



# **NIGERIA: 'YOU HAVE SIGNED YOUR DEATH WARRANT'**

TORTURE AND OTHER ILL TREATMENT IN THE  
SPECIAL ANTI-ROBBERY SQUAD (SARS)

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**Cover photo:** The SARS station in Anambra state.

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# GLOSSARY

ACJA	ADMINISTRATION OF CRIMINAL JUSTICE ACT
CRU	Complaints Response Unit
IGP	Inspector General Of Police
IPO	Investigative Police Officer
NHRC	National Human Rights Commission
PSC	Police Service Commission
SARS	Special Anti-robbery squad

# EXECUTIVE SUMMARY

**“They brought a plain sheet and asked me to sign. When I signed it, they told me I have signed my death warrant. There were two policemen in the hall. They asked me if I knew how many people died there. They said that if I die, my blood will never be on their hands. They took me to the back of the building and tied my hands to the back. They also connected the rope to my legs, leaving me hanging on a suspended iron rod. They put the iron rod in the middle between my hands and the leg with my head facing the ground. My body ceased to function. I went limp. The IPO (Investigating Police Officer) came at intervals and told me to speak the truth. I lost consciousness. When I was about to die they took me down and poured water on me to revive me. They brought people from the cell to carry me inside the cell. I was detained for two weeks.”**

Testimony of a 33 year old fuel attendant who was detained for two weeks in SARS Awkuzu, Anambra state, in January 2015. He was released on bail after two weeks of detention when a high court in Onitsha, Anambra state ordered for his release.

The Special Anti-Robbery Squad (SARS), a special branch of the Nigeria police created to fight violent crime, is responsible for widespread torture and other cruel, inhuman or degrading treatment or punishment (other ill-treatment) of detainees in their custody. Amnesty International’s research shows that detainees, both men and women, are subjected to various methods of torture and ill-treatment in order to extract information and “confessions”. Such methods include severe beating, hanging, starvation, shooting in the legs, mock executions and threats of execution.

Amnesty international’s research also shows that SARS officers involved in the torture and other ill-treatment of detainees are rarely held to account and in some cases are transferred to another location to avoid punishment.

For years Amnesty International has reported on and campaigned against the use of torture by law enforcement agencies in Nigeria. In November 2014, it released the report *'Welcome to hellfire': Torture and other ill-treatment in Nigeria*.<sup>1</sup> This report revealed that torture and other ill-treatment is widespread and routine in military and police custody across Nigeria.

In the two years since that report was published, torture has remained widespread across police units, but especially in those of SARS. Two Nigerian human rights organizations, the Network on Police Reform in Nigeria (NOPRIN) and the Human Rights Social Development and Environmental Foundation (HURSDEF), continue to report that "confessions" obtained from suspects through torture by the police are still admissible and used in courts as a basis for conviction.

Amnesty International's research found that the majority of the victims of torture in SARS custody are poor and unable to hire legal representatives.<sup>2</sup> The Nigerian justice system has failed to both prevent and punish torture. A bill to criminalize torture, which was first introduced in Parliament in 2012, was returned unsigned by the President; a revised version will be resubmitted to the National Assembly by the end of 2016.

In December 2014, police authorities launched a human rights manual prohibiting the torture and other ill-treatment of detainees.<sup>3</sup> Supported by international donors and civil society groups in Nigeria, the manual was adopted for use in all police training colleges as part of the police reform and to address concerns about police misconduct. However, in practice, SARS has failed to implement the recommendations within the manual.

A Complaint Response Unit (CRU) was set up by the Inspector General of Police (IGP) in November 2015 to address public complaints against the police. In the first and second quarters of 2016, the CRU reported that they had received 1,960 complaints, including 143 against officers from SARS. The Inspector General of Police (IGP) acknowledged the public concern against SARS officers on several occasions and made it clear that human rights violation by its officers would not be condoned.<sup>4</sup> In August 2015 the police authorities announced that in a bid to address complaints of human rights violations by SARS officers, it would introduce reforms by splitting the command into two units: Operation and Investigation respectively.<sup>5</sup>

Positive developments as a result of the reforms are yet to be seen.

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

2 The Nigerian legal aid system is overstretched and under-resourced. The Legal Aid Council lacks both the capacity and resources to fulfil its constitutional task. The Legal Aid Council Act was amended in 2011 to include criminal cases. However, the Council still does not have sufficient lawyers to offer legal services throughout the country.

3 The Nigerian Police Force Human Rights Training Manual 2014.

4 Police warn officers against abuse of human rights; <http://www.channelstv.com/2016/04/20/police-warn-officers-against-abuse-of-human-rights/> Accessed on 27 June, 2016 <https://www.today.ng/news/national/106643/igp-arase-warns-against-human-rights-abuse>

5 Premium Times newspaper, 7 August 2015. <http://www.premiumtimesng.com/news/top-news/187989-police-ig-splits-anti-robbery-squad-sars-to-check-abuses.html>, Accessed on 20 June 2016

# METHODOLOGY

This report examines the use of torture in Special Anti-Robbery Squad (SARS) stations in Enugu and Anambra states, and the Federal Capital Territory (FCT) Abuja. It also examines the lack of accountability by the Nigerian police. It describes the police use of torture and other ill-treatment as well as the poor and inhumane detention conditions in SARS stations in Enugu, Awkuzu and Abuja, and argues for effective external and independent oversight and accountability of police officers.

In researching this briefing, Amnesty International conducted a total of four research missions between November 2015 and June 2016 in Enugu and Anambra states, as well as the Federal Capital Territory. Delegates interviewed 65 people, 44 of whom were victims of torture, as well as nine law enforcement agents, three lawyers and nine human rights defenders. The report also draws on interviews with relatives of victims and government officials. Amnesty International reviewed court documents and medical records, as well as documents, petitions and reports from human rights organizations in Nigeria. Names of victims have been changed to protect their identity.

Amnesty International was granted access to SARS detention centres in Enugu, Abuja and Anambra in June 2016 to investigate the detention conditions, as well as available safeguards against torture and other ill-treatment.

This report focuses mainly on three police stations, namely Awkuzu, Enugu and Abuja, to illustrate what occurs in many other SARS formations across Nigeria.<sup>6</sup>

Since June 2015, Amnesty International has received 58 reports, petitions and complaints about torture and other ill-treatment of detainees in SARS custody from human rights organizations, lawyers and victims of torture. The majority of such complaints came from the south-east (Anambra and Enugu states) of Nigeria and Abuja.<sup>7</sup> Amnesty International has also received credible reports of torture and other ill-treatment in other SARS stations including in Port Harcourt, Lagos, Abeokuta, Kaduna, Abakaliki and Umuahia.

Amnesty International has raised its concerns directly with police authorities in several meetings, including two with the Inspector General of Police (IGP).<sup>8</sup> It has also written numerous letters expressing concern about the use of torture and other ill-treatment by SARS officers. The Nigerian police authorities have generally denied allegations of torture or any intentional ill-treatment of detainees in SARS stations.<sup>9</sup>

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6 Amnesty International Nigeria is a member of the Coalition Against Torture, a grouping of over 20 human rights groups in the country. Amnesty International shares and receives reports about ongoing research work and individual cases of torture from members of this coalition across Nigeria. These reports as well as media reports also played a part in Amnesty International's decision to focus this research on these three SARS stations.

7 The Nigerian police introduced the community policing concept in 2004 to enhance police/citizens partnership. It ran a pilot schemes in the FCT and the following 17 states: Enugu, Anambra, Imo, Benue, Kogi, Kano, Kaduna, Jigawa, Bauchi, Katsina, Borno, Lagos, Ogun, Ondo, Cross River, Oyo and Edo.

8 Amnesty International met with Solomon Arase, former Inspector General of Police on 16 October 2015 and 26 May 2016.

9 Amnesty International interviews with the head of the Complaint Response Unit (CRU), 26 May 2016 and with the Enugu state commissioner of police, 16 June 2016.

