
NIGERIA

NIGERIA

BACKGROUND

The Federal Republic of Nigeria, a West African nation made up of 36 States, has the continent's highest population, with 177 million people from 389 different ethnic groups. Since it achieved its independence in 1960, Nigeria, which is divided between a Muslim majority to the north and a mainly Christian population to the south, has regularly suffered from inter-communitarian, inter-religious, political and social violence linked to the fight for control at a local level and the associated financial stipends. The north of the country is currently being held ransom by an extremely violent armed insurrection led by the Islamist group Boko Haram.¹ The increase in the acts of violence perpetrated by this armed group (attacks, village invasions, kidnappings and civilian massacres) since 2009 has provoked an armed response by the government. The state of emergency declared in May 2013 in Adamawa, Borno and Yobe States, combined with government-led operations in the fight against Boko Haram, have in turn led to grave human rights violations, including more systematic use of torture against suspected Islamists. The country as a whole is experiencing high levels of crime, rooted in the widespread poverty that is the result of endemic corruption at all levels of power and within the administration.²

PRACTICE OF TORTURE

The use of violence is a deeply rooted phenomenon within the Nigerian security forces, who rely on torture indiscriminately and almost systematically at the time of arrests, during interrogations and in places of detention. In 2007, the United Nations special rapporteur reported that torture was commonplace. From 2009 onwards, things became even worse in the north of the country as a result of the internal armed conflict against Boko Haram.

Victims

Every day, Nigerian citizens are tortured and subjected to ill-treatment as they are arrested at road checks, remanded in police custody or incarcerated in prisons. The poor are the most vulnerable as they are not in a position to pay off security officials, pay for the services of a lawyer or rely on acquaintances with “influence”.

Anyone who travels on the country’s roads or is visibly engaged in economic activity is at risk of racketeering at the hands of police officers. And if they refuse to pay the bribe demanded, they may be arbitrarily arrested, illegally detained or even subjected to violence. Those suspected of committing crimes (armed robbery, kidnapping, murder, etc.) are particularly exposed to the risk of torture at the time of arrest and in police custody.

On 17 September 2013, a young man named Diolu (26) was arrested in his home in Port Harcourt, in the south of the country, by five police officers. He was not informed of the reason for his arrest. Diolu was taken directly to the station of a police unit responsible for the fight against kidnappings. That evening, while he was being interrogated, he was tortured into signing a document of which he was completely unaware of the content. He was tied to a rope and left hanging. He was beaten all over his body with machetes and metal pipes.³

People who are incarcerated in prison for common law crimes or offences, whether awaiting trial or already sentenced, are detained in conditions (crowded cells, stifling heat, lack of hygiene, poor access to care, drinking water and appropriate food, etc.) that amount to a form of ill-treatment. This is true of all civilian prisons across the country.

Those suspected of terrorism, radical Islamism or simply opposing the incumbent authorities are also widely subjected to acts of ill-treatment and torture during the organised crackdowns on demonstrations and protest movements, particularly in those States affected by political tension that is fuelled by a combination of communitarian, religious and land-related problems.

Cases involving torture are increasingly reported in Adamawa, Borno and Yobe States in the north of the country, where Boko Haram is present. The security forces almost systematically torture anyone accused of links with the armed Islamist group. In 2013, according to Amnesty International⁴, thousands of people arrested in the north of the country and held in various detention centres were tortured by members of the defence and security forces. 15-year-old Suleiman Ali was arrested by soldiers

in March 2013 along with 49 other young men suspected of belonging to Boko Haram. He was brought to the Sector Alpha detention centre in Damaturu, where he was beaten by soldiers using rifle butts, truncheons and machetes. They poured melted plastic over his body. He was forced to walk and roll on broken glass and watch the summary executions of fellow detainees. One month later, Suleiman was released along with 31 other detainees. In the days that followed, 30 of them died as a result of their injuries. Suleiman survived and provided a witness account of the violence.⁵

Nigerians who are forced to leave their homes as part of expulsions ordered by the federal authorities are often the victims of physical assault on the part of security officials who accompany the government's special units during such operations, especially if they try to resist or prevent the demolition of their homes. In Abuja, the nation's capital, and in Port Harcourt, the capital of Rivers State, the public authorities regularly evacuate and destroy slums as part of sanitation or urban planning policies.

