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HUMAN RIGHTS PRACTICES IN THE NIGERIAN POLICE



Constitutional
Rights Project

CONSTITUTIONAL RIGHTS PROJECT

Constitutional Rights Project, CRP, was established in November 1990 to promote respect for human rights and the rule of law in Nigeria.

In pursuing these objectives, CRP focuses on:

- Strengthening and promoting the independence of the judiciary and other democratic institutions in Nigeria.
- Working towards ensuring that legislation affecting the rights and freedom of Nigerians are in compliance with universal human rights standards.

CRP's method include active protection of human rights through litigation (the CRP operates a legal services programme that provides legal assistance to victims of human rights abuse), and promotional activities such as research studies, investigations, reports and publications.

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First published in August 1993
by Constitutional Rights Project, CRP,
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Lagos, Nigeria.

Tel: 234-1-843041/848498
Fax: 234-1-848571

Printed by
Mbeyi & Associates (Nig.) Ltd., Lagos.

ISBN-978-31882-2-4

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ACKNOWLEDGEMENTS

The grant for this report was provided by the United States Agency for International Development, USAID, to whom we are grateful.

Our gratitude also extends to the various lawyers, police officers, and the general public who responded to our questionnaires and in some cases provided us additional information during the interviews.

Finally and very importantly to the project personnel who gave their utmost in the achievement of this unique publication.

CORRIGENDUM

For asterisks appearing in the last two paragraphs of page 64 insert the following missing information.

For the first asterisk insert
May 1987

For the second asterisk insert
March 1989

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CHAPTER ONE

INTRODUCTION

In smaller societies where written laws do not exist, informal sanctions deter deviations from the social norm. However, in larger, more socially complex societies, the police have emerged as the primary means for promoting and maintaining the social order.

In the more rudimentary forms of state organisation, rulers employed agents who were charged with the responsibility of enforcing their decisions. By the 18th and 19th centuries, police forces had been vested with the duty of overseeing the internal civil administration of a state or town. In most European countries, this function extended to the regulation of taxes, monopolies and the operations of corporations. Under the Napoleonic system of administration in France, the duties of the police included enforcing regulations on public health and town planning.

In this modern era, the police have developed into a body of individuals who are organised to investigate breaches of the law and preserve the peace. In most industrial societies, police functions include traffic control, crime prevention, and investigation. Different security apparatuses generally exist for gathering political information, counter espionage, and the protection of top state officials.

Although rudimentary, informal, and even formal forms of policing existed in traditional Nigerian societies before the onset of British rule, British colonialism is responsible for the current system of policing in Nigeria. True to its origins, the colonial police force sought primarily to impose and maintain a colonial order in its jurisdiction. Thus, by the time Nigeria regained independence in 1960, it had inherited a police force cultivated under colonial rule. The consequences of this development are examined in this report.

It would be remiss not to underscore the universal implications of this study. Around the world, national police forces are vested with vast authority, placing an inordinate amount of power in the hands of those who control them. This dynamic usually creates two dangerous possibilities: the possibility that those in government will use their control of the police to perpetuate their own administrations and the possibility that the police may no longer be accountable to the public whose interests they are supposed to serve.

Fear of these potential results as well as varying local needs have shaped the development of the police organisation. While some countries prefer local over national, more centralised police systems, in other countries the structure of the police force has been specifically adapted to meet local needs. In rural India, for example, the police are primarily concerned "with the state of the crops, irrigation of fields, the conditions of roads and paths, private feuds and quarrels, the registration of births and deaths, feasts, fairs and all manner of private and public events."¹

With widespread industrialisation in the 20th century, most societies have adopted similar modes of production and therefore face similar law and order problems. Small and large communities, however, tend to approach these problems differently. In smaller, more intimate communities, an individual's reputation and personal integrity depends on receiving the approval of his fellow citizens. Here the police officer's work is relatively easy, as his assistance is only required when such informal social sanctions fail to work. However, as the organisational complexity of society increases, self-policing becomes proportionately less effective, simultaneously requiring a more pervasive police presence

1. *World Book Encyclopedia*, P. 662.

in the city streets and the need to develop measures for controlling the actions of police officers.

An examination of countries around the globe reveals an array of methods for controlling the police. France, for example, has a highly centralised system consisting of two national police forces: Police Nationale and Gendarmerie Nationale, both checking the actions of the other and each monitored in turn by local administrators. In Italy, the police are semi-militarised, comprised of public security guards who are responsible for preserving order and safety, maintaining internal security, and serving as part of the armed forces. While the public security guards answer to the Internal Affairs Minister, another arm of the police, the carabinieri, answer to the Defence Minister. There are still other police forces for the various municipalities as well as for special assignments such as investigating financial fraud.

Spain has two principal police organisations both of which are closely associated with the armed forces. In Japan, the police are centrally organised under the National Police Agency. Britain and Northern Ireland have a decentralised system in which there are no national police forces, although within the United Kingdom there are a number of police units responsible for the docks and railways.

The U.S. probably has the most decentralised force in the world. The federal government exercises minimal control over the police and every community with the resources to do so may run its own force. However, there is a National Guard which is generally responsible for maintaining social order in times of crisis as well as the Federal Bureau of Investigation which has jurisdiction in all parts of the country. Furthermore, there is a hierarchy of authority within the U.S. Local officials are governed by state officials whose authority is in turn superseded by officers of the federal government.

Regardless of the system adopted, policing is most effective where members of society, including those charged with its protection, observe and obey the laws of the land. Alienation and mutual hostility between the police and the citizenry result, where the police are corrupt or prevented, by the nature of their work, from regularly interacting with the community. This dynamic of alienation produces a spiral of even graver consequences as the less the policeman understands and empathises with the community, the more arbitrary his actions may be against its members.

In the colonial territories of Africa, policemen who enforced laws that did not meet the moral approval of the people were isolated from the general public². This is also true of Nigeria where the alienation which existed between the police and Nigerian citizens during the colonial period was intensely aggravated by a post-independence history of corruption, mismanagement, and general misuse in attempts to settle personal and political scores.

OBJECTIVES OF STUDY

The objectives of this study are:

- (a) to research and analyse police powers, responsibilities and practices and how this affects the rights of persons in Nigeria;
- (b) on the basis of the study, to make suggestions for an improved police system in Nigeria.

2. *Ibid*

METHODOLOGY

The methods adopted in conducting the study consist primarily of library research, observations, investigations, personal interviews and administration of questionnaires.

About 1,200 questionnaires were administered, out of which 731 responses were received, representing 60.91%.

Questionnaires were administered on lawyers, police personnel and concerned members of the public across the country, which was split into six zones.

The distribution of the 731 responses received are as follows:

TABLE A

The distribution of the 731 responses:

Zones	Lawyers	Police	General	Total
Lagos	131	59	124	314 (42.96%)
Benin	46	15	51	112 (15.32%)
Jos	33	17	39	89 (12.18%)
Kaduna	39	19	23	81 (11.08%)
Owerri	21	11	26	58 (7.93%)
Enugu	32	10	35	77 (10.53%)
Total	302 (41.31%)	131 (17.92%)	298 (40.77%)	731 (100%)

Most Lawyers and members of the public were very enthusiastic in their response to the questionnaires with several of them expressing great concern about the quality of the Nigeria Police system. Some police personnel were also very responsive to our field staff.