# BACKGROUND

## SARS: BACKGROUND AND WORKING METHODS

The Special Anti-Robbery Squad is a branch of the Nigerian police created to fight violent crimes including armed robbery and kidnapping. According to senior police officers, SARS evolved over time from a special outfit created by different state commands to address specific violent crime such as armed robbery, kidnapping, communal violence and religious violence.<sup>10</sup> In each state, SARS is under the criminal investigations department of the police command. The Federal Special Anti-Robbery Squad (FSARS) has a nationwide mandate and is under the Federal Criminal Investigation Department (FCID) Abuja. Both are headed by senior police officers, usually at the rank of Chief Superintendent of Police (CSP) and are commonly called O/C SARS.

Senior police officers told Amnesty International that officers in SARS, like other regular police officers, receive training on human rights. One Commissioner of Police said: “In some instances, there is special training for SARS personnel. Not every police officer can work in SARS. They need to be tough to deal with the rough demands of their job. And human rights is part of the police training. The human rights manual is simply a tool for effecting the training.”<sup>11</sup>

## STEPS TAKEN TO ADDRESS TORTURE

Following the appointment in early 2015 of a new Inspector General of Police (IGP), a number of reforms were introduced. These included establishing the Complaint Response Unit (CRU), initiating a review of Force Order 237 and splitting SARS into two operational units, reforms which have been a subject of debate for some years. Many Inspectors-General of Police have made various pronouncements about the need to reform the force and initiate new working methods to restore public trust and confidence in the force. One of these was the creation of the CRU at the Abuja police headquarters in November 2015. The CRU is tasked with receiving and processing complaints from members of the public and providing feedback on actions taken.

According to the Inspector General of Police, “the broad objective of the CRU is to entrench police accountability into the Nigeria policing system and to galvanize the citizens towards actively participating in the policing framework of the country.”<sup>12</sup> The CRU operates seven platforms for public complaints against the police: telephone calls, WhatsApp, Twitter, Facebook, BBN, email and text messages. The CRU also sends officers to investigate complaints and to feed back with documentation and further action.<sup>13</sup> In the first six months of 2016, the CRU received 1,960 complaints of police misconduct from the public, ranging from excessive use of force, extortion, professional misconduct and incivility to members of the public.<sup>14</sup> The CRU office is located at the police headquarters in Abuja but has a representative in the 37 police commands across the country. All officers report to the head of the

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10 Amnesty International interview with the head of the Nigerian Police Complaint Response Unit (CRU), Abuja, 26 May 2016.

11 Amnesty International Interview with Enugu state Commissioner of Police, Enugu, 16 June 2016.

12 Remark made by IGP Solomon Arase at the launch of the rebranded SARS and the newly established NPF complaint response unit at the force headquarters on 13 November 2015.

13 Amnesty International meeting with the head of CRU, 25 November 2015.

14 [http://www.npf.gov.ng/images/CRU\\_2016\\_Q1\\_REPORT.pdf](http://www.npf.gov.ng/images/CRU_2016_Q1_REPORT.pdf)



CRU who in turn reports to the Inspector General of Police. The CRU lacks the power to prosecute or penalize police officers but can recommend appropriate punishment.<sup>15</sup>

Prior to the establishment of the CRU, the police force had undergone many other reform processes. A number of mechanisms were set up by the Federal Government to monitor police misconduct, including the Police Service Commission (PSC), the X Squad, and the Nigeria Police Council (NPC).

The IGP monitoring Unit and the X Squad are internal police bodies responsible for detecting police corruption. The teams report directly to the IGP and the Commissioner of Police in the state in which they operate.

In August 2015, in an effort to address persistent complaints about human rights violations by SARS officers, the then IGP announced a major reorganization. Two separate units were to be set up, covering operations and investigations respectively.<sup>16</sup> Additionally, in early July 2015, the IGP ordered a review of police regulations, known as Force Order 237. These regulations permit officers to shoot suspects and detainees who attempt to escape or avoid arrest, whether or not the detainee poses a threat to life. This is a violation of the right to life,<sup>17</sup> and of international standards on the use of force, according to which “intentional lethal use of firearms may only be made when strictly unavoidable to protect life”.<sup>18</sup> Amnesty International was informed in May 2016 that the revised regulation was with the IGP awaiting his signature.

The Nigerian Police Force Order 237 (Rules for guidance in use of firearms) provide for much wider scope for the use of lethal force than is permissible under international law and standards. This provision is being abused by some police officers to commit, justify and cover up acts of torture and other forms of ill-treatment, as well as extrajudicial executions.<sup>19</sup>

However, these reforms have so far not translated into any significant improvement in practice for SARS officers in the field.<sup>20</sup> Out of nine police officers interviewed by Amnesty International, eight were not aware of these reforms. For example, when Amnesty International researchers visited SARS units in Abuja and Enugu in June 2016, officers were unaware of the IGP’s announcement that SARS has been split into two units for operational purposes. This apparent disconnect between policy statements by police authorities in Abuja and the frontline police officers is a worrying phenomenon that must be addressed. It also suggests that some of the pronouncements are mere public relations exercises intended to assuage public anger and distrust of the police.

The Police Council – comprising the President and the Vice President, as well as all state governors, the Inspector General of Police (IGP), and the chairman of the PSC – is responsible for overseeing the organization, administration and general supervision of the police force and for advising the President on the appointment of the IGP and the police Code of Conduct.<sup>21</sup>

Some of the announcements of reforms, such as the establishment of the CRU, were made following sustained pressure from national as well as international civil society and human rights organizations. As far back as 2007, the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (the Special Rapporteur) concluded that the use of torture was widespread in police custody, was particularly systemic in criminal investigation departments, and formed an intrinsic part of police operations, especially in the extraction of alleged confessions.<sup>22</sup> He further highlighted the lack of a credible system of accountability of law enforcement agents, brought about by ineffective

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15 Amnesty International Interview with the head of CRU, 25 November 2015.

16 Remark by IGP Solomon Arase at the launch of the rebranded Special Anti-Robbery Squad (SARS) and the newly established NPF Complaint Unit (CRU) at the force headquarters on 13 November, 2015. <http://scannewsigeria.com/news/police-re-brands-sars-by-igp/> Accessed on 28 June 2016

17 Provided, for instance, in Article 6 of the International Covenant on Civil and Political Rights, adopted by General Assembly resolution 2200A (XXI) of 16 December 1966, entered into force 23 March 1976; Article 4 of the African Charter on Human and Peoples’ Rights, OAU Doc. CAB/LEG/67/3 rev. 5 adopted 27 June 1981, entered into force 21 October 1986. Nigeria is a state party to both treaties.

18 Principle 9 of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990.

19 See Amnesty International, Killing at will: Extrajudicial executions and other unlawful killings by the Nigerian police.

<https://www.amnesty.org/en/documents/AFR44/038/2009/en/>

20 Amnesty International interviews with SARS officers show that the IGP announcement was not applied in the field.

21 <http://www.nigeria-law.org/ConstitutionOfTheFederalRepublicOfNigeria.htm#NigeriaPoliceCouncil> Accessed 12 July 2016.

22 Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Mission to Nigeria, (4-10 March 2007) UN Doc. A/HRC/7/3/Add.4, 22 November 2007, para. 40, <https://documents-ddsny.un.org/doc/UNDOC/GEN/G07/149/66/PDF/G0714966.pdf?OpenElement>

complaints and investigation mechanisms. The Special Rapporteur found “appalling” conditions in places of detention: police cells and prisons were overcrowded, with poor hygiene standards, insufficient space for sleeping, and inadequate food and medical care for detainees, many of whom were in pre-trial detention or held without charge for lengthy periods of time. While the Nigeria Police Force has taken some steps to address the concerns raised by the Special Rapporteur, these conditions still persist.<sup>23</sup>

Nigeria has taken other positive steps since the Special Rapporteur’s visit and the reviews of its human rights record under the Universal Periodic Review in 2009 and 2013<sup>24</sup> towards the prevention of torture. Measures have included the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) and the establishment of the National Committee against Torture (NCAT). The NCAT has organized a number of public tribunals (an event which allows victims to state their case in an open forum) on police abuse, in collaboration with the National Human Rights Commission (NHRC) and the Network on Police Reform in Nigeria (NOPRIN). The NCAT is mandated to visit places of detention and to investigate complaints of torture. Its 19-member committee is drawn from the federal Ministry of Justice, lawyers, and civil society organizations.