In a country where violence against women remains widespread, State officials routinely perpetrate rape and other forms of sexual abuse on detainees and prostitutes subjected to checks at night. This violence is simply considered as a "perk" by some patrols.⁶

Street children, thought to number more than one million, and those accused of witchcraft are often subjected to violence. Members of civil society (human rights defenders, journalists, trade unionists and leaders of student groups) are regularly intimidated and harassed by law enforcement officials. Mr Justine Ijeomah, who chairs the Human Rights, Social Development and Environmental Foundation (HURSDEF), was beaten, attacked and threatened with his life by police officers from the Swift Operation Squad (SOS) in Port Harcourt on 16 November 2012. He had gone to the SOS station having been informed that a member of his association had just been arrested by an anti-kidnapping police unit and taken to the Port Harcourt station. When he asked for an explanation for his colleague's arbitrary arrest, the station chief became angry and replied: "I can eliminate you and nothing will happen". Another officer intervened, beating and slapping him and pushing him against a gate several times. One of the officers is then reported to have threatened to shoot him, saying "nothing would happen", that he would root out defenders within the association and that he could kill them whenever he liked. Mr Ijeomah had to be treated for his injuries and go into hiding for a period for his safety. Three months previously, on 3 September 2012, the association's lawyer, Aselm Lawson Kpokpo, had been beaten with the butt of a rifle by another SOS officer.⁷

Torturers and torture sites

A large number of security officials are guilty of ill-treatment and acts of torture. They include representatives of the Special Anti-Robbery Squad (SARS), the State Security Service (SSS), the National Drug Law Enforcement Agency (NDLEA), the Economic and Financial Crimes Commission (EFCC), the Nigeria Security and Civil Defence Corps (NSCDC), the Federal Road Safety Commission (FRSC), and the Nigerian Armed Forces (NAF). However, the main perpetrators are the Joint Task Force (JTF) – which includes military troops and police officers who were deployed to the north of the country in June 2011 to combat Boko Haram – and the Nigeria Police Force (NPF).

This federal organisation, which is controlled by the President of the Republic, is the country's largest employer, with more than 370,000 police officers on its payroll. These officers regularly arrest citizens for the sole purpose of demanding bribes based on unfounded accusations relating to various offences.

Members of Boko Haram also regularly use torture against those they kidnap and take as prisoners.

Some of the acts of torture perpetrated by Nigerian defence and security forces, in particular physical blows and beatings, are inflicted at the time of arrest. In order to humiliate their victims, police officers have developed the practice of “parading” them in public places where they are insulted and have food and other objects thrown at them by passers-by. The most intense torture sessions are conducted by the Criminal Investigations Departments (CID) and Special Anti-Robbery Squad (SARS), two police units with torture chambers and the necessary equipment at their disposal, and in some cases a designated “OC torture” (officer in charge of torture). The torture chamber at the police station in the city of Enugu, for example, has been dubbed the Theatre due to the speed with which suspects agree to confess when threatened by an officer nicknamed “Okpuntu” (*manicure* in the Igbo language), who is known to dig his nails into the bodies of detainees.