At the Federal Intelligence and Investigation Bureau (FIIB) Alagbon, Ikoyi, Lagos, the Deputy Inspector-General of Police, Donald Ugboajah pleasantly responded to the enquires of our field staff and sought to dispel the impression of the police as unfriendly. Also responsive to us was the police public relation chief, Haz Iwendi who after postponing several appointments finally met with our field staff.

In some States notably Imo, Edo, Kaduna, and Enugu, senior police officers were very helpful. In Plateau State however, our field staff was threatened with detention by the State Police Commissioner, if he insisted on interviewing police officers or carrying on any sort of investigations relating to the police in the State, without a directive from the police headquarters in Lagos.

Some of these threats, and hostilities, coupled with the difficulty of retrieving some of the administered questionnaires, created some bottlenecks and frustrations along the line. We nevertheless succeeded in capturing a clear picture of the police system in Nigeria, which we present in this report.

PROJECT PERSONNEL

The nature of the report made it necessary for Constitutional Rights Project, CRP, to mobilise special field staff to engage in findings across the country. For the purpose of the study the country was split into zones as follows:

- (1) Lagos, covering mainly Lagos, Oyo, Ondo, and Ogun States;
- (2) Benin, covering mainly Edo, and Delta States;
- (3) Jos, covering mainly Plateau, and Benue States;
- (4) Kaduna, covering mainly Kaduna, and Kano States;
- (5) Owerri, covering mainly Imo, and River States;
- (6) Enugu, covering Enugu, and Anambra States.

Research analysis was done by a Research Assistant while co-ordination, collation and writing of the report was done by the authors.

The report is in six chapters.

Chapter one defines the general scope of a police system and the process leading up to this report.

Chapter two traces the origin of the Nigerian police in the colonial era to the early years of independence through 1970. It examines the foundations laid by the British colonialists and traces how these influenced the later evolution of the police.

Chapter three focuses on the impact which early events had on the police, including the civil war between 1967 - 70 when a crime wave swept the entire country. It details police reaction to these events and assesses the impact of the civilian administration which ruled between 1979 and 1983. The study also captures the changes that have been effected on the structure of the police force, including training and orientation, and documents the latest reforms.

Chapter four examines the critical issue of police abuse, particularly the abuse of criminal suspects. This chapter reveals that crimes committed by police in the exercise of their powers often not

only go unpunished, but also unchecked. The image of the police in the public eye is examined and reasons adduced for it.

Chapter five discusses the obstacles to efficient and humane policing in Nigeria, focusing on the constraints imposed by the social-political context, flawed training programmes, as well as the impact which poor motivation, low salary and corruption has on police work. Chapter six reviews the issues raised in the preceding chapters and documents the study's conclusions and recommendations.

Included in the appendices are extracts of the Police Act, various international human rights instruments and the questionnaires used in conducting the study.

CHAPTER TWO

EVOLUTION OF THE NIGERIAN POLICE

Before the onset of British colonial rule, Nigerian communities boasted several arrangements for the maintenance of law and order. In most traditional communities, "native restraints" circumscribed anti-social behaviour¹. These restraints included the fear of retaliation by offended or injured persons, social sanctions imposed by gossip and public opinion, customary beliefs and laws, and other institutional, economic and moral pressures exerted by the communities.

In many communities, religion played a very important role in the maintenance of law and order. Religious offences attracted public attention and amounted to social abominations. Among some Igbo communities, such offences included murder, theft, adultery, birth of twins, and deformed babies. Oracles and supernatural forces also were basic features of the pre-colonial police system. Among the Gwari and Soli people of Verre in what was then the Yola province, religion was the very basis for law.

The significance of religion in the maintenance of law and order was also evident in the muslim parts of northern and western Nigeria². However, the system of law enforcement was more formal in these areas than in the non-muslim areas where those who performed police duties for their respective communities were part-time workers who had regular occupations as farmers, traders, fishermen, weavers or smiths. The few exceptions were diviners, priests and priestesses of different oracles and

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1. Tamuno, Tekena, *The Police in Modern Nigeria*, P. 71; University Press, Ibadan, 1971.
 2. *Islam makes no distinction between secular and religious offences and regards Allah as the supreme law-maker. Thus, judges, the mazalim (Wrongs) Court, the shurta (police) and others are only mechanisms for enforcement.*

cults. Among many Igbo, Ekiti and Ishan communities, age-grades performed police duties.

While on duty the police generally wore emblems of authority in the form of masks or special leaves, sticks, daggers, calabashes or some other distinctive costume. In Yoruba land, members of the *agemo*, *egungun*, *adun-orisa*, and *gelede* secret cults, were responsible for enforcing customary law, just as the *areku* mask did among the Akpoto in the Idoma division and the *mmuo* societies did among the Igbo. The *ekpe* and *ekpo* societies among the Ibibio-Efik performed similar functions.

In many traditional societies, custom required one who committed a murder or some other heinous offence to flee his community, obviating the need for a criminal investigation. However, when investigations did become necessary, the intimacy of the smaller communities often made them fairly easy. Through a combination of sleight, hypnosis and psychology, diviners and medicine men often succeeded in fishing out the offending parties.

In addition to diviners, people also employed oracles and trial by ordeal in the investigation of crimes. The Aro long juju (*chukwu ibino-kpai*), *igwe-ila-ala* of Umunoha and *agbala* of Awka were some of such popular oracles located in Igbo land. Among the Isokos, to the west of the Niger, their *uzere juju* was found very useful in the detection of crimes. It was similar to the *dagire* employed among the Bata-speaking people of the Adamawa region in the north east.

The pre-colonial methods of maintaining law and order in the area that is today Nigeria differed from the modern methods in a number of significant ways. "Unlike the modern police riot squads," notes

Tamuno³, for instance, "the traditional peacemakers (mostly priests) did not employ violence and carried out their purpose - the ending of hostilities - without breaking limbs. By contrast, the modern police riot squads appeared harsh and bereft of the religious sanctions which had reinforced the traditional apparatus for controlling public disturbances". The British, on their coming, had stopped a number of the traditional practices it considered "uncivilised" and went ahead to change the concept of law and order, often to the consternation of the Nigerian communities.

THE ADVENT OF A MODERN POLICE

According to Tamuno, "An examination of the origins, development and role of the British-inspired police forces in Nigeria reveals that they were shaped by the nature of European interests in the country and the reactions of indigenous people to their activities". One long standing European interest in West Africa was commerce. After the abolition of slavery, the British maintained a squadron in West African waters which intercepted slave-trading ships, serving as an early example of a maritime police. They sought to encourage "legitimate" commerce in palm produce and other raw materials for European factories as well as markets for their products.

However, European (and British) efforts to penetrate the hinterland was blocked by African middlemen traders. In 1849, the British government appointed a Consul-General for the Bights of Benin and Biafra on the Atlantic Coast of West Africa in the person of

3. Tamuno, Tekena, *The Police in Modern Nigeria*, Op. Cit

John Beecroft to promote the so called legitimate trade and "prevent quarrels and misunderstandings" between African chiefs and British merchants operating in the area. Some years later there was the clash between Acting Consul Johnson and Jaja of Opobo, who was trying to protect his legitimate commercial interests, following which the British was persuaded on the need for a government force.