The National Human Rights Commission Act (as amended in 2010) authorizes the NHRC to visit any detention facility in Nigeria, to investigate any case of human rights violation in the country, to summon persons, and to award compensation and enforce its decisions. The NHRC can also refer cases for prosecution to the Attorney General.<sup>25</sup>

The Police Service Commission (PSC) is authorized by the Nigerian Constitution to appoint, discipline and dismiss all officers except the IGP. The PSC also has the authority to formulate policies and guidelines relating to appointments, promotion and discipline within the NPF; as well as to investigate human rights violations by police officers and recommend disciplinary action. The PSC has recently established an investigation department but still refers most complaints back to the police for further investigation.<sup>26</sup>

In May 2015 the Administration of Criminal Justice Act (ACJA) was passed into law. Although the ACJA addressed some concerns about the ill-treatment of detainees during detention and during the process of interrogation by the police, it is yet to become effective in several states pending approval by the relevant House of Assembly.

Section 8(1) of the ACJA provides that: a suspect must:—“(a) be accorded humane treatment, having regard to his right to the dignity of his person; and (b) not be subjected to any form of torture, cruel, inhuman or degrading treatment.”<sup>27</sup>

Section 17 of the ACJA provides a procedure for obtaining statements from suspects. Section 17(1) provides that such statements may only be taken if the suspect wishes to make one. Statements may be taken in the presence of a legal practitioner of the suspect’s choice, an officer of the Legal Aid Council of Nigeria, an official of a civil society organization, a Justice of the Peace, or any other person of the suspect’s choice.<sup>28</sup> Where the suspect does not understand English, Section 17(3) of the ACJA provides for an interpreter who may record the statement and read it to the suspect to ensure his understanding. The suspect must then endorse the statement.

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23 Ibid, paras. 41, 50-1.

24 During the review in October 2013, the Nigerian delegation agreed to take all necessary measures to prevent and address torture and other forms of ill-treatment. See [http://www.upr-info.org/sites/default/files/document/nigeria/session\\_17october\\_2013/recommendations\\_and\\_pledges\\_nigeria\\_2014.pdf](http://www.upr-info.org/sites/default/files/document/nigeria/session_17october_2013/recommendations_and_pledges_nigeria_2014.pdf) Accessed on 24 June 2016

25 See National Human Rights Commission (Amendment) Act, 2010. <http://eie.ng/wp-content/uploads/2014/02/NHRC-Consolidated-Amendment-Act.pdf> Accessed 13 July 2016

26 Amnesty International meeting with the Chairman of the Police Service Commission (PSC). Abuja, 19 April 2016.

27 Section 8(1) Administration of Criminal Justice Act, 2015.

28 Section 17(2), Administration of Criminal Justice Act, 2015.

# TORTURE BY THE SPECIAL ANTI-ROBBERY SQUAD

## NON OBSERVANCE OF SAFEGUARDS

Many detainees in SARS custody are subjected to long periods of detention without trial. Often no one, including their lawyers, has access to those in SARS detention; sometimes families are not aware that their relatives are in SARS custody, and in other cases they are afraid to visit them.<sup>29</sup>

When Amnesty International researchers visited the SARS detention centre in Abuja in June 2016, they saw 20 detainees who had been in detention for at least six months, including a 20-year-old man who said he had been detained since February 2014. Many said they had not been given access to their lawyers and family members. A lawyer told Amnesty international that it is usually very difficult to access detainees in SARS detention. On one occasion when he attempted to reach his client, a police officer shouted at him “What are you looking for here? Don’t you know lawyers are not allowed in SARS?”<sup>30</sup>

**John Obi**, a 27-year-old university student, was arrested on 23 November 2015 in Uli, Anambra state, by university security personnel after he was accused of participating in a burglary. He was handed over to Uli police station in Anambra state and then transferred to SARS station in Awkuzu on 3 December 2015.

Two days later, on 5 December, John’s family and a human rights defender were allowed to see him in detention. His sister told Amnesty international:

*“When I saw him, he had several injuries on his shoulder, his rib region and his leg. He was limping as a result of the injury he sustained through torture at SARS. He looked weak and sick and in need of medical help. He has not been receiving medical help or food since his detention. He said he was beaten on several occasion, hanged with a rope [to the point of near-asphyxiation] and forced to confess to armed robbery at SARS.”<sup>31</sup>*

When Amnesty International raised the issue of the continued detention and torture of John Obi with the Anambra State Commissioner of Police,<sup>32</sup> he said that he was a “cultist” who was being investigated for his involvement in the killing of several people. He denied that he had been tortured. Amnesty International also wrote officially to the Anambra State Commissioner of Police, asking that John Obi be either released or charged.<sup>33</sup> In January 2016, he was charged with armed robbery and remanded in custody pending his trial. However, he was not represented by a lawyer. He could not afford one and the state failed to provide him with legal representation as required by law.

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29 Amnesty International Interviews with SARS detainees in Abuja, Enugu and Awkuzu, June 2016.

30 Amnesty International Interview, Onitsha 27 February 2016.

31 Amnesty International telephone interview, 20 January 2016.

32 Telephone interview with Commissioner of Police, Anambra state, 9 December 2015.

33 Amnesty International letter to the Commissioner of police, Anambra state, 11 December 2015. Ref AIN/411/0056/2015

In all SARS stations visited in June 2016, Amnesty International researchers spoke to a total of 18 detainees, who said they had no access to their lawyers, families and medical care. For example, in SARS station in Abuja five detainees said that they had been detained for several months without access to their lawyers or their relatives; they said that many other detainees with injuries had no access to medical care.

Detention without access to the outside world (incommunicado detention) facilitates torture and other ill-treatment and enforced disappearance; and is in violation of international human rights law and standards.<sup>34</sup> Incommunicado detention may also violate the rights of family members.<sup>35</sup>

Samson Abu is a student from Kaduna who said that he was arrested on 2 April 2015. When Amnesty International spoke to him in his cell at SARS detention centre in Abuja in June 2016, he looked emaciated and had several new lacerations on his back as a result of the application of a sharp object. He said he had not received any medical treatment for his injuries, which the police claimed he had received from a mob during his arrest. Samson Abu said that immediately after arrest the police had beat him severely with a stick before throwing him into the cell. He told Amnesty International that he had no lawyer and no access to his family and he only managed to get food from his fellow inmates.<sup>36</sup>

## **SARS STATIONS IN AWKUZU AND ENUGU**

Amnesty International wrote to the police requesting their permission to visit SARS on 4 September 2015 and repeated the request on 10 February 2016. Amnesty International saw a total of 17 detainees in both Awkuzu and Enugu SARS detention centres: six in Enugu and 11 in Awkuzu. The police claimed that almost all of them had been arrested or brought to SARS on the day before. However, the presence of armed SARS officers during the visit made it impossible to verify this claim. One detainee in SARS Awkuzu, despite appearing gaunt and exhausted, told Amnesty researchers he had been fed four times between that morning and 3pm on the day of the visit. The police authorities. The IGP initially agreed in September 2015, but the various state police commands denied Amnesty International access to SARS stations. However, access was finally allowed in June 2016 through the facilitation of the Complaint Response Unit (CRU). SARS stations had two weeks' advance notice before the visit.

Some of the cells were found to be completely empty. The sleeping mats seemed new. Although there were no separate outside toilets for detainees, as many urinate and defecate in a bucket in their cells, researchers did not notice any foul smell. Amnesty International later on learnt that the cells had been cleaned for the visit.