If the victim dies during the arrest, the law enforcement officials usually describe the death as a result of a “shootout with an armed robber”. If the death takes place in police custody, they allege there was an “escape attempt”. Statistics on such incidents are hard to come by, but in November 2007, the Inspector General of Police (IGP), Mike Okiro, reported that the police had killed 785 “armed robbers” in 100 days.⁸

In the fight against Boko Haram, it is well-known that three detention centres are used to house suspected members or supporters of the armed Islamist movement:

Giwa military barracks in Maiduguri, the Sector Alpha detention centre in Damaturu, nicknamed “Guantanamo”, and the SARS detention centre in Abuja, known as the “abattoir”. Between January and March 2014, around 150 prisoners’ bodies were sent from Giwa to the morgue at Maiduguri State hospital. None of the bodies bore traces of bullet wounds.⁹ They were emaciated and showed signs of physical abuse. Other torture sites include penitentiary facilities, the prison in Port Harcourt in particular, as well as illegal cells set up in official buildings but which are not intended to house individuals under arrest, army buildings in particular.

Methods and objectives

Torture is such a common practice among Nigerian security forces that they have named some of their techniques: “J5” for suspects deprived of sleep and forced to remain upright or in a painful position without moving; “suicide” for victims who are suspended from the ceiling upside down with a rope tied around their ankles or handcuffs used to bind their arms crossed behind their back (“Chinese handcuffs”); “third-degree” refers to the combination of various physical restraint techniques; “German cells” is whereby several detainees are locked for days or weeks on end in a tiny cell without light, ventilation or enough room to lie down and in which they finally suffocate; and “VIP treatment” for shots fired at the victim’s legs. Suspects of armed robbery are often subjected to this type of abuse prior to their interrogation and then, in most cases, executed and dropped off in public morgue.

The following practices are also commonplace: burns, crushing fingers, extracting nails and teeth using pliers, waterboarding*, sexual violence, confinement with snakes, rats, cockroaches or mosquitos, teargas or pepper gas sprayed in the victim’s eyes or nose, or genitals in the case of women, and death threats. In response to increased surveillance by local human rights NGOs, new torture methods are emerging which are designed to leave no trace on the body of the victim: fabric is wrapped around the ropes used to tie up detainees so as to avoid skin abrasions, tourniquets are used on the upper arm to cut off the blood flow, and plastic film is used to completely cover detainees, in some cases leading to death.¹⁰

Torture sessions sometimes take place in the presence of other detainees, minors in some cases, and can last several days. Prisoners may even be forced to inflict acts of ill-treatment and torture on themselves.

The NPF has significantly increased staff numbers since 1999, with an average of 20,000 new recruits annually. Due to a lack of adequate resources – the allo-

cated police budget is largely embezzled through internal corruption –, this policy of mass recruitment has had a negative impact on the quality of policing: the NPF now includes many unqualified, undertrained and underequipped officers (and even former criminals). They are underpaid and so tend towards corruption and racketeering.

Budget restrictions, combined with poor management, have reduced the police force's capacity to carry out investigations on the strength of evidence based on ballistic expertise or DNA analysis. Because technical and material resources are limited, police officers rarely examine crime scenes and in some cases do not even travel to the site. This means that crimes are “solved” based on the “sixth sense” of police officers and confessions, which are the foundation for more than 90% of criminal proceedings in Nigeria and which are mostly extracted under torture. Information and statements obtained in this way are regularly admitted by the courts as evidence, although this runs counter to Article 28 of the legislation governing evidence. Moses Akatugba discovered this to his detriment in November 2013. He was sentenced to death by hanging based on a confession extracted under torture in November 2005, when he was just 16 years old. He was suspected of having stolen a telephone. The police officer who had led the investigation did not give testimony in court and the victim's allegations of torture were never investigated.¹¹ Moses is still in incarceration. Torture is also used to humiliate and punish individuals, particularly in the context of political repression.

LAW AND LEGAL PRACTICE

Legal condemnation of torture

Nigeria has ratified the Convention against Torture as well as the Optional Protocol, the International Covenant on Civil and Political Rights, and the African Charter on Human and Peoples' Rights, all of which prohibit torture and ill-treatment.

Under domestic legislation, Section 34(1)(a) of Chapter IV of the 1999 Constitution¹² prohibits torture and inhuman or degrading treatment but fails to provide a definition, and torture is not criminalised under Nigerian law.