However, it was Acting Consul Annesley who set up the first police force in the Oil Rivers Protectorate around 1890 when resistance from the African chiefs persisted. He used his "small police force" who were armed with shot-guns to attack Chief Andemeno of the Enying on the upper Cross River in March 1890. The people of old Calabar complained bitterly against atrocities committed by Annesley's police. After Claude Mac-Donald took over the administration of the Oil Rivers Protectorate in 1891, Yellow King Archibong alleged on a sworn statement before the consular court that Annesley's "soldiers and police" broke into his house and destroyed his property in the presence of the Acting Consul. Shocked by the "numerous acts of lawlessness and pillage"⁴ committed by "Annesley Baba and his forty thieves"⁵ as Mac-Donald put it, he disbanded the police force before setting up another.

In place of Annesley's police, MacDonald, with the help of Ralph D. Moor, a former inspector of the Royal Irish Constabulary, established a constabulary for the Oil Rivers Protectorate, which later became the Niger Coast Protectorate. In 1896, Moor was to succeed MacDonald as a Commissioner and Consul-General of the protectorate. After a

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4. *Minutes, Consular Court Proceedings, Old Calabar, 3 and 10 August, 1898, (quoted in Tekena, Tamuno's book: The Police in Modern Nigeria)*
 5. *MacDonald to Anderson during a private discussion on 8 August, 1891, published in Tamuno, Tekena's book: The Police in Modern Nigeria, Op. Cit.*

recruitment tour of West Africa, he used Yorubas and Hausas he got from Lagos, to create the Oil Rivers Irregulars, a military force, and a semi-police force known as court messengers.

According to Tamuno, "The court messengers, armed with snider rifles, performed the duties of a 'military police' force, executed the orders of the consular courts, arrested and escorted prisoners and protected the Vice-Consuls when required". Between 1897 - 98 their total strength was 123, stationed at Old Calabar (48) Bonny (6) Degema (15) Opobo (9) Sapele (14) Benin City (14) Warri (11) Brass (3) and Qua Ibo (3).

It is noteworthy that at this time, the police force was used more for military purposes than for civil police duties. As it was with the Niger Coast Protectorate, so it was with the neighbouring territory administered by the Royal Niger Company, which established a constabulary in the area under its control beginning from 1886. The strength of this constabulary grew from five officers, two African non-commissioned Officers (NCOS) and 413 privates at inception to 18 officers and NCOS and 1,000 privates twelve years later in 1898. With this force armed with snider rifles, the Royal Niger Company (RNC) punished the emirs of Ilorin and Nupe who would not recognise its authority.

In the adjoining Lagos territory the British faced similar problems as in the other places in protecting lives and arbitrating between the indigenous people, European merchants, Christian missionaries and other businessmen. After the annexation of Lagos in 1861, Consul William McCorsley established a police force and built a jail. It was the first modern police force in the history of Lagos and the territory that was subsequently to become Nigeria. A year later, it was still a small force of twenty-five constables whose beats did not extend into the native

sections of the town.

Beginning from 1863, the Lagos colony had two police branches, one was civil while the other was quasi-military. The civil police was headed by an African, superintendent Isaac Willoughby, and did not attract the attention of Governor H. S. Freeman as much as its counterpart, the armed hausa police, recruited from freed hausa slaves resident in Lagos, who were reportedly brutally efficient, with little or no respect for the local people and their customs.

While the armed hausa police received all the recognition and supervision, the civil police headed by Superintendent Willoughby suffered, particularly in terms of poor recruitment and training. The *Lagos Observer* noted in an editorial of March 1883 that:

"With the exception of a very few ... the men are derived from the very lowest off-scourings of people found about Lagos, chiefly interior people, and of the class known as alarus or carriers - a kind of out casts or pariahs, ... without fixed abodes ... and living a most precarious life".⁶

People were restive that the crime rate was growing at the time, and there were even accusations that some policemen were collaborating with criminals.

The police image at this time was not helped by the manner Superintendent Willoughby had handled a case involving his brother, Emmanuel Willoughby, who had used a forged key to steal £2.11S.3d of public money under lock in his brother's house. On finding his

6. *The Lagos Observer, 15 March, 1883*

brother out, Willoughby did not prosecute him in the open court, so that when the story leaked, an inquiry was instituted by Governor Glover. Emmanuel Willoughby and another accomplice, Thomas Cole were recommended for dismissal, but six months later, Willoughby was reinstated for undisclosed reasons. The main public complaint against Superintendent Willoughby at the time was that he did not handle his brother's case as it was his wont when he handled other cases. It was alleged that he used to lock up illiterate and poor people he disliked.

It was under the Police Ordinance of 1895 that a civil police force different from the constabulary was created for the Lagos colony. Known as the Lagos Police, its responsibilities included "the prevention and detection of crime, the repression of internal disturbance, and the defence of the colony and protection against external aggression". The first officers of the force were trained at the Royal Irish Constabulary depot in Dublin. Ireland, with its history of rebellion, the colonial authorities reasoned, provided the proper training ground as similar rebellion and opposition was expected from the colonies. Nigeria was indeed viewed as a potential Ireland.

In the Northern Nigeria Protectorate, the British depended a great deal on the Chiefs and Emirs for law enforcement. By the time the Emir of Kano and the Sultan of Sokoto accepted British rule in 1903, most lesser chiefs realised it was time to surrender too. Therefore, the British only strengthened the local police, *Dogarai*, through which the emirs exercised control over their territories.

Up till May, 1906, there were three different police forces serving the British Protectorates of northern and southern Nigeria and the Lagos colony. When Lagos merged with the Protectorate of southern Nigeria in that month, their forces came under one command.

With the amalgamation of the Northern and Southern

Protectorates in 1914, the central government came under a Governor-General. But the police forces did not merge immediately. Under the Governor-General, Lieutenant-Generals took charge of each of the northern and southern provinces and each one of them had an Inspector-General of police under him. In 1917, the government enacted a Police Ordinance which provided uniform rules and regulations for the combined police forces. Perhaps, the most significant event in the life of the police occurred on April 1st, 1930 when it became known as the Nigerian Police Force (NPF) with the amalgamation of the northern and southern protectorates forces.

Subsequent organisational developments after 1930 included administrative adjustments made by the Nigeria Police Force following several constitutional changes. These changes also defined the role and manner of deployment of the police.

The first major constitutional change in Nigeria after the second world war was the implementation of the Richard's Constitution in 1947. The administrative decentralisation it brought also affected the police. The process of decentralisation continued under the Macpherson Constitution which came into force four years later in 1951. The Nigerian Police Force was now reorganised and placed under regional commands answerable to the Inspector-General.

The Nigeria Police Force became a "Federal Force" in 1954 when the Lyttleton Constitution came into effect. This marked the dawn of formal federalism, and the organisation of the police force was adjusted to reflect new political realities. One consequence of this was that both federal and regional governments now shared responsibility for the maintenance of law and order and the preservation of public safety.

More significant changes occurred when Nigeria became independent in 1960 and with the coming of the Republican Constitution

in 1963. With the republican constitution, the allegiance of the police force shifted from the British Crown to the Nigerian President. All officers and other ranks of the police now swore loyalty to the Federal Republic of Nigeria. The former Nigeria Police Force crest with the symbol of the British Crown was now replaced by the federal coat of arms. Other regalia and paraphernalia of the force were also redesigned along the same line. Whether there was any change among the force members in their perception of their roles remains to be seen.

Up until the mid 1960s, all the preceding constitutional changes shaped the organisation, deployment and control of the police force. In the immediate post-independence years, the dominant fear was that of political unrest and public insecurity. These were the major sources of the problems that confronted the police force.