A human rights defender based in the town of Awka, who regularly visits SARS station in Awkuzu to seek bail for detainees and who has also been detained in the past, told Amnesty International that the conditions of the SARS premises on the day of Amnesty International's visit were atypical compared to those which he is familiar with. He said access into SARS is extremely difficult.

A staff member of the NHRC told Amnesty International that when they went to visit SARS offices and cells at Enugu in August 2015, they saw detainees being taken to the back of the building. When the team requested to inspect this area, officers refused and threatened to shoot them if they failed to leave.<sup>37</sup>

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34 See for instance Joint Study of UN Special Rapporteurs on Secret Detention, UN Doc. A/HRC/13/42, 19 February 2010 paras. 28 and 32; Special Rapporteur on torture annual report, UN Doc. A/56/156 (2001), para. 14; Velásquez Rodríguez v Honduras, Inter-American Court of Human Rights (1988), para. 187.

35 See for instance Human Rights Committee, Bashasha v Libyan Arab Jamahiriya, UN Doc. CCPR/C/100/D/1776/2008 (2010), paras. 7.4-7.5; Concluding Observations of the Human Rights Committee: USA, UN Doc. CCPR/C/USA/CO/3/Rev.1 (2006), para. 12; Amnesty International and Others v Sudan (48/90, 50/91, 52/91 and 89/93), African Commission 13th Annual Report (1999), para. 54.

36 Amnesty International interview, Abuja, 14 June 2016.

37 Amnesty International telephone interview 21 June 2016.

Ejembi Pam was arrested in Jos, Plateau state, in January 2016 and detained in SARS station in Abuja. When Amnesty International spoke to him in June, his arm was hanging on his shoulder and he could not move his right hand. He said he had been severely beaten by the police during arrest and left without treatment for a broken arm since January 2016. He said: "I have not been taken to court. I have no access to my family and I have no lawyer. I was arrested in my house." He said his family was not aware of his whereabouts.

Somto Abba told Amnesty International that he had been in SARS station in Abuja for 10 months after being arrested in September 2015 for buying stolen property. He said that throughout that period he had not been able to communicate with his family, that he had no lawyer and had not been taken to court. The police authorities confirmed to Amnesty International delegates that Somto Abba should have been taken to court and the officer-in-charge appeared surprised that he was still in custody. Somto Abba and another detainee, Alhaji Kaita, told Amnesty International that they often had to share food brought in by families of other inmates and that there was no medical care or treatment for detainees with injuries.

The above testimonies indicate that SARS officers routinely fail to bring suspects before a court within 24 to 48 hours as prescribed under the Constitution. Many are held for longer periods, sometimes up to ten months.

The police authorities claimed that they rarely detained suspects for more than the statutory 24-48 hours as required by the law. They said that those held for longer were the subject of a remand order from the court.<sup>38</sup>

However, when Amnesty International visited SARS stations in Abuja, Enugu and Awkuzu, the police could not produce any court order to back up this claim.<sup>39</sup> Lawyers and human rights defenders told Amnesty international that violations of the 24-48 hour provision do occur often in SARS detention and that even when a court orders the detention of a criminal suspect, such suspects are often remanded in prison custody and not at police stations.<sup>40</sup>

International human rights law and standards lay down a series of safeguards to prevent the isolation of detainees; to monitor the way that authorities treat detainees; and to prevent, stop and punish torture and other ill-treatment. For example, Article 9 of the International Covenant on Civil and Political Rights, to which Nigeria is a state party, requires that all arrested persons be informed immediately of the reasons for their arrest, promptly informed of the charges against them and brought before a judge. Principle 16(1) of the UN Body of Principles on Detention requires that notification of arrest and any transfer of a detainee be provided to the family or other appropriate persons.<sup>41</sup> The UN Human Rights Committee has also reiterated the importance of such notification.<sup>42</sup>

The Nigerian Constitution and law provide a number of similar safeguards protecting suspects, including:

- The right to be informed about the facts and grounds for the arrest or detention.<sup>43</sup>
- The obligations to take an arrested person within a reasonable time to a police station<sup>44</sup> and to report the arrest of suspects without a warrant to the nearest magistrate.<sup>45</sup>
- The right to be brought before a court within a reasonable time. This is stipulated as 24 or 48 hours for non-capital offences, depending on the proximity of the court.<sup>46</sup>

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<sup>38</sup> Amnesty International meeting with Deputy Commissioner of Police, FCT, Abuja, 14 June 2016.

<sup>39</sup> When Amnesty International delegates visited SARS detention centres in Abuja, Enugu and Awkuzu in June 2016 they requested to see the court remand documents as well as detention registers, but were told that such records were not available.

<sup>40</sup> Amnesty International interviews with Executive Director, Sterling Centre for Human Rights, 15 April 2016, and with a lawyer, Enugu, 15 June 2016.

<sup>41</sup> Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, adopted by UN General Assembly resolution 43/173 of 9 December 1988.

<sup>42</sup> Human Rights Committee, General Comment 20, Article 7 UN Doc. HRI/GEN/1/Rev.1 at 30(1992), para. 11.

<sup>43</sup> Section 35(3) of the Constitution of the Federal Republic of Nigeria (1999).

<sup>44</sup> Code of Criminal Procedure, section 9.

<sup>45</sup> Criminal Code, section 20.

<sup>46</sup> Section 35(4) of the Constitution. In capital cases, suspects may be detained by the police for longer than 48 hours before being brought before a court of law (Section 35(7)). However, defendants must still be brought before a court within a reasonable time.

- The right to remain silent until consultation with a legal practitioner.<sup>47</sup>
- The right to have access to a legal representative or person of one's choice, and to provide reasonable facilities for obtaining legal advice.<sup>48</sup>

The Nigerian police human rights manual, adopted in 2004, also contains a number of safeguards against torture and other ill-treatment. For instance, Chapter 10 details the “Rights of persons under detention and prevention of torture”, including the rights of a detainee to: have access a lawyer; to be brought to court within a reasonable time; to remain silent during interrogation; to the presumption of innocence; to be informed of the fact and grounds of his/her arrest or detention; and to freedom from arbitrary arrest or detention.<sup>49</sup>

However, despite the above constitutional, legal and administrative provisions, arbitrary arrest and incommunicado detention continue to be routine in SARS detention facilities. A total of 20 former detainees at SARS stations in Abuja, Awkuzu and Enugu told Amnesty International that they had not been told the nature of their alleged offences during arrest, that they had no access to lawyers and that they had been subjected to long detention without trial. In most cases, detainees are not allowed access to a lawyer and they are not brought to court within the constitutionally guaranteed period.<sup>50</sup> Periods of prolonged pre-trial detention without access to a lawyer or any other person are those when detainees are most at risk.

## “CONFESSIONS”

International human rights law, including the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT), prohibits the use of statements obtained through torture or other ill-treatment as evidence in any proceedings, except against a person accused of such practices as evidence that the statement was given.<sup>51</sup>

The Administration of Criminal Justice Act 2015 stipulates that police officers must ensure that the “making and taking of the statement from criminal suspects shall be in writing and may be recorded electronically on a retrievable video compact disc or such other audio visual means”. It also provides that such statements must be made in the presence of a lawyer chosen by the suspect.<sup>52</sup> If a suspect makes a statement under pressure, threat or torture, it must not be used as evidence in court. The prosecutor has a responsibility to prove that the statement has been made voluntarily. Section 29(2) of the Evidence Act is clear on the prohibition of using a confession made “by oppression”<sup>53</sup>

In one such case, a 33-year-old petrol station attendant was arrested on 22 January 2015 by SARS officers in Onitsha, Anambra state, after his employer had accused him of being responsible for a burglary at their business premises two weeks earlier.

He told Amnesty International: “The policemen took me to a hall. They brought a plain sheet and asked me to sign. When I signed it, they said to me ‘you have signed your death warrant’.

