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## **STOP TORTURE**

### **Country profile: Nigeria**

#### **Torture in Nigeria: In summary**

Amnesty International has serious concerns about the increasing use of torture and other cruel, inhuman or degrading treatment or punishment in Nigeria. Recent Amnesty research indicates that police and military personnel routinely use torture and other ill-treatment to extract information and “confessions”, and to punish and exhaust detainees. In contravention of national and international law, information extracted by torture and ill-treatment is routinely accepted as evidence in court. The Nigerian authorities display an apparent lack of political will to adhere to their international human rights obligations.

This briefing is based on Amnesty research and individual case studies. It reveals that:

- Reports of torture are increasing as Nigerian security forces target people accused of having links to the armed Islamist group Boko Haram;
- Two years after being submitted to the National Assembly, a bill to criminalize torture in Nigeria has not even been debated;
- A wide range of torture methods are reportedly being used, including beatings; shootings; nail and teeth extractions; and rape and other sexual violence;
- Detainees are frequently denied access to their families and to legal counsel, as well as being denied medical care;
- The Nigerian justice system fails to prevent abuse, with detainees tortured and ill-treated to extract “confessions” and forced to spend long periods in detention without being brought before a court;
- The vast majority of complaints about torture do not lead to an investigation of any kind.

The Nigerian authorities must take urgent action. This should include: taking urgent steps to end the use of torture and all other ill-treatment; granting suspects and detainees immediate access to their families and lawyers and to medical care; providing comprehensive reparations to anyone who is tortured or ill-treated; launching a thorough, independent and impartial investigation into allegations of torture by police and military personnel; granting human rights monitors unhindered access to all detention facilities; criminalizing the use of torture by passing the Torture Bill into law.

Torture is never justified. It is illegal. It is barbaric. It is inhumane.

It is time to Stop Torture in Nigeria.

## Country background

Amnesty International Researchers have visited police stations and prisons throughout Nigeria for many years, and with increasing regularity since 2007. Our teams have documented hundreds of allegations of torture or ill-treatment in police or military custody.

Back in 2007, the UN Special Rapporteur on torture and other cruel, inhuman and degrading treatment and punishment confirmed that in Nigeria: “torture and ill-treatment are widespread in police custody, and particularly systematic in criminal investigations departments.” He emphasised that “Torture is an intrinsic part of how the police operate within the country.”

Little has changed since then. In fact, reports of torture and ill-treatment have increased following a surge in operations by Nigerian security forces targeting the armed Islamist group Boko Haram in the north of the country. As part of these operations, thousands of people accused of having links to Boko Haram have been detained by the Joint Task Force (JTF)<sup>1</sup> and the Department of State Security Services (SSS), and by police and military officers.

Amnesty International’s research shows that, during 2013, an estimated 3,000 people were arrested and detained at just three facilities: Giwa military barracks in Maiduguri, Borno state; Sector Alpha in Damaturu, Yobe state (known locally as “Guantanamo”); and the Special Anti-Robbery Squad (SARS) detention centre in Abuja (also known as “the abattoir”). The majority of detainees have never been brought to court. Most are prevented from contacting their lawyers and their families, and from seeking medical care. Even when families find the money to go to court, police and military officers frequently ignore court orders to release detainees.

Several Nigerian and international organizations have reported on the pervasive use of torture by police and other security agencies in Nigeria. In 2005, the Nigerian human rights organization Access to Justice reported that the Nigerian police force was using torture as “an institutionalised and routine practice in its criminal investigation process.”<sup>1</sup> And in 2013, during the UN Universal Periodic Review (UPR) of the Human Rights Council, similar claims about the continuing use of torture and other forms of ill-treatment were made by rights organizations based in and outside of Nigeria.

During that review, in October 2013, the Nigerian delegation agreed to take all necessary measures to prevent and address torture and other forms of ill-

<sup>1</sup> The Joint Task Force (JTF) comprises officers and men from Nigeria’s security agencies including the army, the police, the Department of State Security Services (otherwise known as SSS) and the Navy. Joint Task Forces are usually commanded and supervised by the Nigerian army. The JTF in north-eastern Nigeria was established by the Federal government to deal with the outbreak of sectarian violence that erupted in 2009 in the north.

treatment. But Amnesty continues to receive reports of abuse from locations across Nigeria. And despite several calls by Amnesty and other national and international organizations urging the Nigerian authorities to criminalize torture and other ill-treatment, no significant action appears to have been taken.