Both the 1960 and 1963 constitutions were silent on the control of the local police forces that were still operational in the Northern and Western regions. Because the provisions in the statutes did not give the Nigeria Police Force sufficient protection from political pressure, they were unable to resist laws and government orders that were politically motivated and even had the capacity for endangering public peace.

Due to the constitutional defects, the Inspector-General of police and the regional police commissioners were effectively the political appointees of the prime minister and the regional premiers, for this reason, "lawful" commands could come from a regional premier or the minister responsible for law and order, and the police could not question these sometimes contradictory commands in the maintenance of public safety.

One of the consequences was that the advantages of leaving prosecution to a legally qualified official outside the police was lost. Often people deserving of prosecution were not prosecuted because of

political consideration. Between 1964 and 1965, armed thugs, with the protection of party leaders, terrorised people at will. These trend was particularly evident during Federal elections in December 1964 and Western regional elections in October, 1965. According to the official Nigeria Police Force (NPF) accounts, between these elections, 153 people were known to have been killed.

In August 1964, the western region Director of Public Prosecutions withdrew criminal charges against eleven supporters of the Nigerian National Democratic Party (NNDP) which was in power at the region.⁷

It is noteworthy at this point that side by side the NPF existed with local police forces in Western and Northern Nigeria. These had been placed under the direction of traditional rulers who commanded considerable authority and respect over a wide area. The absence of such political structures under centralised local authorities in much of South-Eastern Nigeria saw the colonial authorities applying a more direct system of administration. Therefore, under the Native Authorities Ordinance 4 of 1916, native authorities (or traditional rulers) were given the responsibility for maintaining law and order in their areas. In Western Nigeria, the earlier versions were known as *Agbewe*, later replaced by the relatively better trained *Olopa-Ibile*. In Northern Nigeria the *Agbewe*'s counterpart was the *Dogarai* in the muslim emirates, later replaced by the *Yan Doka*.

Both the 1960 and 1963 Nigerian Constitutions were silent on what should become of these local police forces. With the Western and Northern regional governments reluctant to amalgamate these forces with

7. *Daily Times* 29 August, 1964

the National Police at the centre, there was little the Federal Government could do.

However, a military coup in January, 1966, brought about significant changes. A decree issued by the military government stated that "All Local Government Police Forces and Native Authorities Police shall be placed under the overall command of the Inspector-General".⁸ The military government embarked on further reforms which saw to the conversion of the other police forces into a single Nigerian Police by the end of 1969.

8. *Official statement by the Military Government of Nigeria in connection with recent developments in Nigeria, Lagos 23 January, 1966*

CHAPTER THREE

THE POLICE SINCE 1970

The antecedents to 1970 include turmoil and civil war (1967 - 70). Insecurity was worsened by the military take over of government in January, 1966. The take-over appeared to heighten political tension leading to a sectionally motivated "revenge" coup in July, 1966, in which northerners, who felt aggrieved by the January coup, ousted and killed the Igbo head of state, General J. T. U. Aguiyi-Ironsi. The law and order situation further degenerated.

Subsequently, there were pogroms, at first in northern Nigeria directed against southerners in general and Igbos in particular, with the equally politicised police force looking on. The anti-Igbo pogrom later spread to some parts of Western Nigeria, even though on a relatively minor scale. All of these events provided the ingredients that ignited the Nigerian civil war in 1967, during which the Igbos led other Eastern Nigerians in a secession bid to create an independent Biafra. The war lasted until January, 1970 when Biafra surrendered.

The end of the civil war did not bring about the end of law and order problems, rather it created new ones. The phenomenon of armed robbery now emerged. During the civil war, many young people had seen action and became experienced in handling weapons. At the end of the war, buoyed by the devaluation of life engendered by war, many ex-soldiers formed into gangs of trigger-happy robbers, using the surplus of weapons generated by the war.

These posed serious law enforcement problems for the police, who were often less armed than the robbers. Phenomenal armed robbers, whose audacity and cruelty have gone into folklore, even making the subject of films emerged. It was to check the unusual development that the military government of General Yakubu Gowon in 1970 introduced the public execution of convicted armed robbers in order to serve as a

deterrent. Two of the most memorable king-pins of the under-world who were sentenced to public executions include Mighty Joe and Dr. Oyerusi.

However, try as it may, public executions never succeeded in providing the desired deterrent effect. Not even when a policy was introduced later in the 1970s of executing convicted armed robbers in their home towns. Thousands have been executed since the policy was introduced in 1970 but the crime rate, particularly that of armed robbery has continued to grow, both in number, sophistication and audacity. Indeed the phenomenon of armed robbery explosion provided the theme for the novel, **Survive the Peace**, by Cyprian Ekwensi, one of Nigeria's leading novelists. The subject matter is how the major character survived the hazards of the Nigerian civil war, but could not survive the peace as he was shot dead by armed robbers, while returning from the war front.

There has persisted in the Nigerian society an underlying social crisis, a compounding of poverty and ignorance, which the political elite, preoccupied with their bickering and scheming for power and patronage, have been unable to address. The mass of the people have become alienated from government and the state, creating a "we and them", divide between the people and the rulers akin to the relationship that existed between the populace and the colonial authorities.

On their part, the ruling elite, whether military or civilian, having failed to carry the people along, resort to the colonial uses of the police and the security forces as instruments of - suppression of protest, rebellion, and discontent, and the maintenance of their often undemocratic rule. Despite Nigeria being blessed with human and natural resources, the ruling elite have failed to develop them for national benefit, but have instead amassed huge personal fortunes.

Therefore, the pattern of rebellion and suppression that developed in the colonial era has persisted in addition to the corruption of the powers of the state. The gulf that existed between the colonial authorities and the people has continued to exist between the independent governments and the people. While the old pattern of semi-military policing continued (even became emphasised with the creation of the para-military, anti-riot mobile police at independence), rebellion against the state continued and has been dominated since the early 1970s by student/police confrontations.

POLICE AND STUDENTS:

Students' confrontations with the authorities in Nigeria go back to the early days of Nigeria's independence. Less than a year after Nigeria's independence from Britain, a plan was afoot to sign an Anglo-Nigeria defence pact, which would have enabled Britain to intervene militarily in Nigeria if her interests were threatened in the country. The plan was scuttled when university students got wind of it and mounted demonstrations to protest it, forcing both parties in the negotiations, the Balewa government of Nigeria and the British government to give it up.

However, it was in 1971, that life was lost for the first time in student/police confrontations. That was the year Kunle Adepoju, a student of the University of Ibadan died from gunshot wounds, sustained during a police quelling of a students demonstration in the university. Many more lives were lost seven years later in 1978, when there were nationwide students demonstrations against plans to introduce tuition fees in Nigerian universities. In the demonstrations, students also demanded the removal of Colonel Ahmadu Ali, Federal Minister of Education, giving the demonstration the name by which it is known in the annals

today: the "Ali-Must-Go" demonstrations. Students were particularly vehement because they believed, government officials were misappropriating the proceeds of the oil boom which the country was enjoying at the time. About 15 students died from police gunshots, most of them at the University of Lagos and the Ahmadu Bello University, Zaria.