“They took me to the back of the building and tied my hands to the back. They also connected the rope to my legs, leaving me hanging on a suspended iron rod. They put the iron rod in the middle between my hands and the leg with my head facing the ground. My body ceased to function. I went limp. The Investigative Police Officer (IPO) came at intervals and told me to tell him the truth. I lost consciousness. When I was about to die they took me down and poured water on me to revive me. People carried me back to the cell. I was detained for two weeks.

<sup>47</sup> Section 35(2) of the Constitution.

<sup>48</sup> Code of Criminal Procedure, section 9.

<sup>49</sup> Nigerian Police Force Human Rights Training Manual. Chapter 10, pp. 282-285

<sup>50</sup> Amnesty International interview with SARS detainees, Abuja, 14 June 2016.

<sup>51</sup> Article 15, UNCAT, Committee against Torture, General Comment No. 2 (Implementation of article 2 by States parties), UN Doc. CAT/C/GC/2, 24 January 2008, para. 6, Human Rights Committee General Comment 32: Article 14: right to equality before courts and tribunals and to a fair trial, UN Doc. CCPR/C/GC/32, 23 August 2007, para. 6.

<sup>52</sup> Section 15(4), Administration of Criminal Justice Act.

<sup>53</sup> Section 29 (2) of the Evidence Act 2011.

“I was tortured two more times. I was detained in cell 3, where there were about 30 people. I was not given any medical attention despite the fact that I was close to death. I was not allowed access to a lawyer, a doctor or my family.”<sup>54</sup>

He was released on 15 February 2016 without charge after his lawyers filed a case in court urging that his rights be upheld. No one has yet been held to account for the torture.

Abdulahi Zachari, a 20-year-old farmer, and his brother were detained for three weeks at the SARS station in Abuja in November 2015 after being accused of robbery. Abdulahi Zachari told Amnesty International that he was tortured and forced to “confess” that he was a robber. He said he was repeatedly beaten by police officers. He said that at about 7-8pm the police would call out names of detainees, who were then taken out and tortured. On two occasions, he was taken out with his brother and tortured by a police officer. “They asked us to lie down and were hitting us with rods all over our bodies. They were telling us to admit that we were armed robbers. We kept on denying it,” he said.<sup>55</sup>

After three weeks, Abdulahi Zachari was released without charge and spent a week in hospital recovering from his injuries. He did not have a lawyer and did not make a formal complaint because he feared reprisal from SARS.

## **CORRUPTION AND ABUSE OF POWER**

Amnesty International has received reports from lawyers, human rights defenders and journalists that some SARS police officers demand bribes, extort money from criminal suspects and their families, and steal from criminal suspects on a regular basis.

The officer in charge of the police station has the power to release a suspect on bail, with or without sureties, pending completion of the investigation and prior to bringing a suspect before a court. Police are not permitted to release a suspect on bail if he is charged with a serious offence<sup>56</sup>. Police bail is free but in practice suspects are routinely asked to pay before they are released on police bail.

Ekene, a 24-year-old university student, was arrested in Awka, Anambra state, by police officers from SARS station in Awkuzu in December 2015. His lawyer told Amnesty International that he advised Ekene’s mother to pay N100,000 (approx. US\$317) after the Investigating Police Officer (IPO) insisted that otherwise he would not release him. “The IPO told me that he will not guarantee the life of Ekene if we fail to pay the money before the end of that day. I advised my client to pay. The IPO eventually collected N100, 000 (US\$317) from my client. My client practically paid for the life of her son. We did not take any further action because my client is afraid of SARS.”<sup>57</sup>

In another case, Emmanuel, a 25-year-old student and commercial bike rider, was captured by a local vigilante group in Ekwulobia, Anambra state, on 15 October 2015 and accused of rape. He was handed over to SARS officers the same day and detained at the station in Awkuzu for 25 days. He told Amnesty International that he was subjected to various methods of torture, including hanging by tying his hands to a pole and persistent beating. He was denied access to a lawyer, medical treatment and his family. His mother told Amnesty International that the IPO told her to bring N200,000 (approx. US\$634) for her son’s bail, an amount she could not afford. She said that on two occasions while in detention, the IPO threatened to shoot her son in the leg during interrogation. Emmanuel was released after a local human rights organization intervened on his behalf.

When Amnesty international met Emmanuel and his mother in November 2015, Emmanuel was unable to speak coherently and appeared emaciated and traumatized. He found it difficult to recount his experience. Fresh scars were visible on his back and leg, consistent with his description of torture.

His mother attributed his condition to the torture he underwent while detained by SARS in Awkuzu. She

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<sup>54</sup> Amnesty International Interview, Onitsha, 27 November 2015.

<sup>55</sup> Amnesty International interview, 8 April 2016.

<sup>56</sup> Section 27, Nigerian Police Act.

<sup>57</sup> Amnesty International interview, Onitsha, 17 February 2016.

told Amnesty International: “he wakes up in the middle of the night almost every day screaming ‘they are coming...police.... Please don’t kill me....please don’t kill me...”<sup>58</sup>

The police authorities told Amnesty International that SARS only investigate cases of armed robbery and kidnapping.<sup>59</sup> However, Amnesty International research shows that they also investigate civil cases, including contractual and business disputes, and in some cases torture detainees suspected of involvement in non-criminal disputes.

In a further case, a man died in custody, a day after being arrested by SARS officers. On 29 November 2015, Emeka Egbo, aged 29, was arrested at about 1am with four other young men by officers from SARS Enugu, after a fight with a neighbour. Emeka’s wife and neighbours told Amnesty International that he was repeatedly beaten with rifle butts and kicked by the police officers during his arrest.<sup>60</sup> His brother told Amnesty International that he saw Emeka being handcuffed and beaten repeatedly by police officers during the arrest.

“In the morning we went to SARS office to see them. I gave the policeman at the gate the list of people I want to see. He said I must pay N1,000 (approx. US\$4) each for every person I want to see. But I told him I do not have such kind of money. They refused to allow me see them.

I came back the next day with two relatives, they ask us to pay N1,000 each. Again we could not afford to pay and were not allowed to see them. We were not told why they were arrested.

We returned in the evening and were taken inside the SARS office after paying the money demanded by the policemen. The squad leader told me and five of our relatives that Emeka is dead. ... They said they were not responsible for the death of Emeka. We were not allowed to ask any questions or seek clarification.”<sup>61</sup>

The family contacted a lawyer and the National Human Rights Commission who made repeated demands for an investigation. In December 2015 the police authorities undertook to investigate the incident but at the time of writing the family has still heard nothing further on the outcome of the police investigation.<sup>62</sup>

As well as demanding bribes from relatives of detained suspects, SARS officers have been accused of stealing or confiscating the property of criminal suspects.<sup>63</sup>

For example, one victim described to Amnesty International how a team of SARS police officers arrived at his house in Nsukka together with his 25-year-old brother, who had been arrested earlier for armed robbery. “The officers forcefully broke into boxes, locked furniture and drawers. We were not allowed to witness the searching of the house. By the time they left, several items, including watches, jewellery and shoes, were missing. We were too scared to report the incident.”<sup>64</sup>

Another witness, a 40-year-old man, told Amnesty International in Enugu that when his brother was arrested for robbery, policemen from SARS came to his house and took all the items of any value they could find, including his car. He said they also emptied his bank account.<sup>65</sup>

Amnesty International found that in some cases where victims of police corruption attempted to seek justice, the police authorities took no action. In one such case Chidi Oluchi, aged 32, told Amnesty international that he was arrested with his nephew in Enugu on 28 May 2015 by men from the Federal SARS unit and detained in SARS Enugu. “They searched me, took my phone and all they found on me, handcuffed my leg and hands and bundled me at the back of my car and drove the car to SARS office Enugu. Nobody told me what I did. ... They removed all my clothes except my underwear. They told me to be slapping myself and when I refused, they started beating me with the side of their machetes and heavy sticks, even as the officers at SARS Enugu joined them in beating me. They gave me countless

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58 Amnesty International Interview 29 November 2015

59 Amnesty International Interview with the head of the CRU, 26 May 2016.

60 Amnesty International interview, 5 December 2015.

61 Amnesty International interview with commissioner of police, Enugu state command, Enugu, 4 December 2015.

62 Amnesty International interview with family members, Enugu, 5 December 2015.

63 This is based on years of Amnesty International research as well as testimonies from human rights defenders and victims.