## **Torture in Nigeria: in detail**

### **The legal context**

Nigeria is a state party to several regional and international human rights mechanisms that prohibit the use of torture and other ill-treatment. These include the International Covenant on Civil and Political Rights (ICCPR); the Convention against Torture (CAT) 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 signed and ratified the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child (CRC). However, only 24 out of 36 states in the federation have signed and passed it into state laws. All 12 of these states are in the north.

The Nigerian Constitution also prohibits torture and other inhuman or degrading treatment. Section 34(1) 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 that "[...] human dignity shall be maintained and enhanced".

Nigeria's criminal and penal codes fail to explicitly prohibit the use of torture and other forms of ill-treatment to extract information. As such, everyday practice is inconsistent with the constitutional provision prohibiting torture.

On 27 July 2009, Nigeria launched the National Committee Against Torture (NCAT), as part of its obligation to set up national preventive mechanisms after signing and ratifying the CAT and OPCAT. The committee is reportedly yet to receive its funding and has not been able to carry out its work effectively. The committee is not legally or operationally independent and its current members are all volunteers. This current status of the committee seriously limits the extent of its work. Many people do not even know about its existence.

In 2012, a bill intended to prohibit and criminalize the use of torture by law enforcement agencies was submitted for debate at the National Assembly. Two years on, the bill is yet to even be debated, and so is no closer to becoming law. A similar bill proposing the establishment of an Anti-Torture Commission previously failed to pass through the National Assembly.

Force Order 237 of Nigeria's police regulations contributes to the ongoing use of torture and other ill-treatment. Contrary to international standards on the use of force, this regulation permits police officers to shoot suspects and detainees who attempt to escape or avoid arrest – whether or not the detainee poses a threat to life. In practice, however, Force Order 237 is often used to justify shootings, with an officer able to use a gun and then claim it was necessary because a detainee was attempting to escape.

### **Methods of torture**

“The army carry out all sorts of torture, using whatever means are available to them. They hang people, at times until they die. They use rifle butts and sticks to beat people. They also shoot people in the legs and leave them to bleed. They tie people’s hands behind their backs with rope, so many people are unable to use their hands after they are released. Some people die even after they have been released.”

A Nigerian army official shared this information with Amnesty on condition of anonymity. It echoes many similar stories we have heard while interviewing hundreds of people who have been detained by the Nigerian military and police.

Nigerian human rights organisations report that many of the major police stations include “torture chambers”, with an officer known as “O/C Torture”, or the “Officer in Charge of Torture”<sup>2</sup>. Torture techniques and other forms of ill-treatment alleged to be in use include:

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

**Nail extractions.** Detainees’ fingernails and toenails are often removed using pliers, scissors and other objects.

**Rape and sexual violence.** Amnesty International has received consistent reports of women being raped or sexually abused by the police. These reports suggest abuse has occurred in public locations, and while women were transferred to police stations, and while women visited male detainees in police custody. Rape and other forms of sexual violence, including inserting bottles and other objects into a woman’s vagina, are also used by the police to extract confessions and other information.

**Shootings.** Amnesty International had interviewed scores of former and current detainees who said they were shot in the leg, foot or hand during police and military interrogations. Many said they were left to bleed for hours without medical care or treatment.

**Sitting on sharp objects.** A number of detainees report being forced to sit on a board covered with protruding nails, spikes and other sharp objects. This usually occurs after detainees have been beaten and are barely able to stand.

**Starvation.** Many former detainees have told Amnesty International that they were not given enough food while in military or police custody. Some report being fed only once a day, with sub-standard food placed on their palms.

**Suspending detainees by the feet.** Many former detainees – especially those held in police custody – have described being suspended upside-down with their feet tied to a ceiling fan. This can last for several hours, with detainees given no water or food.

