky and Mrs. Ibraheem will continue to trial. The Working Group will therefore assess the arguments in that regard.

38. The Working Group notes that the legal counsel of Mr. Zakzaky and Mrs. Ibraheem was not able to contact them between the time of their arrest and 1 April 2016, three and a half months later, contravening article 14 (3) (d) of the Covenant, which guarantees legal assistance in criminal proceedings, and principle 17.1 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment. As a result, the Working Group is convinced that the right of Mr. Zakzaky and Mrs. Ibraheem to have effective legal representation and adequate time and facilities for the preparation of a proper defence has not been respected by the State.

39. Moreover, as reported by the source earlier this year, Mr. Zakzaky’s health has deteriorated and his condition is getting worse owing to his lack of treatment. The army has refused to allow anyone,

including his family or doctors, to see him. That set of facts supports a violation of article 9 (3) and (4) of the Covenant, article 8 of the Universal Declaration of Human Rights and principles 11, 15, 18 (1) and (2), 19, 32, 37 and 39 of the Body of Principles. Moreover, in view of the context of the armed conflict in that part of Nigeria, the Working Group recalls that common article 3 of the Geneva Conventions of 1949 provides that: "Persons taking no active part in the hostilities ... shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria."

40. The Working Group concludes that all the violations referred to are of such gravity as to give the deprivation of liberty of the couple an arbitrary character, falling within category III.

41. The Working Group notes that a large number of individuals were arrested alongside Mr. Zakzaky and his spouse and are still missing or detained. The Working Group wishes to emphasize that it is concerned by the situation and urges the State to take action. In addition, the Working Group calls on the Nigerian authorities to conduct an internal investigation and for an international inquiry regarding the events of the attack on the Islamic Movement in Nigeria in December 2015.

42. Finally, the Working Group is concerned by the allegations of violation of articles 7, 10 (1) and 14 (3) (g) of the Covenant, articles 1 and 4 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, article 5 of the Universal Declaration of Human Rights, article 5 of the African Charter on Human and Peoples' Rights and principles 6 and 21 (2) of the Body of Principles. More specifically, it is alleged that the persons concerned have been tortured and ill-treated, deprived of the necessary medical care and detained in harsh conditions. The Working Group also recalls the denial of medical care which could amount to a violation of article 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In accordance with paragraph 33 (a) of its methods of work, the Working Group refers the case to the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. [...]

1 According to the source, hundreds of members of the Islamic Movement of Nigeria who came for a flag-hoisting ceremony but could not get to the Hussainiyah, went to Gyellesu neighbourhood, seeking refuge from the killing spree unfolding at the Hussainiyah and to create a human shield around the leader of their organization.

2 See International Criminal Court, Office of the Prosecutor, "Report on preliminary examination activities 2017" (4 December 2017), para. 213.

3 See <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=22978> and <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=23063>. See A/HRC/WGEID/112/1, para. 75.

4 See, among others, S/PRST/2014/8. Following that statement by the President of the Security Council, on 22 May 2014 the Security Council Committee pursuant to resolutions 1267 (1999), 1989 (2011) and 2253 (2015) concerning Islamic State in Iraq and the Levant (Da'esh), Al-Qaida and associated individuals, groups, undertakings and entities approved the addition of Boko Haram to its list of individuals and entities subject to the targeted financial sanctions and the arms embargo set out in paragraph 1 of Security Council resolution 2083 (2012). See also Security Council resolution 2349 (2017).

[OCHA, 2019 Humanitarian Needs Overview: Nigeria \(1 February 2019\)](#)

[...] Violence in a protection crisis

[...] There are regular reports of extra-judicial killings, use of torture, arbitrary arrests and detention, enforced disappearances, rape and other forms of sexual violence, and targeting of IDP camps where civilians sought refuge, for example during the January and October attacks on IDP camps in Dalori, Borno State. (p. 7)

[...] Part II: Protection

[...] The humanitarian situation in north-east Nigeria is a protection crisis.

[...] Adolescent boys and men face a high risk of forced recruitment by NSAGs and, if they resist, of disappearance and killing; once outside of NSAG[non-state armed groups]-controlled areas, they risk arbitrary arrest and detention by the military on suspicion of affiliation with NSAGs.

[...] The process of screening new arrivals from these areas often results in extended military detention, particularly of adolescent boys and men, with reports of serious injuries and even death during detention.⁵⁸ [...] (pp. 20-21)

58 PSWG Advocacy Note on Detention of IDPs, Humanitarians lack access to detention centres. with the exception of ICRC, January 2018.

[United States Department of State, Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2018: Nigeria \(13 March 2019\)](#)

[...] Prison and Detention Center Conditions

[...] Several unofficial military prisons continued to operate, including the Giwa Barracks facility in Maiduguri, Borno State. Although conditions in the Giwa Barracks detention facility reportedly marginally improved, detainees were denied due process and subjected to arbitrary and indefinite detention in conditions that remained harsh and life threatening (see section 1.g.). An AI report released in May documented multiple cases where women determined their husbands had died in custody in previous years. The same report also documented the arbitrary detention of women and children at Giwa Barracks. [...]

The government continued to arrest and, in some cases, inappropriately detain for prolonged periods, women and children removed from or allegedly associated with Boko Haram and ISIS-WA. They included women and girls who had been forcibly married to or sexually enslaved by the insurgents. The government reportedly detained them for screening and their perceived intelligence value. A credible international organization, however, reported the typical length of time spent in detention shortened during the year. (pp. 9-10)

[...] Section 1. Respect for the Integrity of the Person, Including Freedom from:

[...] g. Abuses in Internal Conflict

[...] In March 2017 the army convened a board of inquiry (BOI) to investigate allegations of human rights violations committed by the army during campaigns against the insurgency in the Northeast, including in its detention centers. In May 2017 the BOI presented its findings to the chief of army staff. [...] The board, however, reportedly found no evidence of arbitrary arrests or extrajudicial executions of detainees. [...] (p. 18)

[Human Rights Watch, Nigeria: Military Holding Children as Boko Haram Suspects \(10 September 2019\)](#)

(Abuja) – The Nigerian military has arbitrarily detained thousands of children in degrading and inhuman conditions for suspected involvement with the armed Islamist group Boko Haram, Human Rights Watch said in a report released today. Many children are held without charge for months or years in squalid and severely overcrowded military barracks, with no contact with the outside world. [...]“Children are being detained in horrific conditions for years, with little or no evidence of involvement with Boko Haram, and without even being taken to court,” said Jo Becker, children’s rights advocacy director at Human Rights Watch. “Many of these children already survived attacks by Boko Haram. The authorities’ cruel treatment adds to their suffering and victimizes them further.”

Between January 2013 and March 2019, Nigerian armed forces detained over 3,600 children, including 1,617 girls, for suspected involvement with non-state armed groups, according to the UN. Many are detained at Giwa military barracks in Maiduguri, the main military detention facility in Borno State.

Nigerian authorities have released at least 2,200 children from detention, nearly all without charge. According to the UN, 418 children were detained in 2018, a significant decrease from 2017, when over 1,900 children were detained. Human Rights Watch does not know the number of children who may be currently detained.

In June 2019, Human Rights Watch interviewed in Maiduguri 32 children and youth who had been detained as children at Giwa barracks for alleged involvement with Boko Haram. None of the children said they were taken before a judge or appeared in court, as required by law, and only one saw someone who he thought may have been a lawyer. None were aware of any charges against them. One was detained when he was only 5 years old.

[...] Nigerian authorities arrested the children during military operations, security sweeps, screening procedures for internally displaced people, and based on information from informants. Many of the children said they were arrested after fleeing Boko Haram attacks on their village or while seeking refuge at camps for internally displaced people. One said he was arrested and detained for more than two years for allegedly selling yams to Boko Haram members. Several girls had been abducted by Boko Haram or forced to become Boko Haram “wives.”

[...] Nigerian authorities should immediately release children currently in military custody. If military or intelligence authorities have credible evidence of criminal offenses by children, they should transfer them to civilian judicial authorities to be treated in accordance with national and international juvenile justice standards.

“Nigeria faces formidable challenges from the Boko Haram insurgency, but detaining thousands of children is not the answer,” Becker said. “Children affected by the conflict need rehabilitation and schooling, not prison.” [...]

[Human Rights Watch, “They Didn’t Know if I Was Alive or Dead”: Military Detention of Children for Suspected Boko Haram Involvement in Northeast Nigeria \(10 September 2019\)](#)

[...] Detention without charge or access to legal assistance

None of the 32 children interviewed said that they were brought before a judge or informed of any charges against them. One child said that someone came to Giwa barracks on one occasion and asked him questions about his background. He thought the person might have been a lawyer, but was not sure.¹¹⁸ None of the other children had any contact with a lawyer, they said. “I was never given an opportunity to contact my family or a lawyer,” said Sadiq. “They didn’t provide one for me. There was no mention of charges against me and I was not brought before any court.”¹¹⁹ [...]

118 Human Rights Watch interview, Maiduguri, June 26, 2019.

119 Human Rights Watch interview, Maiduguri, June 21, 2019.

22. Factors increasing vulnerability to (arbitrary) detention

[Benjamin Okorie, "Criminal Justice Administration and Panic of Prison Correction in Nigeria", Journal of Law and Judicial System, Volume 1, Issue 2 \(2018\)](#)

[...] Apparently, the personality, status and ethnic group to which an offender belongs to do influence the outcome of cases in Nigeria criminal justice system. As a matter of fact, most offenders that are sentenced to jail are in most cases from the lower strata in the society in terms of financial capability and social connectivity. This is share nepotism. Also, some judges are found of abuses of the judicial process in the name of using discretion in a case. The use of discretion by the judges at times, which is or are wrong discretion(s) do bring about miscarriage of justice against or in favor of the offender. After all the guarantees of fair trial in the constitution prescribe certain minima of fairness and justice below which a judicial forum must not descend in the discharge of its duties (Dada & Dosunmu, 2015). However, despite the provisions and good intentions of the constitution in ensuring justice delivery, Nigerian criminal justice system is still degenerating. [...] (p. 3)

[PRAWA \(Prisoners' Rehabilitation and Welfare Action\) and NPS \(Nigerian Prison Services\), Nigerian Prisons Survey Report, Volume 2 Summary: Socio-economic Characteristics of Prisoners and Impact of Imprisonment In Nigeria \(1 February 2018\)](#)

[...] The research focused on assessing the socio-economic characteristics of prisoners and their families, and the impact of imprisonment on the prisoner, prisoners' family and the prison service. This is aimed at providing some information that will help identify strategies for effectively addressing problems of prisoners, ex-prisoners, the prison service and the criminal justice system in general. In addition, it will help us understand what specific factors to address to help reduce the likelihood of offending behavior, reduce level of distress on prisoners' families, and facilitate reintegration.

Assessing the impact of imprisonment presents a key challenge as many of the factors to consider are often not able to be quantified or there is lack of available or accurate data to arrive at such quantification. Therefore this Report cannot claim to have exhaustively identified or attempted to identify the comprehensive cost or impact of imprisonment. It has only identified some factors that exemplify the impact of imprisonment on the prisoners (including remand prisoners/prisoners in pre-trial detention), on their families, and on the prison service

The findings indicate the following:

There is a strong Nexus between Poverty and Imprisonment: Most of the prisoners are poor, with low education and employment status and they earned little prior to their incarceration.