64 Amnesty International Interview, Nsukka. 29 November 2015.

65 Amnesty International interview, Enugu 5 December 2015.



slaps on the face and my mouth, my mouth was bleeding just as my vision became blurred. One of them told me that that was the end of the road for me and that he was going to kill me. When they were through with beating me they took me into the cell and dumped me in the cell in chains. I made no statement, nobody asked me anything, and they dumped me in the cell till the following morning.”<sup>66</sup>

Chidi Oluchi was released on 30 May 2015 after he paid N25,500 (approx. US\$100). At the time of writing, no response had been received from the police authorities to the demands for an investigation from Chidi Oluchi’s lawyer and the NHRC. <sup>67</sup>

A lawyer told Amnesty International that his client, a 70-year-old man, was asked to pay N200,000 (approx. US\$6340) by officers at SARS Awkuzu for the bail of his two sons aged 20 and 22 who were arrested for assaulting a neighbour. “When my client failed to meet their demand, SARS arraigned them in court for armed robbery.”<sup>68</sup>

A mid-level police officer in Lagos told Amnesty International that being posted to SARS is often regarded as a “juicy” posting and is in some cases preceded by intense lobbying by potential officers. He said that officers sometimes pay superior officers responsible for transfers as much as N300,000 (approx. US\$1,300) to influence their posting to SARS, as it is seen as a means of earning a substantial amount of money in a short time.<sup>69</sup>

Allegations of police corruption were made by lawyers, human rights defenders and victims who spoke to Amnesty International in Enugu, Anambra, Lagos state and Abuja. Lawyers and human rights defenders told Amnesty international that there are increasing numbers of detainees forced to pay a bribe to avoid being tortured or even killed. Lawyers in Anambra state told Amnesty International that lawyers are not allowed to see their clients in SARS and that in some cases SARS officers direct family members to specific lawyers who will negotiate a bribe on their behalf.<sup>70</sup>

## THE ‘ABATTOIR’ DETENTION CENTRE IN ABUJA

The Special Anti-Robbery Squad (SARS) detention centre in the Federal Capital Territory (FCT) was previously a butcher’s yard and is commonly known as the “abattoir”. According to the Officer-in-Charge, it is regarded by the authorities as “the pinnacle of police detention in Abuja.”<sup>71</sup> Despite this claim, however, when Amnesty International visited in June 2016, some 130 people were detained in the compound, whom delegates described as looking emaciated and traumatized.<sup>72</sup>

Delegates spoke briefly with five detainees who said that inmates frequently had to share food brought in by their relatives, because none is provided by SARS. The detainees said they had been deprived of access to their families and lawyers. Their testimonies were in line with others received by Amnesty International from former detainees at the centre.

When Amnesty International researchers visited the interrogation room at the “abattoir”, they noticed one of the officers holding an iron bar, which was immediately hidden under a table on the instruction of the officer-in-charge. The researchers saw five suspects sitting on the floor, waiting to be interrogated.

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66 Amnesty International interview, Enugu 5 December 2015.

67 Amnesty International interview with NHRC staff, Enugu, 5 December 2015.

68 Amnesty International interview, Onitsha, 11 May 2016.

69 Amnesty International interview with a police officer, Lagos, 18 April 2016.

70 Amnesty International interview, Onitsha, 19 February 2016.

71 This was how the Officer-in-Charge of SARS described the detention centre during a meeting with Amnesty International researchers on 14 June 2016 in Abuja.

72 Some of the detainees told Amnesty International researchers that several of their colleagues had been transferred to an unknown location that morning and on the previous day, 13 June. Unlike in 2013 when Amnesty International visited the “abattoir”, this time the delegates saw no female detainees in custody.

# WOMEN IN DETENTION

Despite claims by SARS authorities that women are not held in SARS detention facilities but rather transferred to regular police stations, nevertheless Amnesty International has received frequent reports of women detained in SARS custody since 2014. The Operational Manual of International Human Rights Protocols and Guidelines for the Nigerian Police Force specifically mandates police officers to protect women from all forms of violence, discrimination and exploitation. It also instructs police officers to separate women from male detainees and states that women detainees must be supervised and searched by female officers.<sup>73</sup> When Amnesty International visited SARS cells in Enugu, Abuja and Awkuzu, there were no female detainees. Police officers in SARS Abuja and Awkuzu told Amnesty International researchers that they do not detain women in their cells but rather transfer them to other police stations.<sup>74</sup> However, Amnesty International spoke to two women who were detained in SARS Awkuzu and Enugu.

In December 2014, an 18-year-old female secondary school student was captured with two other (male) teenagers by a mob on suspicion of robbery and handed over to SARS in Onitsha, Anambra state.<sup>75</sup> She told Amnesty International that she was detained in SARS Awkuzu for two weeks without access to a lawyer, doctor or family members. She said that on at least 10 occasions she was threatened with death if her relatives failed to pay for her release.

“We were about 10 women in the cell. My two male friends arrested with me were put in the men’s cell. One was killed in SARS. I spent two weeks in the cell. We were not fed by the police. Your family has to pay money to a food vendor close to the police station and she will bring food for you.

Some women in the cell normally beat up new inmates. I was beaten up by inmates when I arrived. Some six women were also taken out and tortured. I was not tortured physically but I was always threatened with execution. Sometimes policemen will come to ask me why my family has not come with money and that they will kill me if they don’t see my family soon. I was afraid I will never see my family.

There was a pregnant woman in the cell with us. She was always crying. When I was about to be released, the Officer in Charge told me that that I had better repent or else if he sees me here again he will kill me.”<sup>76</sup>

She told Amnesty International that on several nights women were taken out of the cell to an unknown location and never returned. She thought they may have been killed, but Amnesty International was not able to verify this.

A medical doctor from a government hospital in Anambra state told Amnesty International that he had treated about six women who were tortured at SARS in 2015. Among them was a 43-year-old woman arrested with her husband and her baby.<sup>77</sup>

International law requires the state to take all necessary steps to protect the human rights of all people deprived of liberty. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)<sup>78</sup> and the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa,<sup>79</sup> ratified by Nigeria on 18 February 2005, specifically oblige states to adopt appropriate and effective measures to enact and enforce laws to prohibit all forms of violence against women, including unwanted or forced sex, to punish the perpetrators of violence against women, and to implement programmes for the rehabilitation of survivors. In addition, detailed standards are set out in the UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules).<sup>80</sup> Similarly, the Nigerian police force human rights manual states that:

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73 Operational Manual of International Human rights Protocols and Guidelines For The Nigerian Police Force, issued by the Inspector General of Police, Abuja, 2016. Operational Standard 10. (Protection of women).

74 Amnesty International interview with O/C SARS Abuja, 14 June 2016, and O/C SARS Awkuzu, 17 June 2016.

75 Amnesty International interview, Onitsha, 19 February 2016.

76 Amnesty International interview, Onitsha, 19 February 2016.

77 Amnesty International interview, 27 November 2015.

78 As interpreted, for example, by the Committee on the Elimination of Discrimination Against Women, General Recommendation No. 19: Violence against Women UN Doc. HRI/GEN/1/Rev.1 (1992).

79 Adopted by the 2nd Ordinary Session of the Assembly of the Union, Maputo, 2003.

80 Adopted by UN General Assembly Resolution 65/229 (2011).

- Women detainees must be supervised and searched by female officers and staff only.
- Women must be detained separately from male detainees.
- Pregnant women and nursing mothers must be provided with special facilities and treatment such as medical examination by female doctors, pre-natal and post-natal care and treatment.