**Suspending detainees on a pipe or rod.** Former detainees have also described being made to lie face down, with their knees bent and ankles tied, and with their arms raised and wrists tied. A pipe or rod, attached to a rope hanging from the

ceiling, is then passed between their legs and arms, and the detainee is hoisted upwards and suspended in the air.<sup>3</sup>

**“Tabay.”** Former detainees and serving members of the Nigerian military and police have described the widespread use of “Tabay” to Amnesty International. In this form of torture, detainees’ elbows are tied behind their backs before they are either suspended from a stick or forced to sit awkwardly on the ground.

**Teeth extractions.** The Nigerian police force is known to forcefully remove detainees’ teeth to obtain information.

**Water torture.** Amnesty International has interviewed several former detainees who claim they had hot or cold water poured on their naked bodies, either while they slept or shortly after being beaten – when wounds were raw and bleeding.

Former detainees have also described other forms of abuse that may violate the absolute prohibition of torture and other ill-treatment. These include experiencing mock executions and being forced to watch genuine extrajudiciary executions. One person also told Amnesty International that he and other detainees at the Abuja “abattoir” facility were made to witness a female detainee giving birth in a nearby cell. No medical care was provided for the mother or the child, and the detainees were forced to watch as the baby died shortly after birth.

## **Case study: Suleiman Ali**

### **Arrested, tortured and held without charge.**

Suleiman Ali<sup>4</sup> was 15 when he was arrested by soldiers in northern Nigeria and taken to Sector Alpha in Damaturu, Yobe State – a facility known locally as “Guantanamo”.

Suleiman told Amnesty International that he was beaten with gun butts, batons and machetes, and had melted plastic and cold water poured on him. He also says he was forced to watch the extrajudicial executions of other detainees and made to walk and roll over broken bottles.

Suleiman was one of 50 people, mostly aged between 13 and 19, arrested in March 2013 on suspicion of being a member of Boko Haram, an armed Islamist group. The arrests followed the killing of a soldier by unknown gunmen. Suleiman was detained for three weeks without being charged, and prevented from contacting his lawyers and family.

Along with 31 other detainees, Suleiman was released in April 2013. Within a week, 30 of those people had died. Suleiman needed emergency medical treatment and was psychologically traumatised, but he survived. Amnesty International spoke to relatives of some of the men who did not survive: they blamed the deaths on torture and a lack of medical care.

## **A justice system that fails to prevent torture**

The criminal justice system in Nigeria is blighted by corruption, with human rights violations common and widespread. Numerous rights guaranteed under international and Nigerian law are either poorly enforced or not enforced at all. These include the right to be brought swiftly before a court, the right to seek legal counsel, the right to contact family, the right to challenge the lawfulness of an

arrest, the right to be spoken to in a language you can understand, and the right to be presumed innocent until proven guilty.

As an example, security forces routinely resort to unfocused “dragnet” policing, targeting particular areas or groups rather than individuals based on reasonable suspicion. Frequently suspects are asked to pay to be released. Those who do not have the money risk being labelled “armed robber”. Without money, suspects are less likely to be given access to a lawyer, to family members or to medical treatment, and they are more at risk of being tortured to extract a confession.

In order to obtain quick “confessions” pending investigation, the so-called “holding charge”, officers often torture suspects and detain them in conditions that amount to ill-treatment: preventing people from seeking medical care and from contacting their families and lawyers.

Based on these “confessions”, many suspects of armed robbery or murder are remanded in prison to await trial, even if the police are eventually unable to produce sufficient evidence to prosecute. In January 2014, 36,000 people, out of a total prison population of 55,000, were awaiting trial. The majority of people awaiting trial in prison are too poor to afford a lawyer and Nigeria’s criminal justice system is too broken to help them.

Moreover, the government funded Legal Aid Council, lacks both capacity and resources to fulfil their constitutional task. Nigeria repealed and re-enacted the Legal Aid Act in 2011. The new Act, according to the Minister of Justice, has broadened the scope of the mandate of the Legal Aid Council to utilize paralegals for service delivery at the grassroots level. However, thousands of people are still unable to access the services of the Legal Aid Centres due to various reasons including lack of knowledge, trust and a seeming unwillingness from lawyers to take up legal aid cases from poor victims.