The survey findings indicate that prisoners found in prisons are more likely to have little or no education and poor employment level. Most of them were from poor backgrounds as reflected in the level of education and type/status of employment of their parents.

[...] The data indicate that prior to their prison custody, 1.17% earn less than 1000 naira (2.9 USD)1 a month. 6.68% earn 5,000 naira (14.3 USD) or less per month. 16.67% earn 10,000 naira (28.57 USD) or less per month. 76.36% earn 50,000 naira (142.86 USD) or less per month. 14.4% earn between 50,001 naira and 100,000 naira (above 142.86 USD to 285.7 USD) per month, 7.57% earn between 100,001 naira to 500,000 naira (i.e. between above 285.7 USD to 1428.57 USD) per month. 1.07% earns above 500,000 naira and 1,000,000 naira (i.e. above 1428.57 USD to 2,857 USD) and 0.6% earns more than 2,857 per month. Thus only about 23.64% earn above 50,000 naira (142.86 USD) per month prior to their prison custody.

[...] The socio-economic impact of excessive use of prison custody affects the prisoners, their families and the prison service

[...] A considerable number of them are breadwinners prior to their incarceration. A very high number of the prisoners are single especially in Enugu prison (70%). For Ikoyi and Kano Central prison slightly above 50% were single while slightly above 40% were married. This has implications on their spouses for those married and for the singles on the prospects of future marriage and child birth especially on the female prisoners. Majority of them were either self-employed or salary workers thus more vulnerable to the impact of loss earnings due to their incarceration and disruption of education for those who were students. The majority of respondents in Enugu Maximum and Kano Central prisons were self-employed before incarceration constituting about 64 percent and 65 percent respectively. While 43 percent of the respondents in Ikoyi prisons were self-employed at the time of data collection as high as 48 percent were salaried workers. About 12 percent of the respondents in Enugu, 7 percent in Kano and 3 percent in Ikoyi were students. Less than 1 percent of the sampled inmates in the three prisons were retired.

[...] Prisoners' families are also affected by the imprisonment of their family members. For example in 2016, the total number of prison officially documented visits for two prisons in 2016 is 73,085 (43,075 for Enugu Prison and 30,010 for Ikoyi Prison). For 2017, the figure is 19,567 visits for Ikoyi Prison and for Enugu prison the total is 28,253 visits as at August 2017. Thus for both prisons the total as at August 2017 is 47,820 visits.

[...] The number of visits the prisoners' families undertake to prison has economic, social, psychological and physical cost to them. These include the risk and cost of travelling to and fro the prison as well as cost of the money and other items that they have to bring to the prison on each of these visits, and the costs of activities foregone to enable them visit the prison. There are also costs of having their breadwinner incarcerated and the impact of this on their standard of living. This excludes other costs not assessed in the survey such as the cost of hiring a lawyer.

There are also costs to the prison service both in terms of administration, logistics, security and staff time. For example the impact of prison staff time - this affects those directly processing for the arms squad, gate, records, welfare officer, chief warder, etc. When one considers the impact of other factors such as number of prisoners reporting sick and number of prisoners to be transported to court Monday to Friday every week, it thus gives a glimpse to the magnitude of the volume of work and the pressure on the human and material resources of the prison service.

[...] High number of the prisoners reported sick and there is evidence of substance use both prior and during incarceration.

About 17% of the respondents reported that they had used hard drugs prior to their prison custody. Some of them admitted that they were still using hard drugs in prison representing 3%, 9% and 14% in Ikoyi, Kano Central and Enugu prisons respectively. When asked about the type of drugs used, the majority (85%) reported that indicated that they used Marijuana (Cannabis).

[...] The number of prisoners that reported sick in 2016 were 364, 1056 and 1451 prisoners in Enugu, Kano Central and Ikoyi prisons thus with the exception of Enugu half or more than half of the total prison population reported sick. The records also show that all the three prisons had few health workers. This include one doctor each and 2-3 nurses in each of the prisons. In one of the prisons (Ikoyi prison) there was no Lab Scientists and no pharmacist.

[...] Most of the prisoners reported no history of previous conviction and many indicated that they did not commit the offences which they were charged or sentenced for.

Some of the prisoners reported that they have been in prison custody before. Of those that reported history of previous incarceration a high number of them reported that they stayed one year or less. Of those that indicated that they had previous incarceration, 74.8%, 89.8%, and 92.16% in Enugu, Kano and Ikoyi prisons respectively reported that the duration of their previous incarceration were one year or less. The huge number that indicated that they had no previous convictions and the high number of those that spent one year or less in custody makes a case for the need to rethink the

degree at which we use pre-trial detention especially for those with no history of previous offending or/and imprisonment.

[...] Between 19% and 27% of the respondents in each of the prisons reported that they committed the offences they were charged or sentenced for, while a much higher proportion indicated that they did not commit the offence. In Ikoyi prison, about 90 percent of the respondents reported that they had not been convicted for any previous offence while those that claimed they had not been convicted before in Enugu and Kano Central are about 85% and 71% respectively. While one needs to be cautious in the weight to place on these figures given that there are biometrics data capturing of offender/prisoners, it is still worth noting that about 10% to 29% of the inmates indicated that they have been convicted of previous offence. Of those that reported that they committed the offence some of the reasons that made them commit the offence includes the following: anger, economic factors, peer influence, influence of drugs, mental illness/'spiritual attack', etc. [...]

[United Nations General Assembly, Human Rights Council, Working Group on the Universal Periodic Review, Thirty-first session, 5–16 November 2018, Compilation on Nigeria, Report of the Office of the United Nations High Commissioner for Human Rights \(27 August 2018\)](#)

[...] IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

[...] B. Civil and political rights

1. Right to life, liberty and security of person²⁷

[...] 25. OHCHR had received confirmation that in areas affected by Boko Haram, young men were not only exposed to the risk of being targeted by Boko Haram, but also of being arbitrarily arrested and detained by the army, police or civilian vigilante groups, if suspected of being Boko Haram members.³¹

27 For relevant recommendations, see A/HRC/25/6, paras. 135.68–135.70, 135.72–135.73, 135.75, 135.80, 135.82, 135.106–135.112, 137.10–137.13, 137.22, 137.24 and 137.28–137.30.[...]

31 A/HRC/30/67, para. 60.

[Human Rights Watch, World Report 2019 – Nigeria \(17 January 2019\)](#)

[...] Conduct of Security Forces

In August, Vice President Yemi Osinbajo dismissed DSS Director General Lawal Daura for the unauthorized sealing of the National Assembly. The National Human Rights Commission reported that under Daura's three-year leadership, the agency repeatedly violated rights, including carrying out unlawful arrests, prolonged detention without trial, and torture of detainees. Osinbajo took the action while he was acting president. [...]

[Amnesty International, Nigeria: Submission to The United Nations Human Rights Committee 126th Session, 1-26 July 2019 \(2019\)](#)

[...] 5. RIGHT TO LIFE IN THE CONTEXT OF THE COUNTER-INSURGENCY EFFORTS IN THE NORTH EAST (ART. 6)

Boko Haram has killed thousands of civilians in the north east of the country. For example, more than 4,000 civilians were killed by Boko Haram in attacks in 2014 alone.¹⁵ In its 2017/2018 Annual Report, Amnesty International stated that the armed group continued to carry out attacks, resulting in hundreds of deaths. It carried out at least 65 attacks causing 411 civilian deaths and abducted at least 73 people.¹⁶ Amnesty International's research has also shown that inadequate security and alleged withdrawal of troops have sometimes led to the death of civilians in the hands of Boko Haram,¹⁷ while impunity and non-accountability have continued to fuel the conflict.¹⁸

In the course of security operations against Boko Haram, there have been serious human rights violations. Previous Amnesty International research has documented that in the course of security operations against Boko Haram, Nigerian military forces have extrajudicially executed more than 1,200 people; they have arbitrarily arrested at least 20,000 people, mostly young men and boys; and have committed countless acts of torture. In the same vein, thousands have become victims of enforced disappearance while many have been killed in military detention through starvation, extreme overcrowding and denial of medical assistance.¹⁹ [...] (p. 8)

15 <https://www.amnesty.org/en/latest/news/2014/08/nigeria-gruesome-footage-implicates-military-war-crimes/>

(accessed on 14 May 2019) 16 <https://www.amnesty.org/en/countries/africa/nigeria/report-nigeria/>

17 <https://www.amnesty.org/en/latest/news/2019/02/nigeria-deadliest-boko-haram-attack-on-rann-leaves-at-least-60-people-murdered/>

18 <https://www.amnesty.org/download/Documents/AFR4494812018ENGLISH.PDF>

19 <https://www.amnesty.org/download/Documents/AFR4416572015ENGLISH.PDF>

Francisca Anene and Laura Osayamwen, Remembering the Forgotten: Benefits of Prison Education for Awaiting Trial Inmates in Nigeria, Pan-Commonwealth Forum, Edinburgh (9-12 September 2019)

[...] Characteristics of the Typical ATI [awaiting trial inmates]

The factors examined above may apply to all ATIs regardless of particular circumstances. However, economic and social factors predispose certain classes of accused persons to greater disadvantage and a higher possibility of indeterminate remand in custody. As Table 1 clearly shows, the typical Nigerian prisoner is male. Available literature also indicates that he is likely to be socially/economically disadvantaged, at the prime of his life, illiterate/semi-literate, and unemployed/self-employed at the lowest occupational ladder (Tanimu, 2010; Ogunleye, 2014; Emeka et al, 2016; Orjiakor et al, 2017). These characteristics have implications for the possibility of criminalisation of ATIs or recidivism of offenders.

[...] The study findings align with Tanimu (2010) and PRAWA (2018) that majority of prisoners are economically disadvantaged. Only 38% of the total study sample had retained a lawyer. Of these, only 10% were able to pay their legal fees themselves. While majority (70% – 80%) depended on their social network to meet this obligation, others (about 10%) relied on legal aid or pro-bono legal services usually afforded to the indigent. These figures indicate that majority of ATIs are likely to be indigent, unemployed or semi-employed. With respect to education levels, the study findings indicate that less than 27% of respondents who were charged with bailable offences were aware of the possibility and conditions for applying for bail before arrest. Different levels of bail awareness in the three states align with adult literacy rates per state.

[...] Implications of Characteristics for Criminalisation of ATIs or Rehabilitation in Prison

In Nigeria, an accused person's economic ability significantly influences his experience of the entire criminal justice process including arrest, bail, speed of trial and length of custodial sentence. An economically viable accused person is likely to engage the services of competent lawyers who will ensure a speedy trial with short adjournments, admittance to bail on favourable terms, regular appearance in court and a light sentence upon conviction. These factors go on to influence a convict's prison experiences, possibility of early release, reintegration into society and stigmatisation. Bearing these factors in mind, it is likely that ATIs who spend up to 47 months in remand without conclusion of trial or final judgement (UNODC 2006) lack the economic ability to influence the criminal justice process. The socially disadvantaged status of the typical ATI is also clear from the level of impunity with which ATIs rights are violated. Hence, 59.7% - 84.9% of all the ATIs surveyed were in custody for bailable offences. Furthermore, 50% - 63% were not afforded the chance to apply for bail (UNODC 2006). These are clear breaches of section 35 of the 1999 constitution. [...] (pp. 4-5)

[OHCHR, Nigeria must act urgently to stop forced evictions and address grossly inadequate housing, says UN expert \(24 September 2019\)](#)

[...] The Special Rapporteur also expressed concern that people living in poverty and homelessness are being rounded up by the police, detained, and fined or imprisoned for vagrancy. She noted that persons with disabilities are often held in punitive detention centres against their will, in deplorable conditions. [...]