The *Ali-Must-Go* events further opened the flood gates of students unrest in Nigeria. In 1981, eight students of the University of Ife, mostly female students, died after the police forcibly dispersed a crowd of demonstrating students. While most of the deceased did not carry gunshot wounds, students alleged that the excessive force applied by the police, who charged on the students without warning, created the stampede that led to the deaths.

Nevertheless, it was from 1986 that students demonstrations assumed endemic proportions. On May 23 that year, the police who had been invited to disperse demonstrating students at the Ahmadu Bello University, Zaria, reportedly broke into students' hostels, firing indiscriminately at students and innocent passersby in the campus environs. According to official records, four students died from gun-shot wounds although unofficial accounts estimated higher figures.

The events at Zaria sparked off sympathy demonstrations in higher institutions nation wide, resulting in further loss of life and property. Student counter-violence saw several police stations and police posts burn down. Students of the University of Ife (now Obafemi Awolowo University), broke into the Ife prisons and released over 200 prisoners to spite the authorities.

Worried by these events, the government of General Ibrahim Babangida, who took power in a military coup eight months earlier, set up a commission of inquiry, the Abisoye panel, to investigate the events

and make recommendations on how to avert future occurrence. While the government eventually accepted most of the recommendations of the Abisoye Panel, a number of the Panel's recommendations, particularly affecting the police force, were rejected by the government.

For instance, the panel recommended that the police should discontinue the use of ammunition in controlling student riots. The government observed in its white paper that the recommendation would have been more balanced if students were also urged to avoid violence in the form of missiles thrown at police, the use of abusive language and the blockage of highways.

The panel also recommended that policemen of the mobile force, renowned for their violent excesses, should under no circumstances be used to disperse student demonstrations inside campuses. Where police must be used, it should be the regular force, armed with tear-gas, water hoses, barbed wires, megaphones, shields and so on, but not live ammunition. The government rejected this recommendation on the ground that it would amount to carving out immune territories within the country.

Furthermore, the Abisoye Commission of inquiry also called for the repeal of the law establishing the Nigeria Mobile Police Force. The government also rejected this recommendation. On the issue of inviting the police into campuses, the commission recommended the expansion of the supernumerary police to be stationed in universities that would not be armed with live ammunition. The government rejected this recommendation, though directing more restraint in the use of live ammunition against student disturbances. It went on to reaffirm the right of access of law enforcement officers to every part of the country, including campuses since these institutions are liable to the laws of the country. The implication was that students demonstrations within

campuses could be disrupted by the police, with its likely consequences.

Since then, rather than decrease, students/authorities confrontations have been on the increase. In 1987 there were also nation wide student demonstrations when students marked the anniversary of the previous years' events. It was also about this time that the Babangida government introduced the Structural Adjustment Programme, which saw to the cutting of education subsidies, the introduction of higher school fees, and a general austerity programme.

Student opposition to this harsh economic programme became a regular source of confrontation with law enforcement agents. In May/June 1987, the University of Jos led nation-wide demonstrations to protest increases in fuel prices. In June, 1988, it was students of the University of Benin who led nation-wide protests, joined by the unemployed, against the direction of government's economic policies. In all these cases, there were street battles between police and demonstrators and lives were lost. Riots led by students, even in subsequent years, remained annual events more or less.

Perhaps the most violent incident occurred in May/June, 1992, when a student-led protest against persistent fuel scarcity resulted in widespread rioting and looting. While according to official sources, few lives were lost, independent sources gave higher figures. For instance, the Committee for the Defence of Human Rights (CDHR) reported that in one hospital in Lagos alone, the police dumped over fifty corpses. There were reports of rioting suspects who were crowded into police cells in Ketu, Lagos, where policemen fired tear-gas at them in poorly ventilated cells. Many were said to have suffocated to death. An attempt to investigate this incident was resisted by the police.

COMMUNAL AND RELIGIOUS RIOTS:

Another major development which has proved a source of concern for the police force are communal and religious disturbances. Perhaps the most violent manifestation has been in religious disturbances and 1980 marked a turning point. That was the year an Islamic sect, followers of a preacher called Maitatsine, unleashed violence on non-members in Kano. The fiery Maitatsine followers faced the police with their poisoned arrows, machetes, guns, and any weapon they could lay their hands on. Many policemen were killed, and over a thousand casualties were recorded. Eventually the army was called in to help quell the disturbances.

Nevertheless, the Maitatsine rebellion resurfaced in subsequent years and with equal force in several other northern Nigerian towns including Bulumkutu, Maiduguri, in 1982, Gombe in 1983 and Jimeta, Yola, in 1984. In each case it required the intervention of the army to restore peace.

As the Maitatsine rebellion appeared to be getting under control, there was a new phenomenon of Christian/Moslem sectarian conflicts. It raged in Kafanchan, and other parts of Kaduna State in 1987. When it occurred at Tafawa Balewa, Bauchi State in 1990, it took the form of a religious-cum communal conflict. It was the same when another conflict erupted in Zangon-Kataf in Kaduna State in June, 1992. In each of these cases hundreds of lives were lost and the police had more than a hectic time containing them, often requiring the assistance of other security forces.

While all of these developments amounted to difficult work for the police, the greatest difficulty came still from fighting crimes, particularly armed robbery. Under a system devised in October, 1988 by

Muhammadu Gambo, then Inspector-General of Police, crack squads of anti-crime mobile policemen were operating in all states of the country. The whole country was divided into zones: the northern zone, comprising Sokoto, Katsina, Kano, Kaduna, Borno, Plateau, and Bauchi states; the central zone, made up of Gongola, Benue, Kwara, Niger, Anambra, Oyo states and the Federal Capital Territory, and; the southern zone, made up of Lagos, Ondo, Cross River, Rivers, Ogun, Akwa-Ibom, Imo, and Bendel states. Each zone was placed under an Assistant Inspector-General.

Before 1986, the Nigeria Police Force (NPF) was organised under six departments. They comprised Administration (A), Operations (B), Works (C), Investigations (D), Criminal Intelligence (E) and Research and Planning (F). Each division was under the charge of an assistant Inspector-General, all of whom reported to the Inspector-General. All of these federal departments were also represented in the various states.

But following the re-organisation of the police force in 1986, under the then Inspector-General, Etim Inyang, the divisions were reduced to five: Operations (A), Finance and Administration (B), Criminal Investigation Department (C), Logistics and Supply (D), and Training (E). In 1988, the C Branch or the Criminal Investigation Department, was given a new name, Federal Intelligence and Investigation Bureau (FIIB), with headquarters at Alagbon Close, Lagos. At the state level, FIIB was complemented by the State Intelligence and Investigation Bureau (SIIB).

CHAPTER FOUR

POLICE ABUSE OF CRIMINAL SUSPECTS

Over time in Nigeria, the perception of the police force by the public has been that of an unfriendly, brutal force. The result is that the expression "the police is your friend" is at best seen by the members of the public as a wicked sarcasm. Among Nigerian citizens, the first impression of the police is that they frequently exceed their powers. The consequence is that rather than cooperation developing between the force and members of the public, mutual suspicion and hostility has developed.

Most Nigerians are no longer keen to help accident victims because very often, when they do, they become the first to be accused by the police. The same obtains for cases of robbery and stealing, where reporting a case to the police often amounts to making oneself a suspect. Over time, police behaviour in Nigeria became underlined by high - handedness, arrogance of power and brutalisation of ordinary citizens.