The Criminal Code does not recognise torture as a criminal offence. In 2012, a draft law proposing to outlaw torture and recognise it as an offence was brought before parliament, but the text has yet to be examined despite many assurances.

The country's Sharia Criminal Code, which is applicable in 12 of the northern States, provides for the use of corporal punishment (beatings, flogging, amputation and stoning), which constitute acts of torture.

Punishment of perpetrators of torture

In practice, there is no properly functioning mechanism for registering complaints or monitoring police activities internally, and law enforcement officials are able to commit human rights violations with total impunity.

The law allows citizens to file complaints orally or in writing with a high-ranking officer in the case of alleged police brutality. If they do not receive a satisfactory response, they can take their case to the Inspector General of Police or the Public Complaints Bureau (PCB), part of the public relations department in each State police force. They can also contact the Human Rights Desk (HRD), located in the premises of the federal administration, or the Provost Department of the federal police headquarters.¹³ Since 2001, there has been a Police Service Commission (PSC), which is responsible for investigating abuses by police officers. In the event of legal proceedings, special Investigating Police Officers (IPOs) lead the investigation in collaboration with the public prosecutor. The Provost Department can impose disciplinary sanctions, but ACAT has not found statistical data on any such sanctions taken against police officers for engaging in torture practices.

The National Human Rights Commission (NHRC), first set up in 1995 to investigate allegations of human rights violations and make (non-binding) recommendations to the federal authorities, has not been allowed to work effectively due to interference from the executive, which oversees operations.

In March 2011, President Goodluck Jonathan promulgated a law that modified the commission in a way that would ostensibly safeguard its independence and financing and make its decisions applicable. Unfortunately, the commission's members are not allowed to visit certain detention centres under the control of the army or special police units.

In July 2009, Nigeria established a National Committee against Torture (NCAT), its national torture prevention mechanism. So far, this mechanism has not been given independence either operationally or in legal terms. Due to a lack of public financing, its members work on a voluntary basis, and the committee is unknown to Nigerians. In Nigeria, victims of violence perpetrated by State representatives very rarely file a complaint. In general, they are unaware of the existing legal remedies available, fear reprisals, lack the resources to pay for a lawyer, and do not have faith in the judicial system, which is marred by delays and corruption. The vast majority of torture allegations do not go to trial and are not even the subject of preliminary investigations. Only wealthy or influential individuals can ensure that an investigation will be

launched and are in a position to pay or avoid the often illegal taxes demanded at each stage of legal proceedings. No information or statistics are available on ongoing or past proceedings involving torture allegations, any disciplinary sanctions taken, or damages awarded to the victims. The judicial system in Nigeria does nothing to combat or prevent torture. The political authorities never fail to remind international bodies of their commitment to take all necessary measures to definitively bring an end to the use of torture in the country. But in reality, they have shown no will to remedy this problem. On the contrary, in the context of the armed conflict against Boko Haram, the appetite for the use of illegal violence on the ground seems to be tolerated if not encouraged. Most official representatives continue to deny the existence of intentional torture practices in Nigeria. Some have admitted it, like Mohammed Abubakar, chief of police from 2012 to 2014. On 13 February 2012, he was the first to recognise the failings within the police force: "Justice has been perverted, people's rights denied, innocent souls committed to prison, torture and extra-judicial crimes perpetrated, and many people are detained in our cells because they cannot afford the bail monies we demand".¹⁴ Mr Abubakar ordered the release of all those detained without just cause in police stations across the country as well as the dismantling of all police road checkpoints, used by officers to extort money from drivers. In 2014, Mohammed Abubakar was replaced by Suleiman Abba. Between 2012 and 2014, there was no significant decline in the use of torture within the NPF and no prosecutions of police officers responsible for acts of torture and/or ill-treatment.