23. Rise in implementation of Sharia law, including being imposed against those not of Muslim faith

[Australian Government, Department of Foreign Affairs and Trade, DFAT Country Information Report: Nigeria \(9 March 2018\)](#)

[...] Sharia Courts

5.13 The Constitution provides that states may establish courts based on common-law or customary-law systems. This allows states to use a sharia-based penal code, which provides for ‘hadd’ offences and punishments, including caning, amputation, and death by stoning. Sharia law applies in 12 northern states (Bauchi, Borno, Gombe, Jigawa, Kaduna, Kano, Katsina, Kebbi, Niger, Sokoto, Yobe and Zamfara). DFAT understands the impetus to establish state sharia courts stems in part from the inefficiencies and expense associated with the civil court system.

5.14 State-level sharia courts generally apply sharia law in accordance with their rules of procedure and defendants have the right to challenge the constitutionality of sharia criminal statutes through civil-law appellate courts. Due to the nature and focus of sharia law in Nigeria, sharia courts have a disproportionately negative impact on domestic violence victims and individuals suspected of homosexuality.

5.15 Non-Muslims are not required to have their cases heard by sharia courts, but they may choose to do so, if the dispute involves a Muslim. Some non-Muslims opt to have their cases heard in sharia courts, which are generally considered cheaper and quicker than civil courts. DFAT is unable to determine the number of non-Muslims that choose to have their cases heard by sharia courts or the level of satisfaction experienced with outcomes provided. [...] (pp. 30-31)

[United Nations General Assembly, Human Rights Council, Thirty-eighth session, 18 June-6 July 2018, Human rights situations that require the Council's attention, Written statement submitted by the International Humanist and Ethical Union, a non-governmental organization in special consultative status \(14 June 2018\)](#)

Some Human Rights Concerns in Nigeria

[...] Furthermore, Sharia law and its corporal punishments are still one of the two legitimate law systems in the country. In 2000, the jurisdiction of the Sharia courts, which exist in twelve states, was extended from civil and personal matters to criminal cases. These courts condemn people who are accused of homosexual acts to death by stoning based on a simple confession, without witnesses or proof. [...] (p. 2)

[United States Department of State, Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2018: Nigeria \(13 March 2019\)](#)

[...] Arrest Procedures and Treatment of Detainees

[...] The constitution provides that, in addition to common law courts, states may establish courts based on sharia or customary (traditional) law. Sharia courts functioned in 12 northern states and the FCT. Customary courts functioned in most of the 36 states. The nature of a case and the consent of the parties usually determined what type of court had jurisdiction. In the case of sharia courts in the North, the impetus to establish them stemmed at least in part from perceptions of inefficiency, cost, and corruption in the common law system.

The constitution specifically recognizes sharia courts for “civil proceedings,” but they do not have the authority to compel participation, whether by non-Muslims or Muslims. Non-Muslims have the option to have their cases tried in the sharia courts if they wish.

The constitution is silent on the use of sharia courts for criminal cases. In addition to civil matters, sharia courts also hear criminal cases if both complainant and defendant are Muslim and agree to the venue. Sharia courts may pass sentences based on the sharia penal code, including for “hudud” offenses (serious criminal offenses with punishments prescribed in the Quran) that provide for punishments such as caning, amputation, and death by stoning. Despite constitutional language supporting only secular criminal courts and the prohibition against involuntary participation in sharia criminal courts, a Zamfara State law requires that a sharia court hear all criminal cases involving Muslims.

Defendants have the right to challenge the constitutionality of sharia criminal statutes through the common law appellate courts. As of November no challenges with adequate legal standing had reached the common law appellate system. The highest appellate court for sharia-based decisions is the Supreme Court, staffed by common-law judges who are not required to have any formal training in the sharia penal code. Sharia experts often advise them. [...] (pp. 14-15)

[EASO, Country of Origin Report: Nigeria – State Actors of Protection \(November 2018\)](#)

[...] 6.2.1.1 Sharia courts and customary courts

The Nigerian Constitution provides that states may establish courts based on Sharia or customary (traditional) law, in addition to common law courts. Sharia courts function in the 12 northern states which apply Islamic law and the FCT, whereas customary courts function in most of the 36 states.²²⁰ As such, a Sharia court of appeal and a customary court of appeal are present in any state which requires either of them.²²¹

The impetus to establish such courts may have stemmed at least partially from the inefficiencies, expenses, and corruption associated with the Nigerian civil court system. Jurisdiction is usually determined by the nature of a case and the consent of the parties. While the constitution specifically recognises Sharia courts for civil proceedings, the courts do not have the authority to compel participation by non-Muslims, and although non-Muslims are not required to have their cases heard by Sharia courts, they may choose to do so, if the dispute involves a Muslim. Some non-Muslims opt to have their cases heard in Sharia courts, as they are generally considered cheaper and quicker than civil courts. While the constitution does not specify the role of Sharia courts with regard to criminal proceedings, Sharia courts hear criminal proceedings in all 12 states where Islamic law applies, and a Zamfara State law specifically requires a Sharia court to hear all criminal cases involving Muslims.²²² [...] (pp. 38-39)

220 US DoS, Country Report on Human Rights Practices 2017 – Nigeria, 20 April 2018, <https://www.state.gov/404>

221 Australia, DFAT Country Information Report Nigeria, 9 March 2018, <https://dfat.gov.au/about-us/publications/Documents/country-information-report-nigeria.pdf>, p. 30; Nigeria, Federal High Court, The Judiciary in Nigeria, n.d., <http://www.fhc-ng.com/judiciary.htm>

222 Australia, DFAT Country Information Report Nigeria, 9 March 2018, <https://dfat.gov.au/about-us/publications/Documents/country-information-report-nigeria.pdf>, p. 30; US DoS, 2017 Report on International Religious Freedom – Nigeria, 29 May 2018, <https://www.ecoi.net/en/document/1436835.html>; US DoS, Country Report on Human Rights Practices 2017 – Nigeria, 20 April 2018, <https://www.state.gov/404>

[United States Commission on International Religious Freedom, ANNUAL REPORT 2019: Nigeria \(2019\)](#)

[...] State-Level Religious Governance and Policing

Twelve states in northern Nigeria are governed by forms of Shari’ah law, and some utilize religious police to supplement the regular police force or provide social services. State enforcement of Shari’ah and the use or funding of religious police (known as *Hisbah*) varies by location, as does public perception of their value or impact. In some states, vigilante or informal police and neighborhood watches, including *Hisbah*, are regulated and defined by law. Some state governments, such as Kano and Zamfara, also fund and equip *Hisbah*. In Plateau and Kaduna states,

some neighborhood watch groups are organized along religious lines and have religious leadership. In 2018, *Hisbah* police continued to arrest and detain, seize or destroy the property of, and enforce punishments on individuals who violated local and state religious and morality codes, including arrests for possession and consumption of alcohol. *Hisbah* as well as other police also arrested people on charges of homosexuality, on the basis of religious laws. [...]

24. Military deployed to do the work of the police and related accountability issues

[Australian Government, Department of Foreign Affairs and Trade, DFAT Country Information Report: Nigeria \(9 March 2018\)](#)

[...] STATE PROTECTION

5.1 Security and law enforcement in Nigeria is managed at the federal level through the Nigerian military, DSS [State Security Service (SSS), self-styled as the Department of State Services (DSS)], NPF [Nigeria Police Force] and periodically through newly established forces including the C-JTF [Civilian Joint Task Force]. The poor capacity of the NPF has limited its ability to control societal violence, particularly in relation to areas under a state of emergency and between Muslim farmers and Christian settlers in the middle belt states. As a result, the government continues to turn to the military to provide community policing given high levels of violence.

[...] Military

[...] 5.4 The military, along with other security forces, has been accused of extra-judicially killing suspects, particularly suspected members of Boko Haram and persons considered to have harboured them, and of being responsible for many deaths in military custody (see Arbitrary Deprivation of Life). [...] (p. 29)

[Council on Foreign Relations, Nigerian Police Are in Desperate Need of Reform \(7 December 2018\)](#)

The Nigerian administration that comes into power following the February elections will face serious, continuing security challenges. The Boko Haram insurgency in the north is heating up; the ongoing, low-level insurgency in the Niger Delta oil patch waxes and wanes; conflicts over land and water use with ethnic and religious overtones in the Middle Belt at times produces more victims than the conflict with Boko Haram in the north; pro-Biafra sentiments have found new life in the south; and the Islamic Movement of Nigeria (IMN), a Shia group, has become more salient in the Middle Belt and the north, resulting in regular clashes with security services, and the detainment, since 2015, of its leader, Ibrahim el-Zakzaky, despite orders to release him.

These challenges would normally fall under the purview of the Nigeria Police Force (NPF), a national gendarmerie (Nigeria does not benefit from local or state police). The police number some 370,000 with proposals for greatly expanding it, but they are also implicated in many of the country's problems: Boko Haram's early leader, Muhammad Yusuf, was killed in police custody; the police routinely clash with and have killed members of the IMN, whose protests are generally peaceful (though authorities disagree); and the police are struggling to respond to the current kidnapping epidemic. The winner of the election would do well to prioritize police reform.

Chronically underfunded and under-trained, the police are too often unequipped to deal with local security issues, forcing the Nigerian military to step in and establish order. The army is now deployed in thirty of the thirty-six states, mostly doing police work and undercutting the credibility of the NPF.

Unable to perform its basic functions to safeguard the community, the police are often used for VIP protection. To meet the UN recommended ratio of one policeman for 400 residents, the police force would need to add 155,000 officers. This implies a major recruitment and training effort, which the Inspector General proposes would take five years to implement.

Furthermore, police salaries are low. Recruits make less than \$400 a year (though they also receive allowances), forcing many police officers to engage in corrupt practices just to scrape by. As part of an effort to address police corruption, President Buhari approved legislation to increase salaries earlier this month. Many Nigerians hope this salary increase will improve the quality of officers in the NPF, but for others, the police's lack of credibility reduces support for their salary increase. As for enhancement of police training, outside assistance is likely required. While in effect, U.S. law

precludes our training of police, other partners of Nigeria, notably the British, have long been involved. That effort could be expanded, perhaps with indirect assistance from the United States. There are numerous proposals for police reform in general circulation. One such reform, which has the support of some governors, is the creation of state police forces to replace or augment the NPF. In the north, vigilante groups, most notably members of the Civilian Joint Task Force, have an established presence in their communities and can be effective instruments of law enforcement, though they are not entirely accountable at present. There are calls for the regularization of their status, either into the army or the police. However, there appears to be little consensus among the Nigerian political class about such measures and are therefore probably too ambitious for an incoming administration.