Respondents to questionnaires administered by the Constitutional Rights Project, CRP, were asked their assessment of police attitude to suspects: 235 of the 298 members of the public questioned described police attitude as cruel, inhuman and/or corrupt representing 78.86%. Only 63 (or 21.14%) saw the police as kind and helpful. (See table B)

TABLE B

Assessment of the police attitude to suspects.

Response	General
Kind, Helpful	63 (21.14%)
Cruel, Inhuman, Corrupt	235 (78.86%)
Total	298 (100%)

Like a cancer, police excesses are widespread. Some instances of police excesses over the past decade are given below:

POLICE KILLINGS

Allegations of summary killings against the police in Nigeria is widespread. While some of the killings occur at police check points and during patrol duty, others are committed in cold blood at police stations or during the torture and interrogation of suspects.

In 1981, Dele Udoh, a popular Nigerian athlete based in the United States, who was home to represent Nigeria at a tournament, was shot dead by a policeman in Lagos, following an argument at a police check-point.

Among the numerous cases of police excesses recorded two years later, in 1983, was one in which six university graduates on national service were shot dead during a ceremony at Ughé'li, Delta State.

In July, 1986, a 26-year-old man, Sunday Amusan, died in the hands of policemen at Ijebu-Igbo, Ogun State, in rather unseemly circumstances. Reports said he was initially struck down by a vehicle, carrying policemen. In order to conceal the evidence, the policemen were said to have clubbed him to death only to claim later that he was an armed robber who died in a shoot-out with policemen. In Lagos in the same year, Alhaji Haruna Umar, a police commissioner, was shot and killed by policemen, who did not realise his identity at a friend's house. In August 1986 at Port-Harcourt, Rivers State, Eunice Dallas, a pregnant woman, was shot through the spinal cord by a policeman, leaving her permanently paralysed.

1987 was not lacking in instances of police excesses either. In April, a constable who claimed he was aiming at another suspected

stolen vehicle, shot two school kids in Lagos who were being conveyed home in their school van. In October, John Paul Ifedi, a graduate of the Institute of Management and Technology, Enugu, was killed by a policeman at Aguda, a suburb of Lagos. The following month, two brothers, Saka and Sule Dawodu, were shot dead by a policeman when they intervened in a traffic dispute between the police and another motorist. Two days of rioting by outraged members of the public followed the incident, which led to the arrest and conviction for murder of the policeman responsible, corporal Eze Ibe. Similarly, a policeman had killed a butcher in Minna, Niger State, triggering off violent riots by the aggrieved public.

Since the emergence of human rights groups in Nigeria, numerous cases of police abuses have come to public notice due to the activities of these human rights organisations.

In its 1990 report on human rights in Nigeria, Civil Liberties Organisation (CLO) notes that the year "witnessed horrible cases of police abuse of citizens' rights"¹ in the country. It records several reports of police killings, many of which occurred while the victims were in custody. On October 26, a young man, Paul Okpioba, had left home in Lagos telling his mother he was going to check his General Certificate of Education (GCE) result at the zonal office of the West African Examinations Council (WAEC) at Ogba, Ikeja. He was arrested at Oshodi bus stop and police records at the Mosafejo Police Station, Oshodi, show he was brought in on October 26. He was later taken away by one Inspector R. Vukhugbe in a landrover jeep with registration number LA5729 KD, but was later declared "missing" in custody.

1. *CLO report on: Human Rights in Nigeria, 1990, P. 7*

Following a suit filed by CLO against the police on the case, the police admitted in a counter-affidavit that somebody that probably was Paul Okpioba, was shot dead while trying to escape from police custody. Contrary to official regulations the police did not register the death before the corpse was buried in a mass grave.

In another case, Elechi Larry Igwe, a 26-year-old businessman, was killed at the Surulere Police Station, on Western Avenue, Lagos, while in custody. He had left home on the night of December 19th, 1989 in his Peugeot 505 car to meet his elder brother Orji Igwe at the Murtala Mohammed Airport, Lagos. On his way he was arrested in unclear circumstances by the police. According to eye witnesses he was brought alive to the police station hand-cuffed and with signs of heavy beating. Relatives discovered his body later at the Lagos State General Hospital tagged "unknown corpse, reference No. 5960", said to have been deposited on 20th December by one Sergeant Joseph Ohihion of the Surulere Police Station.

The police later claimed, after his car was discovered at their station, that the occupants of the car were killed in a shoot-out with the police. Igwe's relatives later discovered that the Divisional Police Officer at the Surulere Police Station was using his car which had been impounded. It bore no bullet holes showing it was used in a gun battle. When two of Igwe's friends had gone to the station to make inquiries of him, they were hand-cuffed at the ankles and beaten by the policemen. They were warned never to return to the station on their release. At the hospital, Igwe's brother, who works as a professional criminologist in Houston, Texas, observed that the bullet which killed him was fired at very close range.

On 9 December, 1989, Chidi Nwanguma, a young man of 25, had left his home in Kaduna in northern Nigeria to attend an evening

church service. On the way, he was arrested by the police and beaten to death in hand-cuffs. His corpse was deposited at the Nursing Home Mortuary by one Corporal Musa Andrew of the Sabon Tosha Police Station, Kaduna, where it was discovered by his relatives on December 13. Upon their inquiries, Corporal Andrew reportedly removed the corpse on December 19 to an unknown destination.

Several more people have also been shot at police check-points. In one case, Bartholemew Madu, a businessman based in Kaduna, was travelling to Kaduna in his Mercedes Benz car when he was stopped at a check-point by the police. Following an argument, the Inspector in charge of the check-point drew a gun and shot him dead. Sunday Nupojuku, a young man of 20 was also reportedly shot dead at a police check-point in April 1990. Another human rights organisation, Committee for the Defence of Human Rights (CDHR) revealed 17 instances of summary executions by policemen in 1990 alone involving over 25 victims, 22 of whom were clearly identified. Its documentation included the dates, circumstances and the locations where the executions took place.

In addition to these killings, there were massacres. One horrifying instance occurred on November 1, 1990, at Umuechem, an oil producing village in the Etche Local Government of the coastal Rivers State. No less than 25 persons were shot dead, including the traditional ruler of the town, Eze A. A. Ordu and a clergyman, Pastor Sunday Ukonu of the Christ Apostolic Church, by policemen. Apart from seven people who were injured in the attack, eight other persons were detained at unknown locations; the whereabouts of about 24 other villagers were unknown. A total of 650 buildings, 175 bicycles, 55 motor-cycles and a large stock of crops and livestock were also destroyed.

Trouble began on October 30, 1990, when the youths of Umuechem began peaceful demonstration against the neglect of their village by Shell an Oil Company operating oil wells in the area. On the second day of the protest a quick intervention police force was despatched from Port-Harcourt to disperse the protesters. In the process, the police claimed that three of their men got missing.

By 4.30 a.m. on Thursday November 1, 1990, while the village was still asleep, another detachment of the police had surrounded it to ostensibly search for their missing colleagues. Survivors reported that the policemen opened fire in all directions, launching explosives into houses. At the residence of the traditional ruler, a police armoured car tore through the gates and Eze A. A. Ordu was shot dead. The police operation was led by one F. Meibake, the Divisional Police Officer for Okechi Division. Following public out-cry the Rivers State Government set up a judicial inquiry into the massacre, while the police also announced its own inquiry. However, till date no policeman is known to have been prosecuted for the incident.