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

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

Information and statements extracted during torture are also commonly accepted as evidence by courts, even though the prosecutor has a responsibility to prove that any statement relied upon in court has been made voluntarily. Section 28 of the Nigeria Evidence Act is also clear that information extracted under duress should not be permitted in court: “A confession made by an accused person is irrelevant in a criminal proceeding, if the making of the confession appears to the court to have been caused by any inducement, threat or promise...” Despite this, however, such confessions are frequently the only “evidence” presented in court.

## **Case study: Moses Akatugba Beaten, forced to confess, sentenced to death.**

Moses Akatugba's story is a brutal indictment of Nigeria's justice system.

He was arrested, aged 16, on suspicion of armed robbery in November 2005: a charge he has always denied. Moses claims soldiers shot him in the hand and beat his head and back during his arrest.

During initial interrogations at an army barracks, Moses says soldiers asked him to identify a corpse. When he said he did not recognise the man, he was beaten, before being transferred to Ekpan police station in Delta State.

He spent three months in police detention. During this time, he says police officers beat him with machetes and batons. He also reported that he was tied up and suspended upside-down for several hours. And he alleges that police officers extracted his fingernails and toenails using a pair of pliers, before forcing him to accept and sign two "confessions", which were written by the police.

In March 2006, Moses was tried as an adult and imprisoned for armed robbery. Seven years later, in November 2013, he was sentenced to death. This sentence was based on his "confession" and on the testimony of the person who was robbed. His lawyer told Amnesty International that the police officer who investigated the case did not appear in court. Moses Akatugba's lawyer has filed an appeal against the judgement at the Court of Appeal.

## **Ongoing impunity for torturers**

Though the use of torture is widespread and widely reported, the vast majority of torture allegations made against security forces in Nigeria are not investigated. Human rights monitors are also prevented from visiting certain detention centres.

The National Human Rights Commission (NHRC) of Nigeria was established to monitor places of detention across Nigeria. In theory, under Section 6 (1) [d] of the National Human Rights Commission (Amendment) Act 2011, the commission has powers to assess conditions in prisons, police cells and other detention facilities, and to make recommendations for improvements. Amnesty International is concerned, however, that the NHRC's monitors do not have access to various detention centres run by the military and by special police units.

## **Stop torture in Nigeria: Our recommendations.**

Amnesty International is calling for urgent action to stop the use of torture and other ill-treatment in Nigeria. Authorities in the country must:

- Take urgent steps to end the use of torture and all other forms of ill-treatment in Nigeria;
- Ensure that all detainees in military and police custody have immediate and unhindered access to families, lawyers and medical care;
- Provide comprehensive reparation – including compensation and whatever care is necessary to encourage rehabilitation – to anyone who experiences torture or ill-treatment,

- Launch a thorough, independent and impartial investigation into allegations of torture by police and military personnel, especially in relation to detainees held due to alleged ties with Boko Haram or involvement in armed robbery;
- Grant NHRC monitors and human rights defenders unhindered access to all detention facilities across Nigeria;
- Criminalize the use of torture by passing the Torture Bill into law.

Amnesty International is also calling for governments worldwide to put sustained pressure on the Nigerian government to criminalize torture and to provide comprehensive reparations to anyone who experiences torture or ill-treatment.

<sup>1</sup> Access to Justice; *Breaking Point: How torture and police cell system violate justice in the criminal investigation process in Nigeria*; (2005 p.5); Lagos, Nigeria

<sup>2</sup> Prisoner's Rehabilitation and Welfare Action (PRAWA) in collaboration with the Network of Police Reform in Nigeria (NOPRIN) in 2011; Open Society Justice Initiative in 2010 and Access to Justice in 2005, etc.

<sup>3</sup> As described by Access to Justice in 2005 (*Breaking Point*, pages 10-11) as well as from images seen by Amnesty International of how detainees are treated in one military detention centre in northern Nigeria.

<sup>4</sup> Not his real name.