[United States Department of State, Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2018: Nigeria \(13 March 2019\)](#)

[...] Role of the Police and Security Apparatus

[...] Due to the inability of law enforcement agencies to control societal violence, the government continued to turn to the armed forces to address internal security concerns. The constitution authorizes the use of the military to “[s]uppress insurrection and act in aid of civil authorities to restore order.” Armed forces were part of continuing joint security operations in the Niger Delta, Middle Belt, and Northwest.

Police, DSS [The State Security Service (SSS), self-styled as the Department of State Services (DSS)], and military reported to civilian authorities but periodically acted outside civilian control. The government lacked effective mechanisms and sufficient political will to investigate and punish most security force abuse and corruption. Police remained susceptible to corruption, committed human rights violations, and operated with widespread impunity in the apprehension, illegal detention, and torture of suspects. In September the NPF [Nigeria Police Force] Public Complaint and Rapid Response Unit reported it had recovered approximately 1.1 million naira (\$3,038) in bribery payments and dismissed 10 officers in the past two years. Dismissals of low-level officers, however, did not deter continuing widespread extortion and abuse of civilians. The DSS also reportedly committed human rights abuses. In some cases private citizens or the government brought charges against perpetrators of human rights abuses, but most cases lingered in court or went unresolved after an initial investigation. In the armed forces, a soldier’s commanding officer determined disciplinary action, and the decision was subject to review by the chain of command according to the Armed Forces Act. In 2016 the army announced the creation of a human rights desk to investigate complaints of human rights violations brought by civilians, and set up a standing general court martial in Maiduguri. The human rights desk in Maiduguri coordinated with the NHRC [National Human Rights Commission] and Nigerian Bar Association to receive and investigate complaints, although their capacity and ability to investigate complaints outside of major population centers remained limited. As of September the court martial in Maiduguri had reached verdicts in 39 cases since inception, some of which resulted in convictions for rape, murder, and abduction of civilians. Many credible accusations of abuses, however, remained uninvestigated and unpunished. [...] (p. 12)

[Australian Government, Department of Foreign Affairs and Trade, DFAT Country Information Report: Nigeria \(9 March 2018\)](#)

[...] STATE PROTECTION

5.1 Security and law enforcement in Nigeria is managed at the federal level through the Nigerian military, DSS [State Security Service (SSS), self-styled as the Department of State Services (DSS)], NPF [Nigeria Police Force] and periodically through newly established forces including the C-JTF [Civilian Joint Task Force]. The poor capacity of the NPF has limited its ability to control societal violence,

particularly in relation to areas under a state of emergency and between Muslim farmers and Christian settlers in the middle belt states. As a result, the government continues to turn to the military to provide community policing given high levels of violence.

[...] Military

[...] 5.4 The military, along with other security forces, has been accused of extra-judicially killing suspects, particularly suspected members of Boko Haram and persons considered to have harboured them, and of being responsible for many deaths in military custody (see Arbitrary Deprivation of Life). [...] (p. 29)

[Council on Foreign Relations, Nigerian Military Conduct Should Be of Serious International Concern \(19 December 2018\)](#)

[...] On December 14, the army suspended the operations of the UN International Children's Emergency Fund (UNICEF) in areas where the Islamist jihadist Boko Haram is most active (and where the situation is most dire). The army accused UNICEF of "spying" for Boko Haram; the charge apparently was based on UNICEF training material on spotting human rights abuses by the military; the army rescinded the ban shortly thereafter.

On December 17, the army called on Amnesty International to shut down its operations in Nigeria. Amnesty had just issued a report that, since 2016, 3,641 people had been killed in violence characterized by conflict between farmers and herders in Nigeria's Middle Belt. The army has claimed that Amnesty is attempting to destabilize the country with its "fictitious claims."

Since the colonial period, it has been the army, not the police, that successive military and civilian governments have used to maintain order. With little or no training in police work, the army's response too often has been rough, if not brutal. Army personnel have only rarely been held accountable, and seem immune from international pressure, whether applied by human rights organizations or foreign governments. [...]

[Human Rights Watch, World Report 2019 – Nigeria \(17 January 2019\)](#)

[...] Civil society led campaigns against arbitrary arrests, detention, and torture exposed human rights abuses by security agencies, including by the Department of State Security Services (DSS) and the Police Special Anti-Robbery Squad (SARS).

[...] Conduct of Security Forces

In August, Vice President Yemi Osinbajo dismissed DSS Director General Lawal Daura for the unauthorized sealing of the National Assembly. The National Human Rights Commission reported that under Daura's three-year leadership, the agency repeatedly violated rights, including carrying out unlawful arrests, prolonged detention without trial, and torture of detainees. Osinbajo took the action while he was acting president. [...]

25. Appropriation of state powers by individual police/prison officers for personal gain

[Punch, Nigerian prison cells where inmates live like kings, use co-prisoners as servants \(3 March 2018\)](#)

[...] While life is a daily tussle between the rich and poor in Nigeria, going to prison is another version of that struggle. With money, Saturday PUNCH learnt that inmates can live as much enjoyable life as they can afford within the walls of incarceration.

Some ex-inmates, who share their experiences, speak of “apartments” in the prisons where inmates live like they are in their homes with all the privileges attached.

These privileges, it was learnt, don’t just land on the laps of inmates. It is how officials make money on the side, while inmates without the financial muscle, rub shoulders in squalor.

In the Kirikiri Maximum Prison in Lagos for instance, it was learnt that inmates who have the money, pay anything between N70,000 and N300,000 to live in the VIP section.

An ex-inmate who has now become a prison reform advocate, Mr. Gwamnishu Harrison, shares his own experience across three prisons in the country, confirming our findings.

He says, “At the Maximum Prison, the VIP units are called ‘apartments’ rather than ‘cells’. Inmates live in self-contained rooms with personal access to shower, toilet, television and even generators.

“The amount you pay to live in the VIP section depends on how big your case is. If for instance, you were in prison because of a fraud involving a lot of money, they call you ‘big fish’ at the Kirikiri Maximum Prison. You would have to pay higher than others to get a special cell. The higher the amount of money involved in your case, the higher the money you pay to officials.

“Once the court pronounces that you have been remanded, the prison warders sit you down to tell you the situation you would meet at the prison. They would threaten you subtly that you would be put in the general cells, where inmates could beat you regularly but that if you were in the VIP cells, nobody would be able to touch you.”

At the Kirikiri Maximum Prison, inmates in the VIP section even get personal guards, it was learnt.

Corrupt privileged cells make money for officials – Giwa-Amu

Prison reform advocate and Lagos lawyer, Chief Gabriel Giwa-Amu, says he came to learn about how corrupt officials create privileged sections in the prisons over the years through his work.

But according to him, it is not in all cases that privileged inmates are separated from the general population due to corruption.

He says, “Some privileged inmates are separated because of their ailments. Some of them suffer from tuberculosis and other contagious diseases.

“But in many cases, corruption is in play. We have a place called Aso Rock at the Kirikiri Prisons, which was originally built by the British Council as a donation to the Nigeria Prison Service. The facility is so well-maintained with many amenities that officials now use it as an opportunity to make money.

“Depending on how much you can afford, you are not kept among the general prisoners. This is a system that has been going on for a long time. There is also a corrupt system in the prison where those who are committed are given medical certificates and are not kept in the prison yard but in the military hospital.”

Giwa-Amu confirms that indeed a cell block which used to be a juvenile unit has been converted to housing affluent inmates at the Ikoyi Prison.

“The juvenile unit called Buster does not exist at Ikoyi Prison anymore. It was abolished and moved to Abeokuta or Oregun Juvenile centres. The existing facility is what is now being used as cell for the privileged. But the juvenile unit still exists in Badagry Prison,” he says.

The activist tells Saturday PUNCH that the solution lies in decongesting the prisons. To make this possible, he suggests three ways: courts releasing offenders on personal recognisance; prisons exercising rights of refusal and expansion of prison facilities. [...]

[Freedom House, Freedom in the World 2018: Nigeria profile \(28 May 2018\)](#)

[...] F2. Does due process prevail in civil and criminal matters? 1 / 4

There have been numerous allegations of extortion and bribe taking within the police force. [...]

[United National General Assembly, Human Rights Council, Working Group on the Universal Periodic Review, Thirty-first session, 5-16 November 2018, Summary of Stakeholders' submissions on Nigeria: Report of the Office of the United Nations High Commissioner for Human Rights \(24 August 2018\)](#)

[...] III. Information provided by other stakeholders

[...] C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

[...] 2. Civil and political rights

[...] Administration of justice, including impunity, and the rule of law⁶³

37. FLD [Front Line Defenders, Ireland] expressed serious concerns about the impartiality and independence of the criminal justice system. It stated that wealthy individuals, the police, the security forces and government agencies had repeatedly used the criminal justice system to target those who exposed corruption.⁶⁴ HRF [Human Rights Foundation, USA] stated that corruption had contributed to the miscarriage of justice as judicial personnel had been known to solicit bribes in order to deliver favourable rulings.⁶⁵ [...] (p. 5)

63 For relevant recommendations see A/HRC/25/6, para. 135.71, 135.79, 135.113, 135.114, 135.116-135.121.

[...] 64 FLD, para. 15. FLD made recommendations (para. 27).

65 HRF, para. 14. HRF made a recommendation (para. 18 (c)).

66 LEPAD, p. 6, LEPAD made recommendations (p. 6).

[Transparency International, Corruption Perceptions Index 2018 \(29 January 2019\)](#)

[...] The index, which ranks 180 countries and territories by their perceived levels of public sector corruption according to experts and businesspeople, uses a scale of 0 to 100, where 0 is highly corrupt and 100 is very clean. More than two-thirds of countries score below 50 on this year's CPI, with an average score of just 43.

It reveals that the continued failure of most countries to significantly control corruption is contributing to a crisis in democracy around the world. While there are exceptions, the data shows that despite some progress, most countries are failing to make serious inroads against corruption.

[...]

#	COUNTRY	REGION	2018	2017	2016	2015
144	Nigeria	Sub-Saharan Africa	27	27	28	26

[...]

[United States Department of State, Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2018: Nigeria \(13 March 2019\)](#)

[...] Role of the Police and Security Apparatus

[...] Police, DSS [The State Security Service (SSS), self-styled as the Department of State Services (DSS)], and military reported to civilian authorities but periodically acted outside civilian control. The government lacked effective mechanisms and sufficient political will to investigate and punish most security force abuse and corruption. Police remained susceptible to corruption, committed human rights violations, and operated with widespread impunity in the apprehension, illegal detention, and torture of suspects. In September the NPF [Nigeria Police Force] Public Complaint and Rapid

Response Unit reported it had recovered approximately 1.1 million naira (\$3,038) in bribery payments and dismissed 10 officers in the past two years. Dismissals of low-level officers, however, did not deter continuing widespread extortion and abuse of civilians. The DSS also reportedly committed human rights abuses. In some cases private citizens or the government brought charges against perpetrators of human rights abuses, but most cases lingered in court or went unresolved after an initial investigation. In the armed forces, a soldier's commanding officer determined disciplinary action, and the decision was subject to review by the chain of command according to the Armed Forces Act. In 2016 the army announced the creation of a human rights desk to investigate complaints of human rights violations brought by civilians, and set up a standing general court martial in Maiduguri. The human rights desk in Maiduguri coordinated with the NHRC [National Human Rights Commission] and Nigerian Bar Association to receive and investigate complaints, although their capacity and ability to investigate complaints outside of major population centers remained limited. As of September the court martial in Maiduguri had reached verdicts in 39 cases since inception, some of which resulted in convictions for rape, murder, and abduction of civilians. Many credible accusations of abuses, however, remained uninvestigated and unpunished.