-
- [1] Chatham House, *Nigeria's Interminable Insurgency? Addressing the Boko Haram Crisis*, September 2014, 38 pages: http://www.chathamhouse.org/sites/files/chathamhouse/field/field_document/20140901BokoHaramPerousedMontclos_0.pdf.
- [2] Nigeria is ranked 136th in the Corruption Perception Index (CPI) drawn up by Transparency International, out of the 175 countries studied in 2014: <http://www.transparency.org/country#NGA>.
- [3] Amnesty International, "*Welcome to hell-fire*": *torture and other ill-treatment in Nigeria*, 14 September 2014, 69 pages: <http://www.amnesty.org/en/library/asset/AFR44/011/2014/en/2ef7e489-a66d-4213-af3d-a08e1e4ca017/afr440112014en.pdf>.
- [4] Amnesty International, *Stop torture: Country profile: Nigeria*, 13 May 2014, 10 pages: <http://www.amnesty.org/ar/library/asset/AFR44/005/2014/en/66f2522f-36df-4984-ac35-994ff7d668e7/afr440052014en.pdf>.
- [5] Idem.
- [6] Amnesty International, "*Welcome to hell-fire*", *op. cit.*
- [7] Frontline defenders, Nigeria: Human rights defender Mr Justine Ijeomah in hiding following physical assault and threats by police, 23 November 2012: <https://www.frontlinedefenders.org/node/20875>.
- [8] Human Rights Watch, *Nigeria: Investigate Widespread Killings by Police*, 19 November 2007: <http://www.hrw.org/news/2007/11/17/nigeria-investigate-widespread-killings-police>.
- [9] Amnesty International, *Nigeria: More than 1,500 killed in armed conflict in North-Eastern Nigeria in early 2014, 31 March 2014*, 31 pages : <http://www.amnesty.org/en/library/asset/AFR44/004/2014/en/543f7ac9-6889-4f02-bf5a-d73832e04229/afr440042014en.pdf>.
- [10] Amnesty International, *Stop torture, op. cit.*
- [11] Amnesty International, *Nigéria: Moses Akatugba, passé à tabac, contraint à avouer, condamné à mort, 18 December 2014*: <http://www.amnesty.fr/Nos-campagnes/Stop-Torture/Dossiers/Nigeria-Moses-Akatugba-passe-tabac-contraint-avouer-condamne-mort-13173>.
- [12] Federal Republic of Nigeria, *Constitution*, 1999: <http://www.nigeria-law.org/ConstitutionOfTheFederalRepublicOfNigeria.htm>.
- [13] Federal Republic of Nigeria, *Nigeria's 4th Periodic Report on the implementation of the African Charter on Human and Peoples' Rights*, August 2011, 109 pages : http://www.achpr.org/english/state_reports/Nigeria/4th%20periodic%20report.pdf.
- [14] AFP, *Nigeria: le nouveau chef de la police dénonce les exactions de ses hommes*, 13 February 2012: http://www.romandie.com/news/archives/_Nigeria_le_nouveau_chef_de_la_police_denonce_les_exactions_de_ses_hommes130220122002.asp.

LEXICON

Waterboarding

Waterboarding is an interrogation method that consists in immobilizing a prisoner to a board, usually face up (often with the feet slightly higher than the head). A piece of cloth or plastic is forcefully placed over the prisoner's face, over which water is poured to provoke a sensation of drowning or suffocation. The extreme pain is accompanied by the feeling one is dying. CIA agents who accepted to be subjected to this method have stated it was very difficult to resist for more than fifteen seconds. In reference to this method, commonly used by the United States' secret services, the term "simulated drowning" is often used. ACAT believes this to be a very useful euphemism to camouflage the suffering caused. Actually, water boarding is merely a more sophisticated version of the torture by immersion into or forced ingestion of large amounts of water (sometimes with the addition of detergents, urine...). It has long been a favourite of torturers, because of its effectiveness and the few marks it leaves. In this sense, waterboarding hardly differs from the so-called "bathtub torture" used by the Gestapo.