Even before the Umuechem massacre, less publicised was an event in August of perhaps even more horrendous proportions. After a clash with villagers of Agagbe district in the Gwer Local Government area of Benue State in which one policeman, Corporal Andrew Agbo was reported killed, the police struck in revenge. Not less than 200 villagers were said to have been killed in the subsequent revenge mission according to newspaper reports. No official inquiry was conducted on the incident.

There were yet other instances of police brutality against defenseless citizens. The police anti-riot squad, the mobile police, on July 30 and 31, 1990 raided two housing estates in Lagos, at Ilasan and Ikota, where thousands of people displaced by the demolition of the

Maroko shanty-town in Lagos had taken refuge. They had gone there on the orders of then Lagos State Governor, Colonel Raji Rasaki, to expel people he referred to as illegal squatters on government buildings. Men, women and children, were brutalised during a police siege on the area, and their property destroyed.

During the raid, several women married and single, were raped by policemen. Leaders of the Maroko evacuees recorded 17 cases of rape. Residents reported that the policemen came in duty lorries with their number plates concealed. The policemen also had no name tags as required by regulation.

Nigerian police abuses include killing of suspects and torture which "appear to be a regular features of Nigeria's law enforcement system".

Summary killings of suspects at police stations at Panti Street, and Adeniji Adele, both in Lagos, and Elewera Police Station on the outskirts of Abeokuta, about 80 kilometers from Lagos particularly is rampant.

One account of these summary executions was given by Charles Okoroafor, now residing in Orile Iganmu, Lagos who was arrested in Lagos in November 1987 and taken to the Panti Street Police Station, Yaba, Lagos. At the Police Station he was lumped together with five other persons he had never met before, and charged with armed robbery, an offence punishable with death. He was alleged to have robbed a factory located in Ikeja, Lagos. Okoroafor was held in police custody for more than two years without trial. Over the period, four of the other five suspects charged with him, were taken out during interrogation sessions for "treatment" - an euphemism for execution. Okoroafor believes he avoided being killed because a lawyer hired by his family took out a writ of habeas corpus at the Lagos High Court which led to his release from

police custody in December 1989.

The lawyer G. James with offices in Yaba, collaborated Okoroafor's story.

Another horrifying instance of extra-judicial killing by the police occurred on March 6, 1991, when seven persons were killed by the police at their house at No. 568 Lagos - Abeokuta Road, Oko-Oba, Agege, on the outskirts of Lagos. Among the seven was Abiodun Garuba, a businessman, his eldest daughter, 22 year old Abidemi Garuba (who was to travel in a few days to join her fiance in London) and his 18 years old son, Saidu Garuba, a trained teacher. Also killed were Ifesanmi Anipapo, 23, a refrigerator technician repairing a faulty refrigerator in the Garuba household on the day of the incident, Bello Anagatone, a water supplier delivering water to the Garuba family, Taofik Shoyoye, their neighbour, and Shehu Salawi, a friend of the Garuba family.

They were first arrested, taken to a police station and later brought back to the house for "further investigation". They were then all herded into Garuba's house and shot dead at point blank range. The bodies were then taken away by the policemen. One Francis Sule, a friend of the Garubas, who went to the Oko-Oba Police station to inquire after the "arrested" people "disappeared" and the last trace of him was an entry in the records of the police station that he was arrested for stealing.

The police claimed later that the seven dead persons were members of an armed robbery gang killed in a shoot-out. They presented one gun said to have been recovered from them. The police could not explain how a seven-member gang engaged the police in a shoot-out with one gun. No policeman was injured in the alleged shoot-out nor was any bullet recovered from the scene. Autopsy reports showed that the victims

were shot at point-blank range and bruises on the corpses also showed they were beaten.

A lawyer Tony Ogbobo briefed by the Garuba family to represent it in the case, was killed soon after in suspicious circumstances by a hit-and-run driver. Calls by members of the public for judicial investigation of the incident went unheeded. An "in-house panel" set up by the Inspector-General of police, did not release its findings. Assistant Inspector-General of police, Nuhu Aliyu, who chaired the police panel, told a press briefing, three months later that the policemen had killed the seven people in self-defence.

Also within the same month, police shot at protesting workers in Jebba, Kwara State, killing three workers of the Jebba Paper Mill. The workers were protesting the non-payment of their salaries and fringe benefits. A trade union leader arrested in connection with the protest died in police custody, in suspicious circumstances.

In May, Dr. Nwogu Okere, General Manager of an advertising agency in Lagos, was shot dead by the police at a petrol station, by police on patrol duty. According to eye-witness accounts, policemen had chased Dr. Okere's car to the petrol station, where he disembarked with his driver and his wife, with their hands raised in surrender. It was in this position that a policeman shot Dr. Okere point blank on the chest. Explaining the incident later, Lagos State Commissioner of Police, Daura Ahmed, said the policemen mistook the deceased for an armed robber after his driver allegedly refused to stop at a check-point. The policemen involved were exonerated.

TORTURE

The Nigerian Constitution forbids the use of torture by law

enforcement officials against suspects or any person at all. Section 31 (1) of the 1979 Constitution² provides:

"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".

CRP investigations however reveal the prevalence of torture in the police law enforcement system in Nigeria.

Torture was found to be a widespread means employed by the police in obtaining information from suspects and has indeed become a regular feature of police law enforcement system.

69.5% of respondents to CRP's questionnaires state that statements or confessions made by suspects during interrogation are not made voluntarily. (See table C).

2. See Section 33 (1) for the equivalent in the 1989 Constitution of the Federal Republic of Nigeria, Cap 63 Laws of the Federation of Nigeria 1990

TABLE C

How free and voluntary are statements made by suspects to the Police in custody?

Response	Lawyers	Police	General	Total %
Not Free and Voluntary	216 (71.52%)	89 (67.93%)	203 (68.12%)	508 (69.50%)
Free and voluntary	86 (28.48%)	42 (32.07%)	55 (18.46%)	183 (25.03%)
No response	-	-	40 (13.42%)	40 (5.47%)
Total	302 (100%)	131 (100%)	298 (100%)	731 (100%)

Most policemen interviewed concede that in the absence of an efficient means of investigating crime, torture becomes the easiest means of extracting information from suspects.

Torture methods by the police include beating with sticks, iron bars, wires and cables. Other torture methods include sticking pins or sharp objects into the private parts of suspects, shooting of suspects on the limbs, use of cigarette lights to inflict burns on suspects etc.

Torture of suspects appears to be a widespread practice in the police. Andrew Okonye, a security officer with a Petroleum Marketing firm in Apapa, Lagos was arrested by the police in January 1993 on allegations of stealing drums of oil from his employer. At the Apapa Police Station, where he was taken to, he was lumped together with seven other security officers of the oil firm arrested for the same

offence, in a police cell without food and water for two days.

On the second day when he was brought out for interrogation, he was asked to confess to the having committed the crime, which he refused. His refusal infuriated his interrogator whose name was given as Femi, following which he has thoroughly beaten with rough edged glass on his hands and ribs. When Andrew's family finally located him at the police station two days after, and got a lawyer to intervene, Andrew protested his torture to the lawyer. Femi, the police official, denied torturing Andrew and took Andrew's lawyer to a window in one of the offices in the police station, which was broken, claiming that Andrew had sustained the wounds and injuries on his hands and ribs because he had tried to escape from police custody.