Arrest Procedures and Treatment of Detainees

Police and other security services have the authority to arrest individuals without first obtaining warrants if they have reasonable suspicion a person committed an offense, a power they often abused. The law requires that, even during a state of emergency, detainees must appear before a magistrate within 48 hours and have access to lawyers and family members. In many instances government and security officials did not adhere to this regulation without being bribed. Police held for interrogation individuals found in the vicinity of a crime for periods ranging from a few hours to several months, and after their release, authorities frequently asked the individuals to return for further questioning. The law requires an arresting officer to inform the accused of charges at the time of arrest, transport the accused to a police station for processing within a reasonable time, and allow the suspect to obtain counsel and post bail. Families were afraid to approach military barracks used as detention facilities. Police routinely detained suspects without informing them of the charges against them or allowing access to counsel and family members; such detentions often included solicitation of bribes. Provision of bail often remained arbitrary or subject to extrajudicial influence. Judges often set exceedingly stringent bail conditions. In many areas with no functioning bail system, suspects remained incarcerated indefinitely in investigative detention. Authorities kept detainees incommunicado for long periods. Numerous detainees stated police demanded bribes to take them to court hearings or to release them. If family members wanted to attend a trial, police often demanded additional payment. [...] (pp. 12-13)

[Transparency International, Global Corruption Barometer Africa 2019: Citizens' Views and Experiences of Corruption \(July 2019\)](#)

[...]

Country	Surveying organisation	Fieldwork dates	Sample size
Afrobarometer countries			
Nigeria	Practical Sampling International (PSI)	26 Apr-10 May 2017	1.600

[...] BRIBERY RATES*

* Based on people who used these public services in the previous 12 months.

	2015	2019
Overall bribery rate	43%	44%
Public schools	25%	32%
Public clinics and health centers	24%	20%
IDs	32%	38%
Utilities	35%	34%

Police	45%	47%
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[...] HAS CORRUPTION LEVEL CHANGED IN THE PREVIOUS 12 MONTHS?

	2015	2019
Increased	75%	43%
Decreased	8%	43%
Stayed the same	16%	14%
Don't know	1%	0%
Refused to answer	0%	0%

[...] CAN ORDINARY PEOPLE MAKE A DIFFERENCE IN THE FIGHT AGAINST CORRUPTION?

	2015	2019
Yes	39%	54%
No	45%	41%
Neither yes nor no	14%	4%
Don't know / refused to answer	2%	1%

[...] CORRUPTION BY INSTITUTION*

* Percentage who think that most or all people in these institutions are corrupt.

Institution	2015	2019
President / Prime Minister	54%	43%
Members of Parliament	61%	60%
Government officials	63%	54%
Local government officials	58%	55%
Police	72%	69%
Judges and Magistrates	45%	51%
Religious leaders	28%	20%
NGOs	-	40%
Business Executives	45%	44%
Traditional leaders	36%	35%

[...] IS THE GOVERNMENT DOING A GOOD OR BAD JOB OF FIGHTING CORRUPTION

	2015	2019
Good	22%	59%
Bad	78%	40%
Don't know	1%	1%
Refused to answer	0%	0%

[...]

43% Think corruption increased in the previous 12 months

44% Of public service users paid a bribe in the previous 12 months

40% Think their government is doing a bad job of tackling corruption make a difference in the fight

54% against corruption [...] (p. 49)

[D.U. Enweremadu, "Understanding Police Corruption and Its Effect on Internal Security in Nigeria", In: Oshita O., Alumona I., Onuoha F. \(eds\) Internal Security Management in Nigeria \(Palgrave Macmillan, Singapore, 2019\)](#)

[...] The chapter reveals that police corruption is a major contributing factor to internal insecurity in Nigeria. A commonly mentioned effect of police corruption on the society is the loss of lives through extrajudicial killings; arrest and illegal detention of citizens orchestrated by policemen and citizens' unwillingness to report suspected cases of crimes to police making such crimes difficult to curtail. The causes of these anomalies include inadequate or irregular welfare packages for policemen, low level of professionalism within the force and political class interference in the operations of the

police. On the basis of these findings, the study recommends that the authorities should recruit more and better-educated police officers, improve logistics and welfare packages and move towards an independent and community police. [...]

26. Confinement in IDP camps

[Amnesty International, Nigeria: “They Betrayed Us”: Women Who Survived Boko Haram Raped, Starved and Detained in Nigeria \(24 May 2018\)](#)

[...] 1. EXECUTIVE SUMMARY

[...] Since early 2015, the Nigerian military has carried out intensive operations and recaptured vast swathes of territory that had come under the control of Boko Haram in the north-east of the country. However, instead of “freeing” hundreds of thousands of people who had been trapped in these areas, the military has carried out systematic patterns of violence and abuse against this population, including war crimes and possible crimes against humanity. Women have been affected in disproportionate and gender-specific ways, and continue to face ongoing discrimination and violence.

[...] Amnesty International conducted over 250 in-depth individual interviews over a period of almost two years from June 2016 to April 2018. This included 141 people (mostly women and girls) who lived in camps for internally displaced persons (IDPs), and 71 people (including 48 women and girls) who had been detained by the military in Giwa barracks, the main military detention facility in Borno state (the state most affected by conflict and displacement). It also included approximately 40 people who were currently or had been working in the humanitarian response operations in north-east Nigeria.

Amnesty International researchers conducted interviews in person in Maiduguri, the Borno state capital, or over Skype with IDPs now living in displacement in or around Maiduguri (or with humanitarian workers in Maiduguri, Abuja or other locations). In March 2018, a delegate visited Bama town and conducted additional interviews. Researchers have also reviewed scores of reports, video evidence and satellite imagery of camps and of Giwa barracks.

In February 2018, Amnesty International wrote to the Nigerian authorities, sharing initial findings and asking for additional information on steps taken to address the concerns. Three Freedom of Information Act requests were also made at this time. Apart from an acknowledgment, no other responses were provided.

FORCED TO “SATELLITE CAMPS”

Between mid-2015 and mid-2016, the military set up 14 so-called “satellite camps” for IDPs in key towns they recaptured from Boko Haram, mostly in Borno state. They ordered people to come to these camps from the surrounding areas, where Boko Haram was still operating. In the town of Bama, for example (which was once the largest population centre in Borno state after Maiduguri), the military established a camp in a destroyed hospital compound known as “Bama Hospital camp”, and IDPs began arriving by October 2015.

Scores of IDPs from different rural locations across Borno told Amnesty International that they had come to the satellite camps because they had been forced to do so by the military. They said that when the military conducted operations in their villages, they burnt down homes and opened fire at remaining residents indiscriminately. Many of these women and men said that they had suffered brutally under Boko Haram, and were hoping to be rescued – only to find themselves attacked by the military.

Others said that the military arrived in their villages and ordered or physically took them to the recaptured towns, or they fled pre-emptively as they had heard that the military were conducting operations in neighbouring villages and attacking people who had remained in their homes. Amnesty International has satellite images that confirm many of these rural villages have been burnt down.

While the movement of people from villages to the recaptured towns has since slowed pace, it has not stopped, and researchers received ongoing reports of the military attacking residents indiscriminately in rural villages, and forcibly taking people to the satellite camps.

The forced displacement of civilians is a violation of international humanitarian law, except in the limited circumstances where the security of the civilians involved or imperative military reasons so demand, which does not appear to have been the case in this context. Those responsible may have committed the war crime of displacing civilians, and the crime against humanity of forcible transfer of the population.

MASS DETENTION OF MEN

People arriving in the recaptured towns seeking safety had often spent months or years living in or near areas under Boko Haram control, and were treated with suspicion by the military. The military or Civilian Joint Task Force (Civilian JTF, a civilian militia who work closely with the Nigerian armed forces) subjected everyone arriving to a “screening” before they were allowed to proceed to the satellite camp.

According to reports from a number of recaptured towns, these “screenings” often involved separation of family members, arbitrary detention, and torture and other ill-treatment. Several women also reported being forced to remove their clothes and stand naked for “screenings” conducted in public. In at least one location (Bama town), the military detained people in prison cells in overcrowded conditions with inadequate food and water for several days or more while they were screened, leading to deaths.

Men and boys were often targeted for arbitrary detention in “screening” operations. In at least two recaptured towns (Bama town and nearby Banki) the military and Civilian JTF separated most men and boys perceived to be of “fighting age” (roughly 14 to 40) from other people during the “screenings” and detained them. In most cases, the military appears to have transferred them to Giwa barracks military facility in Maiduguri, without any individualized assessment of wrongdoing.

In some cases, women told Amnesty International that they saw their family members being blindfolded and taken away by the military. In other cases, they arrived in the camps but their family members did not follow them after the “screening”. None received any information from the authorities as to what had happened.

Most women interviewed were still awaiting the return of their husband or other family members, sometimes as much as two years after they were detained. Their anguish was exacerbated by the lack of any information as to the whereabouts of their family members, or even if they were still alive.

The arbitrary detention of what may amount to thousands of (mostly) men is unlawful under international human rights law and has previously been documented by Amnesty International. The failure by the authorities to provide a mechanism for family members of detainees to obtain information on their whereabouts and wellbeing, and the denial of information to those who approached the military for information, has caused mental suffering that constitutes ill-treatment under international human rights law.

CONFINED IN THE CAMPS

As a result of the mass detention of men and boys, the people living in the satellite camps have been disproportionately women, children and the elderly. The military has imposed severe restrictions on their ability to enter and exit many of the camps.

In some satellite camps, including Bama Hospital camp (and Bama Secondary School camp, which replaced it in December 2017), in Bama town, IDPs have been prohibited from relocating to other locations such as Maiduguri. While the security forces sometimes allow men to leave the camp to the surrounding areas to farm or collect firewood to use and to sell, they have prohibited women doing so. These restrictions prevent women especially from accessing their own food and livelihood opportunities.

The movement restrictions are imposed in a manner that violates human rights law, and in some instances, the confinement of IDPs to the camp appears to constitute de facto detention.

THOUSANDS STARVED

The conditions across the satellite camps have been deplorable, particularly in the first nine months or year after the satellite camps began to be set up (around October 2015). As a result, thousands of IDPs died between late 2015 and mid/late 2016 for lack of food, water and health care.

Tens of women interviewed said that, in Bama Hospital camp during this period, they were completely confined to the camp and the food, water and health care provided was grossly inadequate – they received no more than a small plate of rice each day which they shared with their dependents. Many also said they were beaten at water and food distribution points by members of the Civilian JTF who accused them of being “Boko Haram wives”.