SARS authorities denied that they detain women, but Amnesty International interviewed women who not only described their detention but stated that several other women were also detained by SARS. The conditions and treatment they described, which were similar to the conditions described by male detainees, not only fail to comply with international standards and national regulations but involve serious human rights violations.

# LACK OF ACCOUNTABILITY

Amnesty International, along with Nigerian human rights organizations and international human rights bodies, has repeatedly highlighted the failure to ensure prompt, effective, independent and impartial investigations into allegations of torture by police, in violation of explicit provisions in international law, including Articles 12 and 13 of the UN Convention Against Torture (UNCAT). Such failure has created a climate of impunity in which those who commit such violations can continue to do so without fear of being held accountable.

Many of the reports of torture by SARS officers brought to Amnesty International's attention were not investigated by the police authorities, the Police Service Commission (PSC) or the National Committee Against Torture. When Amnesty International met with the Chairman of the PSC in April 2016, he said that although they are authorized to investigate SARS activities, they have to send the findings of their investigations with their recommendations back to the police IGP for implementation.<sup>81</sup> Many Nigerian human rights organizations complained that their petitions to the PSC about human rights violations by the police were sometimes acknowledged but never investigated.<sup>82</sup>

**Ugochukwu Mba**, a 26-year-old trader in Enugu, told Amnesty International he was arrested in February 2014 and tortured by SARS officers in Enugu.

"In the cell at SARS, we were about 56 detainees. The space was so small that we sat on each other's laps. The beating at SARS was very intense. On several occasions during my detention, I was brought out of the cell and beaten with sticks and rope. There were injuries all over my body and back. I was bleeding profusely. I was not given any medical attention. I was never charged in court. There were lots of people with bullet wounds inside the cell. There were detainees who had been there for several months."<sup>83</sup>

Several letters written between February 2014 and December 2015 by a Nigerian human rights organization, the International Solidarity for Peace and Human Rights Initiative (INTERSOLIDARITY), to the police authorities, the National Human Rights Commission and the Police Service Commission asking for investigations into torture allegations received no response.<sup>84</sup>

The testimonies above indicate that torture and other ill-treatment is likely to be widespread in SARS stations in Nigeria, fostered by a culture of impunity. Many of the people interviewed for this research told Amnesty International that they did not report the torture or other ill-treatment to any authority, and nor did they seek legal remedy after their release, because of the fear of reprisals.

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81 Amnesty International meeting with Chairman Police Service Commission, 5 April 2016.

82 Amnesty International interview, Lagos, 12 March 2016.

83 Amnesty International interview, 5 November 2015.

84 Petition "Call For Your Direct intervention", 13 October 2015, addressed to Inspector General Of Police by International Solidarity for Peace and Human Rights Initiative (INTERSOLIDARITY).

Despite numerous petitions from Nigerian and international human rights organizations to the police authorities, there is no indication that any SARS police officers have been punished specifically for torturing detainees.<sup>85</sup> Nevertheless, in interviews with Amnesty International, police authorities insisted that they do punish police officers who are found to have violated the rights of detainees in their custody.<sup>86</sup> Amnesty International has however not seen any evidence supporting this claim.

The internal police mechanisms in Nigeria are weak. The CLEEN Foundation, a Nigerian NGO that has conducted research into policing, has stated that the Nigerian Police Force (NPF) "lacks an effective database on complaints and discipline management" and that the police complaint management system is "generally inaccessible, ineffective, and does not enjoy the confidence of members of the public."<sup>87</sup> The internal accountability mechanism within the police includes the X Squad, the orderly room trial<sup>88</sup> and the Complaint Response Unit.

While conducting research for this report, Amnesty International was unable to identify a single police officer in SARS who is being investigated or prosecuted for torture. Officials of the Complaint Response Unit (CRU) in Abuja told Amnesty International in June 2016 that no police officer from any SARS unit in Nigeria is under investigation by the CRU for allegations of torture.<sup>89</sup> When Amnesty International visited SARS station in Awkuzu in June 2016, the head of the station confirmed that the former Officer in Charge, who was the subject of several petitions from human rights organizations, had been transferred to another station.<sup>90</sup>

While the police authorities are keen to showcase when disciplinary sanctions are imposed on officers, Amnesty International is not aware of any such sanctions for acts of torture. Several Nigerian human rights organizations stated that officers accused of torture are merely transferred to other stations.<sup>91</sup>

For example, in 2014 Amnesty International documented several cases of torture by officers at SARS Awkuzu, Anambra state, and shared its findings with the police authorities, calling for investigation into the cases. Amnesty International also received copies of petitions from human rights organizations and lawyers calling for investigations into certain police officers in SARS Awkuzu. When Amnesty International researchers visited the station in June 2016, they were informed that most of the former officers had been transferred to other stations.

In public, senior police officers often talk about ongoing reforms aimed at improving human rights standards within the force. In practice, however, any actions taken by the Nigeria Police Force have failed to adequately address the use of torture and other forms of ill-treatment in the interrogation of suspects. Far from taking effective measures to end the practice, the police authorities have allowed frequent torture and other ill-treatment to be carried out with impunity. Human rights defenders are not allowed access to SARS cells or to detainees. Even the National Human Rights Commission, a body authorized by an act of parliament to visit places of detention in Nigeria, is often denied access to SARS stations.<sup>92</sup> Moreover, suspected perpetrators of torture are hardly brought to justice, and instead continue to commit their crimes with impunity.

The apparent lack of accountability breeds and perpetuates impunity by SARS officers, creating an environment in which detainees are at risk of torture and other ill-treatment. Amnesty International believes that this is partly because many officers have bribed their way into SARS units. They may therefore feel unaccountable to the very superiors they have bribed and who, in many cases, are the ones to investigate the alleged wrongdoing.

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85 NOPRIN letter to Solomon Arase, Inspector General of Police, 16 January 2016.

86 Amnesty International interview with Solomon Arase, Inspector General of Police, 26 May 2016.

87 Civilian Oversight and Accountability of Police in Nigeria. <http://www.cleen.org/POLICE%20ACCOUNTABILITY%20BOOK1.pdf>

88 Police officers accused of serious crime are sometimes made to undergo administrative trial supervised by a senior police officer. Police officers who are found guilty during such trials are often punished by demotion in rank or dismissal.

89 Amnesty International interview with the head of the CRU, 26 May 2016.

90 Amnesty International interview. Awkuzu, 17 June 2016.

91 Human rights defenders in Nigeria cited the case of James Nwafor who headed the SARS unit in Awkuzu, Anambra state. Despite several petitions from lawyers and HRDs detailing his involvement in torture and extrajudicial executions, he was merely transferred to Bauchi police command in January 2016. However in September 2016 James Nwafor was again transferred back to SARS unit Awkuzu.

92 Amnesty International interview with NHRC staff in Enugu and Abuja, December 2015.

# LEGAL FRAMEWORK.

Under international law, torture and other cruel, inhuman or degrading treatment or punishment are prohibited absolutely, in all circumstances and without exception. The prohibition of torture and other ill-treatment was recognized in 1948 in Article 5 of the Universal Declaration of Human Rights. The prohibition has been included in many subsequent international and regional human rights treaties, and other international and regional instruments. Many of these instruments, as well as prohibiting torture and other ill-treatment, also require measures to prevent such abuses; to investigate alleged cases, to bring to justice those responsible and to afford reparation to victims.

Nigeria is a state party to several regional and international human rights treaties that prohibit the use of torture and other ill-treatment. These include the International Covenant on Civil and Political Rights (ICCPR); the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) and its Optional Protocol (OPCAT); the International Convention for the Protection of All Persons from Enforced Disappearance; and the African Charter on Human and Peoples' Rights.

Nigeria has also ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

Nigeria's Constitution, together with the Administration of Criminal Justice Act (ACJA) (2015), prohibit torture but do not criminalize it. Section 34(1) of the Constitution states that: "Every individual is entitled to respect for the dignity of his person, and accordingly, (a) no person shall be subjected to torture or to inhuman or degrading treatment". Article 17(2) (b) adds: "[...] human dignity shall be maintained and enhanced".