While Amnesty International could not confirm the total number of deaths in the camp during this period (from late 2015 to June 2016), it believes that at least hundreds and possibly thousands died in this one camp alone. Women (and men) interviewed consistently reported that 15-30 people died each day from hunger and sickness over these months. More than half of the women Amnesty International interviewed said that one or more of their family members had died in the camp, including many who said that one or more of their children had died. Some women also reported incidents of deaths following beatings by the Civilian JTF of already malnourished women, elderly or children. Satellite imagery also shows the cemetery associated with the camp rapidly expanding during this time.

The large number of deaths in Bama Hospital camp were not unique. IDPs who lived in satellite camps in other recaptured towns including Banki, Dikwa, Monguno, Rann and Benisheikh camps also described high numbers of daily hunger and sickness deaths, caused by a combination of movement restrictions and lack of food, water and health care during the same period.

While there was a small humanitarian response operation made up of UN agencies and international NGOs operating in north-east Nigeria in late 2015 and early 2016, their capacity was limited and in Borno they were largely focused on providing assistance in Maiduguri and surrounding areas/southern parts of the state. The assistance they provided was not enough to stem the alarming mortality rates until the international NGO Medicine Sans Frontiers brought international attention to the crisis in late June 2016. After this point, the government and the UN humanitarian agencies and partners started scaling-up the provision of humanitarian assistance, including food assistance, across north-east Nigeria in general and to the satellite camps specifically. This stabilized and reduced morbidity and mortality rates in many locations.

Despite this, women in many satellite camps have reported facing ongoing barriers accessing adequate food, exacerbated by continued restrictions on their ability to leave the camps.

In Bama Secondary School camp, IDPs said they are receiving food assistance but that they are still suffering from hunger and going days without eating between food assistance distributions. Women, especially those without husbands with them, face particular problems as they have less chance to supplement the assistance provided. They also do not always control their own assistance packages, which may be given to their father-in-law on their behalf. Moreover, in some camps, IDPs are not being provided any assistance, and there are cases of ongoing daily hunger and sickness deaths.

The authorities’ failure to provide IDPs with adequate food, water and health care violates a number of human rights, including to food, health and to life. This is especially the case where a) the authorities have confined IDPs to camps, where the administering authorities knew that the conditions were leading to deaths but have recklessly failed to take any steps to ameliorate the conditions and prevent these deaths; and/or b) where Civilian JTF members beat already malnourished IDPs resulting in their deaths. Those responsible may have committed the war crime and possibly the crimes against humanity of killing and of imprisonment.

RAPE IN THE SATELLITE CAMPS

Amnesty International has documented patterns of rape and sexual exploitation occurring in the satellite camps from late 2015 until the present.

Scores of women (and some men) described how soldiers and Civilian JTF members commonly used force and threats to rape women and girls, and took advantage of the conditions to coerce women into becoming their “girlfriends”, which involved being available for sex on an ongoing basis.

Nine women reported cases of rape to Amnesty International. This included five women who told Amnesty International that they had been raped by soldiers or Civilian JTF members while they had been starving or near starving in Bama Hospital camp in late 2015 or early 2016. Amnesty International also received recent reports of rape or attempted rape in the camp.

Ten additional women reported that they had been coerced to become the “girlfriend” to a soldier or the Civilian JTF in Bama Hospital/Secondary school camp. They said that they were pressured to do this simply in order to access basic goods needed for survival or to overcome hunger, and because it was impossible to say no to the demands of the security forces. The coercive environment that was created and taken advantage of by the soldiers and Civilian JTF meant that consent to sex was not possible.

Women interviewed have also described how soldiers and Civilian JTF created an organized system to inflict sexual violence in Bama Hospital and Secondary School camps. The Civilian JTF members select women in the camp and take them to soldiers for sex. Four women said that the layout of Bama Secondary School camp was designed to make sexual exploitation easier, by separating young women from their in-laws and other people in the camp. Women have said that if they complain, they risk being called a “Boko Haram wife” and facing reprisals.

The Soldiers and Civilian JTF members who used force, or created or took advantage of a coercive circumstances, to have sex with women in the camps have committed the crime of rape. Because of the circumstances in which these crimes were committed, those responsible may have committed the war crime

and crime against humanity of rape. If the Civilian JTF members benefited through selecting and taking women to soldiers for sex, such as being rewarded by the soldiers involved, they may also have committed the crime against humanity of enforced prostitution.

ARBITRARY DETENTION OF WOMEN AND GIRLS

As well as the many thousands confined in satellite camps, at least hundreds of women and girls have also been detained on arrival in the recaptured towns or during military operations and detained in deplorable conditions in Giwa barracks in Maiduguri.

None of the women released from detention that Amnesty International interviewed had ever been charged with a crime, or given any opportunity to challenge the lawfulness of their detention in front of a judge, or knew of any other women detained with them who had been. The vast majority had spent between six months and two years in detention. The few who were given any reason were told they were detained because they were a “Boko Haram wife” without any further explanation.

Amnesty International identified a pattern among the detained women and girls that included the following categories:

1) Victims of abduction or forced marriage by Boko Haram members – Amnesty International interviewed 11 women and girls who said that they were victims of such abuses, but had been detained by the military after they were found in or near Boko Haram camps during military operations or admitted to having lived in such locations during “screenings”. Most reported being treated as presumed Boko Haram members from the moment they were detained, and said they were beaten while being questioned.

2) Women who arrived in the recaptured towns unaccompanied by their husbands – Amnesty International interviewed 12 women who said they were arrested because they fled seeking safety to Bama town without their husbands. Some said they were explicitly accused of hiding the fact that they had Boko Haram husbands they had “left in the bush”, although the authorities appeared to have no evidence to support such claims. The women each explained to researchers that they had husbands who had been displaced ahead of them for reasons including because they felt it would be safer to flee Boko Haram areas separately, or because they stayed behind in their village a little longer to care for sick family members or to give birth.

3) Women who had a family member accused of being a Boko Haram member were detained, even though they were not accused of committing a crime themselves. Amnesty International interviewed 12 women who appeared to have been detained purely for this reason.

Twelve of the women Amnesty International interviewed were under 18 when they were detained. The majority of those interviewed had been detained with their young children.

At least five women died in the cells in Giwa barracks between 2015 and 2017, and 32 children died in 2016 and 2017 combined (mostly in 2016). Nine women interviewed gave birth while in detention, seven of whom reported doing so in their overcrowded dirty cell with no assistance.

At its peak, former detainees reported that around 1,000 women and girls were detained in Giwa at the start of 2017. Most of these women and girls were released in a series of mass releases, the last of which was in January 2018. Several people released at this time reported to Amnesty International that 10 girls remained in detention in Giwa barracks, and have not been charged with any crime. Amnesty International is also concerned that other women and girls might since have been detained by the military, and has also received unconfirmed reports indicating that women and girls remain in other military facilities in Borno state.

These detentions are arbitrary under international human rights law and are not permitted by international humanitarian law. The detention conditions also breached a number of international humanitarian law and international human rights law standards. Individuals responsible for detaining women and girls in Giwa barracks and administering their detention may have committed the war crimes and crimes against humanity of detention, murder, and torture and other ill-treatment.

RECOMMENDATIONS

The Nigerian federal and Borno state government, with the support of donors, UN humanitarian agencies and NGOs, must urgently increase the food assistance to IDPs in the north-east, including to those currently located in the satellite camps, and efforts to ensure that the food provided reaches all intended beneficiaries. They must also ensure that the amount of food assistance provided, the type of assistance provided and the distribution mechanisms used are appropriate and accessible for all IDPs including female-headed- households.

The federal and Borno state government must immediately close all unofficial and secret places of detention facilities such as Giwa barracks and Bama prison. All detainees must be transferred to civilian custody, where they must be released unless they are charged with a recognisable criminal offence and given a fair trial.

The federal government must ensure accountability for the violations of international human rights law and international humanitarian law, and the possible war crimes and crimes against humanity committed by soldiers and Civilian JTF members. As a first step, they should release the report of the Presidential Investigation Panel that reviewed compliance of the armed forces with human rights obligations, which was reportedly finalised in February 2018, and implement its recommendations in a transparent manner. In addition to bringing those responsible for violations to justice, they must also establish a reparations program, in consultation with civil society and affected communities, with special consideration given to the violations women have faced and the forms of reparation that would be accessible and meaningful to them. [...] (pp. 8-13)

[United States Department of State, Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2018: Nigeria \(13 March 2019\)](#)

[...] Prison and Detention Center Conditions

[...] Separately, an AI report from May documented severe restrictions on freedom of movement for IDPs held in satellite camps in many parts of Borno State. According to the report, restrictions on entry and exit confined IDPs, in some instances, to conditions constituting de facto detention for prolonged periods. (p. 10)

[...] g. Abuses in Internal Conflict

[...] Reports indicated soldiers, police, CJTF and others committed sexual exploitation and abuse of women and girls and such exploitation and abuse was a major concern in state-run IDP camps, informal camps, and local communities in and around Maiduguri, the Borno State capital, and across the Northeast. In a report issued in May, AI documented cases where soldiers and CJTF members

used force or coercion to take advantage of desperate living circumstances to have sex with women in so called “satellite” IDP camps. In Bama Hospital IDP camp, for example, the report said that at least nine women were raped in late 2015 and early 2016 when they refused to have sex in exchange for food or other assistance, or while walking outside the camp to collect water. During the same period, the report documented 10 women who complied with demands to become “wives” or “girlfriends” of soldiers or CJTF members in order to obtain enough food or other necessary items for their families to survive. According to the report, despite a relative improvement in the humanitarian situation, women and girls continued to be exploited in sex trafficking. There were no reports that government officials, security force members, or other alleged perpetrators were held criminally accountable for these offenses. [...] (p. 21)

[...] Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

[Amnesty International, Nigeria: Submission to The United Nations Human Rights Committee 126th Session, 1-26 July 2019 \(2019\)](#)

[...] 8. VIOLATION OF CHILDREN’S RIGHTS (ART.24 & 7)

[...] As a result of the instability flowing from the fight against Boko Haram, children are forced to stay in Internally Displaced Persons (IDPs) camps. Their plight in these camps is deplorable; there is little access to food, water and education.³⁸ With little or no government-led interventions, children (especially those who are orphaned by the insurgency) are vulnerable to sexual harassment³⁹ and child labour. [...] (p. 11)

³⁸ <https://www.amnesty.org/en/documents/afr44/8266/2018/en/>

³⁹ <https://www.amnesty.org/en/latest/news/2018/05/nigeria-starving-women-raped-by-soldiers-and-militia-who-claim-to-be-rescuing-them/> (accessed on 14 May 2019)

Legal notes

The ambit of Article 3

There is a distinction between torture, inhuman treatment, and degrading treatment. "Torture" is "deliberate inhuman treatment causing very serious and cruel suffering." *Ireland v United Kingdom* (1978) 2 EHRR 25 at [168] <http://www.bailii.org/eu/cases/ECHR/1978/1.html>

Torture must also be inflicted for a purpose, such as, *inter alia*, obtaining information, inflicting punishment or intimidating: *Ilhan v Turkey* (2002) 34 EHRR 36 at [85] <http://www.bailii.org/eu/cases/ECHR/2000/354.html>

"Inhuman treatment" does not need to be intended to cause suffering, *Ireland v United Kingdom* *supra*, and there is no requirement that the suffering be inflicted for a purpose; in this regard see *Denizci v Cyprus* (23 May 2001, unreported) at [383]-[384] <http://www.bailii.org/eu/cases/ECHR/2001/351.html>.

Nonetheless, ill-treatment must attain a minimum level of severity to fall within Article 3. The Court defined "inhuman treatment" and "degrading treatment" in *Kudla v Poland* (2000) 35 EHRR 198: <http://www.bailii.org/eu/cases/ECHR/2000/512.html>

"91. However, ill-treatment must attain a minimum level of severity if it is to fall within the scope of Article 3. The assessment of this minimum is, in the nature of things, relative; it depends on all the circumstances of the case, such as the nature and context of the treatment, the manner and method of its execution, its duration, its physical or mental effects and, in some instances, the sex, age and state of health of the victim (see, for example, the *Raninen v. Finland* judgment of 16 December 1997, Reports of Judgments and Decisions 1997-VIII, pp. 2821-22, § 55).

92. The Court has considered treatment to be "inhuman" because, *inter alia*, it was premeditated, was applied for hours at a stretch and caused either actual bodily injury or intense physical or mental suffering. It has deemed treatment to be "degrading" because it was such as to arouse in the victims feelings of fear, anguish and inferiority capable of humiliating and debasing them. On the other hand, the Court has consistently stressed that the suffering and humiliation involved must in any event go beyond that inevitable element of suffering or humiliation connected with a given form of legitimate treatment or punishment (see, *mutatis mutandis*, the *Tyrer v. the United Kingdom* judgment of 25 April 1978, Series A no. 26, p. 15, § 30; the *Soering v. the United Kingdom* judgment of 7 July 1989, Series A no. 161, p. 39, § 100; and *V. v. the United Kingdom* cited above, § 71).

Prison conditions generally

In evaluating whether prison conditions violate Article 3, the key principles are set out in *Kudla v Poland*, *supra*:

"91. However, ill-treatment must attain a minimum level of severity if it is to fall within the scope of Article 3. The assessment of this minimum is, in the nature of things, relative; it depends on all the circumstances of the case, such as the nature and context of the treatment, the manner and method of its execution, its duration, its physical or mental

effects and, in some instances, the sex, age and state of health of the victim (see, for example, the *Raninen v. Finland* judgment of 16 December 1997, Reports of Judgments and Decisions 1997-VIII, pp. 2821-22, § 55).

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93. Measures depriving a person of his liberty may often involve such an element. Yet it cannot be said that the execution of detention on remand in itself raises an issue under Article 3 of the Convention. Nor can that Article be interpreted as laying down a general obligation to release a detainee on health grounds or to place him in a civil hospital to enable him to obtain a particular kind of medical treatment.

94. Nevertheless, under this provision the State must ensure that a person is detained in conditions which are compatible with respect for his human dignity, that the manner and method of the execution of the measure do not subject him to distress or hardship of an intensity exceeding the unavoidable level of suffering inherent in detention and that, given the practical demands of imprisonment, his health and well-being are adequately secured by, among other things, providing him with the requisite medical assistance (see, *mutatis mutandis*, the *Aerts v. Belgium* judgment of 30 July 1998, Reports 1998-V, p. 1966, §§ 64 et seq.)."

See also *Kalashnikov v Russia* (2003) 36 EHRR

34 <http://www.bailii.org/eu/cases/ECHR/2002/596.html> a paradigm case of prison conditions which did violate Article 3.

As to when prison overcrowding will breach Article 3, the leading case is *Mursic v Croatia* (2017) 65 EHRR 165, which holds that there is a strong (but not irrebuttable) presumption of an Article 3 breach if a prisoner has less than three square metres of personal space:

<http://www.bailii.org/eu/cases/ECHR/2016/927.html>

136. In the light of the considerations set out above, the Court confirms the standard predominant in its case-law of 3 sq. m of floor surface per detainee in multi-occupancy accommodation as the relevant minimum standard under Article 3 of the Convention.

137. When the personal space available to a detainee falls below 3 sq. m of floor surface in multi-occupancy accommodation in prisons, the lack of personal space is considered so severe that a strong presumption of a violation of Article 3 arises. The burden of proof is on the respondent Government which could, however, rebut that presumption by demonstrating that there were factors capable of adequately compensating for the scarce allocation of personal space (see paragraphs 126-128 above).

138. The strong presumption of a violation of Article 3 will normally be capable of being rebutted only if the following factors are cumulatively met:

(1) the reductions in the required minimum personal space of 3 sq. m are short, occasional and minor (see paragraph 130 above);

(2) such reductions are accompanied by sufficient freedom of movement outside the cell and adequate out-of-cell activities (see paragraph 133 above);

(3) the applicant is confined in what is, when viewed generally, an appropriate detention facility, and there are no other aggravating aspects of the conditions of his or her detention (see paragraph 134 above).

139. In cases where a prison cell - measuring in the range of 3 to 4 sq. m of personal space per inmate - is at issue the space factor remains a weighty factor in the Court's assessment of the adequacy of conditions of detention. In such instances a violation of Article 3 will be found if the space factor is coupled with other aspects of inappropriate physical conditions of detention related to, in particular, access to outdoor exercise, natural light or air, availability of ventilation, adequacy of room temperature, the possibility of using the toilet in private, and compliance with basic sanitary and hygienic requirements (see paragraph 106 above).

*140. The Court also stresses that in cases where a detainee disposed of more than 4 sq. m of personal space in multi-occupancy accommodation in prison and where therefore no issue with regard to the question of personal space arises, other aspects of physical conditions of detention referred to above (see paragraphs 48, 53, 55, 59 and 63-64 above) remain relevant for the Court's assessment of adequacy of an applicant's conditions of detention under Article 3 of the Convention (see, for example, *Story and Others v. Malta*, nos. 56854/13, 57005/13 and 57043/13, §§ 112-113, 29 October 2015).*

141. Lastly, the Court would emphasise the importance of the CPT's preventive role in monitoring conditions of detention and of the standards which it develops in that connection. The Court reiterates that when deciding cases concerning conditions of detention it remains attentive to those standards and to the Contracting States' observance of them (see paragraph 113 above).

Prison conditions for sick and disabled people

Many Article 3 cases involve inadequate medical care for mentally and/or physically ill people.

See *Keenan v United Kingdom* (2001) 33 EHRR

913: <http://www.bailii.org/eu/cases/ECHR/2001/242.html>

"111. It is relevant in the context of the present application to recall also that the authorities are under an obligation to protect the health of persons deprived of liberty (see *Hurtado v. Switzerland*, judgment of 28 January 1994, Series A no. 280-A, opinion of the Commission, pp. 15-16, § 79). The lack of appropriate medical care may amount to treatment contrary to Article 3 (see *İlhan v. Turkey* [GC], no. 22277/93, § 87, ECHR 2000-VII). In particular, the assessment of whether the treatment or punishment concerned is incompatible with the standards of Article 3 has, in the case of mentally ill persons, to take into consideration their vulnerability and their inability, in some cases, to complain coherently or at all about how they are being affected by any particular treatment (see, for example, *Herczegfalvy*, cited above, pp. 25-26, § 82, and *Aerts v. Belgium*, judgment of 30 July 1998, *Reports* 1998-V, p. 1966, § 66)."

Khudobin v Russia (2009) 48 EHRR 22 <http://www.bailii.org/eu/cases/ECHR/2006/898.html> is an example of a case where, at [96], the feelings of insecurity caused by lack of adequate medical care, combined with the applicant's physical sufferings, were found to breach Article 3.

See also *Price v United Kingdom* (2002) 34 EHRR

53 <http://www.bailii.org/eu/cases/ECHR/2001/458.html> in which the imprisonment of a severely disabled woman for four days was held to have violated Article 3, and *McGlinchey v United Kingdom* (2003) 37 EHRR 41 <http://www.bailii.org/eu/cases/ECHR/2003/211.html> where inadequate care for an imprisoned heroin addict in withdrawal was held to have violated Article 3.

Solitary confinement / segregation

In terms of segregation / solitary confinement, a key Strasbourg case is *Ilascu and others v Moldova and Russia* (2005) 40 EHRR 46 <http://www.bailii.org/eu/cases/ECHR/2004/318.html> in which the Court held:

"432. Prohibition of contacts with other prisoners for security, disciplinary or protective reasons does not in itself amount to inhuman treatment or punishment. On the other hand, complete sensory isolation, coupled with total social isolation can destroy the personality and constitutes a form of inhuman treatment which cannot be justified by the requirements of security or any other reason (see, among other authorities, Messina v. Italy (dec.), no. 25498/94, ECHR 1999-V).

433. Moreover, when assessing conditions of detention, account has to be taken of the cumulative effects of these conditions and of specific allegations made by the applicant (see Dougoz v. Greece, no. 40907/98, § 46, ECHR 2001-II)."

On the facts of *Ilascu* an Article 3 breach was found. That was a particularly harsh case of solitary confinement for eight years which also included deprivation of food and medical treatment as a punishment.

Another key case is *Babar Ahmad v United Kingdom* (2013) 56 EHRR 1 <http://www.bailii.org/eu/cases/ECHR/2012/609.html> which summarises the principles helpfully:

1. *The circumstances in which the solitary confinement of prisoners will violate Article 3 are now well-established in the Court's case-law.*
2. *Complete sensory isolation, coupled with total social isolation, can destroy the personality and constitutes a form of inhuman treatment which cannot be justified by the requirements of security or any other reason (Van der Ven v. the Netherlands, no. 50901/99, § 51, ECHR 2003 II).*
3. *Other forms of solitary confinement which fall short of complete sensory isolation may also violate Article 3. Solitary confinement is one of the most serious measures which can be imposed within a prison (A.B. v. Russia, cited above, § 104) and, as the Committee for the Prevention of Torture has stated, all forms of solitary confinement without appropriate mental and physical stimulation are likely, in the long term, to have damaging effects, resulting in deterioration of mental faculties and social abilities (see Iorgov v. Bulgaria, no. 40653/98, § 83, 11 March 2004) Indeed, as the Committee's most recent report makes clear, the damaging effect of solitary confinement can be immediate and increases the longer the measure lasts and the more indeterminate it is (see the Committee's 21st General Report, summarised at paragraph 116 above).*