The ACJA addresses some of the concerns about ill-treatment of detainees by police during detention and interrogation. For example, Section 8(1) provides that criminal suspects must be accorded humane treatment, having regard to the dignity of the person and that they must not be subjected to any form of torture, cruel, inhuman or degrading treatment.<sup>93</sup> The ACJA also states that statements must be made in the presence of a legal practitioner of the suspect's choice.<sup>94</sup>

However, the ACJA must be adopted by the state legislature before it can take full effect in each of Nigeria's states. It is not clear how many states have so far adopted the ACJA.

On 27 July 2009, Nigeria launched the National Committee Against Torture (NCAT) as part of its obligation to set up national preventive mechanisms after ratifying the UNCAT and OPCAT.<sup>95</sup> The NCAT is under-resourced and has so far not been able to carry out its work effectively. NCAT was not created by legislation and therefore is not legally or operationally independent and its current members are all volunteers. The current status of the Committee seriously limits the extent of its work.<sup>96</sup>

On 3 June 2015, a bill intended to prohibit and criminalize the use of torture by law enforcement

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<sup>93</sup> Section 8 (1), Administration of Criminal Justice Act, 2015.

<sup>94</sup> Section 17(2), Administration of Criminal Justice Act, 2015.

<sup>95</sup> The mandate of the NCAT allows visits to places of detention in Nigeria and the investigation of complaints of torture. NCAT is composed of 19 members drawn from officials of the Federal Ministry of Justice, the Nigerian Bar Association, civil society and NGOs. The NCAT has no legal backing but relies solely on the Federal Ministry of Justice for funding.

<sup>96</sup> Presentation by Dr Samson Ameh, Chairman of NACAT, at Amnesty International Legal Intervention Network workshop, Abuja, 4 May 2015.

agencies was hurriedly passed by the 7<sup>th</sup> National Assembly, along with 45 other bills. Despite this, however, in June 2015 the President returned the bill to the Senate for review. Amnesty International was informed in July 2016 that the Nigerian Law Reform Commission is currently redrafting a bill which will be reintroduced shortly to the National Assembly.

As mentioned earlier, Force Order 237 of Nigeria's police regulations contributes to the ongoing use of torture and other ill-treatment in police custody. Contrary to international standards on the use of force, sections 3(d) and 3(e) of Force Order 237 permit police officers to shoot suspects and detainees who attempt to escape or avoid arrest – even if the detainee does not pose a threat to life. In July 2015, the Nigerian police authorities commenced a review of this regulation. The process remains ongoing.

# CONCLUSIONS

Amnesty International has found numerous credible allegations that Special Anti-Robbery Squad (SARS) officers continue to perpetrate acts of torture and other cruel, inhuman or degrading treatment or punishment against detainees in their custody on a regular basis.

Human rights defenders and lawyers informed Amnesty International that many police officers cited by victims as being involved in the torture or ill-treatment of suspects were found to have been transferred to another station. Constitutional and legal safeguards to prevent torture and other ill-treatment in police custody are often ignored. Nigerian police internal mechanisms are weak and inadequate to stop torture being used or to punish perpetrators

Amnesty International calls on the Nigerian authorities to reverse this cycle of human rights violations, impunity and corruption by SARS officers by putting respect for and protection of human rights first in the reform of the Nigerian police. Amnesty International acknowledges the challenge faced by the Nigerian security forces in addressing the rise in violent crime in Nigeria, but does not accept the means being used to counter such crimes.

## RECOMMENDATIONS

### TO THE NIGERIAN GOVERNMENT:

- Take all necessary steps to pass a bill to ensure that all acts of torture are offences under Nigeria's criminal law, reflecting the definition within the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and punishable by appropriate penalties which take into account their grave nature. The prohibition of torture and other ill-treatment and the essential safeguards for their prevention must not be suspended under any circumstances, including states of war or other public emergency.
- Take all necessary steps to ensure that police officers do not commit acts of torture or other ill-treatment of detainees or any other human rights violations.
- Declare publicly that police officers, including members of SARS, will be held accountable for any involvement in torture and other ill-treatment and for any other human rights violations.



- Make all necessary provisions to ensure that every victim of torture or other cruel, inhuman or degrading treatment obtains reparation, including fair and adequate compensation, restitution, rehabilitation, satisfaction and guarantees of non-repetition in accordance with Article 14 of the UN Convention against Torture.
- Issue clear orders to law enforcement officers not to subject detainees to torture or inflict cruel, inhuman or degrading treatment under any circumstance.
- Ensure that no statement extracted as a result of torture or other ill-treatment is invoked as evidence in any proceedings, except as evidence against those accused of torture or other ill-treatment as evidence that the statement was made.

## **TO THE NIGERIAN POLICE.**

- Publicly inform officers of SARS that torture of detainees is illegal and that suspected perpetrators will be suspended and brought to justice irrespective of rank; ensure that SARS officers are instructed that arrest and detention must be carried out in strict accordance with international human rights law.
- Ensure that anyone detained by SARS is informed of his or her rights and brought promptly before an independent judicial authority. Relatives, lawyers and doctors should have prompt and regular access to detainees. Ensure that police stations record the name of the suspect, the time of arrest, the reasons for arrest, precise information identifying the place of custody, and the identity of the law enforcement officials concerned. Any complaints of torture or other ill-treatment must be registered. Ensure that newly arrested persons are examined by a medical practitioner, including for any signs of torture or other ill-treatment.
- Make clear to police officers attached to SARS that they must not follow unlawful orders, including to torture or ill-treat anyone in their custody, and that they will not be subject to criminal or disciplinary proceedings for refusing to carry out an unlawful order or for reporting such an order.
- Make clear to SARS officers in all positions of command that they may be investigated and prosecuted for acts of torture and other ill-treatment committed by staff over whom they have command responsibility.
- Ensure that anyone arrested by SARS officers is brought before a judge within the Constitutional period of 24 or 48 hours.
- Take immediate disciplinary measures against all SARS officers who are involved in torture or other ill-treatment. Such officers must be suspended pending criminal investigation and prosecution. Disciplinary measures must not replace criminal investigations and prosecution.
- Train and educate SARS officers about their obligations under international human rights law.

## **TO THE NATIONAL HUMAN RIGHTS COMMISSION**

Exercise authority to investigate all allegations of torture or other ill-treatment and other human rights violations by SARS officers and pay regular visits to all SARS stations throughout the country

## **TO THE INTERNATIONAL COMMUNITY**

- Promote the recommendations in this report during bilateral and multilateral forums and dialogues with the Nigerian government.
- Provide technical support to improve the investigation procedures of the Nigerian Police and

conditions of detention in SARS facilities.

- Use all available channels to intercede with the Nigerian government and ensure that transfers of equipment, know-how and training for the police do not contribute to human rights violations.
- Offer technical support to relevant Nigerian authorities to assist them to review legislation relating to torture and other ill-treatment.

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WHEN INJUSTICE HAPPENS  
TO ONE PERSON, IT  
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# **NIGERIA: ‘YOU HAVE SIGNED YOUR DEATH WARRANT’**

## **TORTURE AND OTHER ILL TREATMENT IN THE SPECIAL ANTI-ROBBERY SQUAD**

The Special Anti-Robbery Squad (SARS), a special branch of the Nigeria police created to fight violent crime, is responsible for widespread torture and other cruel, inhuman or degrading treatment or punishment (other ill-treatment) of detainees in their custody. Amnesty International’s research shows that detainees, both men and women, are subjected to various methods of torture and ill-treatment in order to extract information and “confessions”. Such methods include severe beating, hanging, starvation, shooting in the legs, mock executions and threats of execution.

Amnesty international’s research also shows that SARS officers involved in the torture and other ill-treatment of detainees are rarely held to account and in some cases are transferred to another location to avoid punishment.