4. At the same time, however, the Court has found that the prohibition of contact with other prisoners for security, disciplinary or protective reasons does not in itself amount to inhuman treatment or punishment (see *Messina v. Italy* (no. 2) (dec.), no. 25498/94, ECHR 1999-V, quoted with approval by the Grand Chamber in *Ramirez Sanchez v. France*, cited above, § 12; *Öcalan v. Turkey* [GC], no. 46221/99, § 191, ECHR 2005-IV). In many States Parties to the Convention more stringent security measures, which are intended to prevent the risk of escape, attack or disturbance of the prison community, exist for dangerous prisoners (see, *Ramirez Sanchez v. France* [GC], no. 59450/00, § 138, ECHR 2006-IX; and, as recent examples, *Alboreo v. France*, no. 51019/08, § 110, 20 October 2011 [not yet final] and *Madonia v. Italy* (dec.), no. 1273/06, 22 September 2009).
5. Thus, whilst prolonged removal from association with others is undesirable, whether such a measure falls within the ambit of Article 3 of the Convention depends on the particular conditions, the stringency of the measure, its duration, the objective pursued and its effects on the person concerned (see *Rohde v. Denmark*, no. 69332/01, § 93, 21 July 2005).
6. In applying these criteria, the Court has never laid down precise rules governing the operation of solitary confinement. For example, it has never specified a period of time, beyond which solitary confinement will attain the minimum level of severity required for Article 3 (see *Madonia*, cited above). The Court has, however, emphasised that solitary confinement, even in cases entailing relative isolation, cannot be imposed on a prisoner indefinitely (see *Ramirez Sanchez*, cited above, §§ 136 and 145, where the applicant was held in solitary confinement for eight years and two months).
7. Equally, although it is not for the Court to specify which security measures may be applied to prisoners, it has been particularly attentive to restrictions which apply to prisoners who are not dangerous or disorderly (see, for example, *A.B. v. Russia*, cited above, § 105 and *Csüllög v. Hungary*, no. 30042/08, § 36, 7 June 2011); to restrictions which cannot be reasonably related to the purported objective of isolation (see *Csüllög*, cited above, § 34,); and to restrictions which remain in place after the applicant has been assessed as no longer posing a security risk (see, for example, *Khider v. France*, no. 39364/05, §§ 118 and 119, 9 July 2009).
8. Finally, in order to avoid any risk of arbitrariness resulting from a decision to place a prisoner in solitary confinement, the decision must be accompanied by procedural safeguards guaranteeing the prisoner's welfare and the proportionality of the measure. First, solitary confinement measures should be ordered only exceptionally and after every precaution has been taken, as specified in paragraph 53.1 of the European Prison Rules. Second, the decision imposing solitary confinement must be based on genuine grounds both *ab initio* as well as when its duration is extended. Third, the authorities' decisions should make it possible to establish that they have carried out an assessment of the situation that takes into account the prisoner's circumstances, situation and behaviour and must provide substantive reasons in their support. The statement of reasons should be increasingly detailed and compelling as time goes by. Fourth, a system of regular monitoring of the prisoner's physical and mental condition should also be put in place in order to ensure that the solitary confinement measures remain appropriate in the circumstances (*Onoufriou*, cited above, § 70). Lastly, it is essential that a prisoner should be able to have an independent judicial authority review the merits of and reasons for a prolonged measure of solitary confinement (*Ramirez Sanchez v. France*, cited above, § 145 above; *A.B. v. Russia*, cited above, § 111).

Domestically, no breach was found in *Shahid v Scottish Ministers* [2013] UKSC 38 at [30]-[37] <http://www.bailii.org/uk/cases/UKSC/2015/58.html>

Physical abuse

Rape by a state agent has been found to constitute torture (*Aydin v Turkey* (1997) 25 EHRR 251 <http://www.bailii.org/eu/cases/ECHR/1997/75.html>) as has force feeding of a prisoner (*Nevmerzhitsky v Ukraine* (unreported, 25 April 2005) <http://www.bailii.org/eu/cases/ECHR/2005/929.html>).

As to when physical abuse will amount to inhuman treatment, the Court reviewed the authorities in *VC v Slovakia* (unreported, 8 November 2011) [https://hudoc.echr.coe.int/eng#{"itemid":\["001-107364"\]}](https://hudoc.echr.coe.int/eng#{)

*"102. Treatment of a person by State agents has been considered to raise an issue under Article 3 when it resulted in bodily harm of a certain degree of severity, such as an injury to a person's leg which caused necrosis and subsequently led to the leg having to be amputated, a gunshot wound to a person's knee, a double fracture of the jaw and facial contusions or an injury to a person's face which required stitches, with three of the person's teeth being knocked out (see *Sambor v. Poland*, no. 15579/05, § 36, 1 February 2011; *Necdet Bulut v. Turkey*, no. 77092/01, § 24, 20 November 2007; *Rehbock v. Slovenia*, no. 29462/95, §§ 76-77, ECHR 2000-XII; and *Mrozowski v. Poland*, no. 9258/04, § 28, 12 May 2009). The Court has further considered the treatment of a person to be capable of raising an issue under Article 3 when, inter alia, it was such as to drive the victim to act against his or her will or conscience (see, for example, *Keenan v. the United Kingdom*, no. 27229/95, § 110, ECHR 2001-III)."*

Prison conditions and international protection

The test is whether "substantial grounds have been shown for believing that the person concerned, if extradited, faces a real risk of being subjected to torture or to inhuman or degrading treatment or punishment in the [country of return]," *Soering v United Kingdom* (1989) 11 EHRR 439 <http://www.bailii.org/eu/cases/ECHR/1989/14.html> at [91]. The Court has held that "[i]t is in principle for the applicant to adduce evidence capable of proving that there are substantial grounds for believing that, if the measure complained of were to be implemented, he would be exposed to a real risk of being subjected to treatment contrary to Article 3... Where such evidence is adduced, it is for the Government to dispel any doubts about it," *Saadi v Italy* (2009) 49 EHRR 30 <http://www.bailii.org/eu/cases/ECHR/2008/179.html>

Sometimes assurances are sought from the requesting state. In that regard, see *Othman v United Kingdom* (2012) 55 EHRR 1 <http://www.bailii.org/eu/cases/ECHR/2012/56.html> where the Court gave guidance about this:

1. *Fourth, the Court accepts that, as the materials provided by the applicant and the third party interveners show, there is widespread concern within the international community as to the practice of seeking assurances to allow for the deportation of those considered to be a threat to national security (see paragraphs 141- 145 above and *Ismoilov and Others*, cited above, §§ 96-100). However, it not for this Court to rule upon the propriety of seeking assurances, or to assess the long term consequences of doing so; its only task is to examine whether the assurances obtained in a particular case are sufficient to remove any real risk of ill-treatment. Before turning to the facts of the applicant's case, it is therefore convenient to set out the approach the Court has taken to assurances in Article 3 expulsion cases.*
2. *In any examination of whether an applicant faces a real risk of ill-treatment in the country to which he is to be removed, the Court will consider both the general human rights situation in that country and the particular characteristics of the applicant. In a case where assurances*

have been provided by the receiving State, those assurances constitute a further relevant factor which the Court will consider. However, assurances are not in themselves sufficient to ensure adequate protection against the risk of ill-treatment. There is an obligation to examine whether assurances provide, in their practical application, a sufficient guarantee that the applicant will be protected against the risk of ill-treatment. The weight to be given to assurances from the receiving State depends, in each case, on the circumstances prevailing at the material time (see *Saadi*, cited above, § 148).

3. In assessing the practical application of assurances and determining what weight is to be given to them, the preliminary question is whether the general human rights situation in the receiving State excludes accepting any assurances whatsoever. However, it will only be in rare cases that the general situation in a country will mean that no weight at all can be given to assurances (see, for instance, *Gaforov v. Russia*, no. 25404/09, § 138, 21 October 2010; *Sultanov v. Russia*, no. 15303/09, § 73, 4 November 2010; *Yuldashev v. Russia*, no. 1248/09, § 85, 8 July 2010; *Ismoilov and Others*, cited above, §127).
4. More usually, the Court will assess first, the quality of assurances given and, second, whether, in light of the receiving State's practices they can be relied upon. In doing so, the Court will have regard, *inter alia*, to the following factors:

(i) whether the terms of the assurances have been disclosed to the Court (*Ryabikin v. Russia*, no. 8320/04, § 119, 19 June 2008; *Muminov v. Russia*, no. 42502/06, § 97, 11 December 2008; see also *Pelit v. Azerbaijan*, cited above);

(ii) whether the assurances are specific or are general and vague (*Saadi*, cited above; *Klein v. Russia*, no. 24268/08, § 55, 1 April 2010; *Khaydarov v. Russia*, no. 21055/09, § 111, 20 May 2010);

(iii) who has given the assurances and whether that person can bind the receiving State (*Shamayev and Others v. Georgia and Russia*, no. 36378/02, § 344, ECHR 2005-III; *Kordian v. Turkey* (dec.), no. 6575/06, 4 July 2006; *Abu Salem v. Portugal* (dec.), no. 26844/04, 9 May 2006; cf. *Ben Khemais v. Italy*, no. 246/07, § 59, ECHR 2009-... (extracts); *Garayev v. Azerbaijan*, no. 53688/08, § 74, 10 June 2010; *Baysakov and Others v. Ukraine*, no. 54131/08, § 51, 18 February 2010; *Soldatenko v. Ukraine*, no. 2440/07, § 73, 23 October 2008);

(iv) if the assurances have been issued by the central government of the receiving State, whether local authorities can be expected to abide by them (*Chahal*, cited above, §§ 105-107);

(v) whether the assurances concerns treatment which is legal or illegal in the receiving State (*Cipriani v. Italy* (dec.), no. 221142/07, 30 March 2010; *Youb Saoudi v. Spain* (dec.), no. 22871/06, 18 September 2006; *Ismaili v. Germany*, no. 58128/00, 15 March 2001; *Nivette v. France* (dec.), no. 44190/98, ECHR 2001 VII; *Einhorn v. France* (dec.), no. 71555/01, ECHR 2001-XI; see also *Suresh and Lai Sing*, both cited above)

(vi) whether they have been given by a Contracting State (*Chentiev and Ibragimov v. Slovakia* (dec.), nos. 21022/08 and 51946/08, 14 September 2010; *Gasayev v. Spain* (dec.), no. 48514/06, 17 February 2009);

(vii) the length and strength of bilateral relations between the sending and receiving States, including the receiving State's record in abiding by similar assurances (*Babar Ahmad and*

Others, cited above, §§ 107 and 108; Al-Moayad v. Germany (dec.), no. 35865/03, § 68, 20 February 2007);

(viii) whether compliance with the assurances can be objectively verified through diplomatic or other monitoring mechanisms, including providing unfettered access to the applicant's lawyers (Chentiev and Ibragimov and Gasayev, both cited above; cf. Ben Khemais, § 61 and Ryabikin, § 119, both cited above; Kolesnik v. Russia, no. 26876/08, § 73, 17 June 2010; see also Agiza, Alzery and Pelit, cited above);

(ix) whether there is an effective system of protection against torture in the receiving State, including whether it is willing to cooperate with international monitoring mechanisms (including international human rights NGOs), and whether it is willing to investigate allegations of torture and to punish those responsible (Ben Khemais, §§ 59 and 60; Soldatenko, § 73, both cited above; Koktysh v. Ukraine, no. 43707/07, § 63, 10 December 2009);

(x) whether the applicant has previously been ill-treated in the receiving State (Koktysh, § 64, cited above); and

(xi) whether the reliability of the assurances has been examined by the domestic courts of the sending/Contracting State (Gasayev; Babar Ahmad and Others, § 106; Al-Moayad, §§ 66-69).

International protection cases often require the Tribunal to assess prison conditions in the country of return. In the case of some countries the Upper Tribunal has accepted in a Country Guidance determination that the conditions of detention and imprisonment generally breach Article 3; see *VB (draft evaders and prison conditions) Ukraine CG* [2017] UKUT 79 (IAC) <http://www.bailii.org/uk/cases/UKUT/IAC/2017/79.html> for a recent example.