Further enquiries by Andrew's lawyer revealed that the windows had been broken for a long time and serves as an alibi to justify police lies at the station, that suspects whom they have tortured, sustained the torture injuries from trying to escape through the window. CRP observation of the window reveals that there is no way any sane person can reasonably expect to escape from the window.

At the time of writing this report, the window still remains broken and continues to provide an alibi for torturers at the police station.

Although the law forbids the use of torture in law enforcement, the police continue to engage in this practice across the country, and sadly there appears to be no machinery in place within the police system to stop abuse of the fundamental rights of the citizen by the police.

POLICE AT CHECK-POINTS

Check-points were not always a common sight on Nigerian roads. Indeed they became only common in the late 1970s as one of the measures introduced to check the ever increasing wave of crime in the country. With time, policemen converted the check-points into extortion points. Commercial vehicle drivers were the major victims, though private motorists were not spared either. All through the country, in rural as well as in urban areas, police check-points thrive as extortion points. Ultimately check-points did become the symbol of the malaise which the police force had become in Nigeria. As the Nigerian singer, Fela Anikulapo-Kuti remarked in one of his popular songs,

"to wear a police uniform means you can collect money on the road at any time. The police station has turned to a bank, the divisional police officers are bank managers".

Apart from extortion, check-points are also where a significant number of illegal police killings have occurred.

Early in 1990 the government announced that it was discontinuing the use of police road blocks, the practice however, continued. In February, 1992, a policeman of the anti-riot squad, the Police Mobile Force, shot to death a commuter bus driver in Mushin, Lagos after the driver had refused to give him a bribe of ₦5.00 (or ₦10.00, according to a different account). The uproar generated by this incident led to the decision announced by the Inspector-General of police, Alhaji Aliyu Atta, on February 6, to withdraw all mobile policemen from check-points nation wide. An announcement that was welcomed nationwide.

The *Daily Times* described the announcement as "pleasant news".

"The Guardian" also welcomed the "demilitarisation of the civil society" by the withdrawal of the "hit and go" policemen, "a symbol of terror and grief at scenes of operations".

"Check-points may be desirable considering our current security needs," wrote *"Vanguard"*,

"but the mobile policeman is not the only one who has given them a bad name. The regular policeman can hardly be said to be above board. He harasses, embarrasses and intimidates the citizen at every turn".

Subsequent events did bear out this opinion.

In May 1990, policemen shot two petroleum tanker drivers in two separate incidents sparking a strike by colleagues which caused fuel scarcity in Lagos and environs. The drivers were shot following arguments that ensued at a check-point in Lagos. In September 1992, policemen at a check-point in Lagos shot and killed a senior military officer, Colonel Israel Rindam while he was dressed in mufti. Following the incident (which kept policemen expecting retaliation from the military) road blocks and check-points were finally abolished by the police.

In place of regular check-points what now exists is referred to in police parlance as "stop and search" - a mobile system of police checks that prohibits the mounting of permanent road blocks. Yet the problems of check-points that was sought to be overcome by its abolition, remains. Corrupt policemen out on "stop and search" missions, continue to extort money from motorists especially commercial bus drivers.

All manner of offences, genuine and trumped up, are used to extort money, so that motorists who do not have vehicle particulars or

road safety accessories such as caution signs, spare tyres, fire extinguishers, etc, are often harassed and made to part with money under threat of arrest and detention at police stations.

Motorists refusing to pay bribe money at this check-points, realise that should they be taken to police stations, they will be required to pay much more bribe money in order to regain their freedom. A typical check-point scene on Nigerian roads, sees the leader of the police patrol team, usually of the rank of Assistant Superintendent, sitting quietly under a tree shade, watching his junior colleagues - constables and corporals stop and pick on motorists, especially drivers of commercial vehicles, acting only to re-enforce the authority of his subordinates or salvage them from trouble should they unknowingly step on the toes of powerful people.

The police authorities conscious of the damage done to its public image by some of its corrupt personnel on patrol duty, have made largely unsuccessful attempts to curb the problem. At some stage in 1990 the Inspector-General of police issued a directive prohibiting policemen from having more than ₦5.00 in their possession, during patrol duty. This directive was only feebly enforced and has practically been abandoned. Unless the police can work out an enduring machinery to enforce discipline among police personnel on patrol, their menace of motorists may continue for a long time.

Overtime, the brutal excesses of the police force are what have shaped public perception of policemen. Indeed some major incidents are usually etched in the public memory in this regard. Some of the prominent ones include police roles in the 1962 Action Group crisis in western Nigeria, the 1964 general election crisis and the 1965 Western regional election crisis, the 1968 Agbekoya Rebellion in Ibadan; 1971, 1978, and 1986 student crises in which scores of students lost their lives;

1988, 1989, and 1992 anti-SAP riots. In most of these cases, the police was found to have used more than the necessary of force to put down protests.

OTHER POLICE ABUSES

Other abuses perpetrated by the police against suspects and other individuals in Nigeria include unjustified and illegal arrests, arbitrary denial of bail to deserving suspects, unlawful enforcement of civil claims or obligations, detention of suspects under sub-human conditions etc.

UNLAWFUL ARRESTS BY THE POLICE

Although the police are empowered to arrest persons suspected of committing criminal offences, evidence on grounds shows that this power is widely abused by the police. The right to liberty is guaranteed by Section 32 (1) of the 1979 Constitution as follows:

"Every person shall be entitled to his personal liberty and no person shall be deprived of such liberty. Save in the following cases and in accordance with a procedure permitted by law".

The only rationale for derogation on this right by the police is provided in Section 31 (1) (c) which states as follows:

"... for the purpose of bringing him before a court in execution of the order of a court upon reasonable suspicion of his having committed a criminal offence".

If a suspect's liberty is lawfully abridged on the basis of suspicion of committing an offence, resulting in his arrest and detention, the Constitution requires that such detention not exceed a given time. Thus such suspect must either be released on bail or charged to court within "*a reasonable time*".

Section 32 (4) of the 1979 Nigeria Constitution defines "reasonable time" as:

" (a) in the case of an arrest or detention in any place where there is a court of competent jurisdiction within a radius of 40 kilometres, a period of one day; and

(b) in any other case, a period of 2 days or such longer period as in the circumstances may be considered by the court to be reasonable".

The above provision of the Constitution is however suspended by operation of the Constitution (Suspension and Modification) Decree No. 1 of 1984, promulgated by the military dictatorship in Nigeria. The suspension of this Constitution provision coupled with gradual reduction of the supervisory role of the courts since the military rule, has led to arbitrary arrests of suspects and their detention without trial for unreasonably long periods.

Although Section 10 (1) of the Criminal Procedure Act³ and Section 24 (1) of the Police Act, empowers the police to arrest suspects without warrant under given circumstances, there is a near absence of

3. *Cap 80, Laws of the Federal Republic of Nigeria 1990, Vol V.*

arrest procedures or guidelines in Nigeria's law enforcement system. The two sections outline a variety of reasons for which the police may arrest a suspect, including on suspicion of committing an indictable offence, or committing an offence in the presence of the police, obstructing a police officer in execution of police duties or being in possession of stolen property or on such suspicion. A person may also be arrested if he is a deserter from the army, among some other reasons outlined in the sections.

The police have however gone beyond their powers of arrest, to now arrest innocent persons who do not fall into the categories stated under the law. In search of suspects, the police have had to arrest relatives of suspects where they cannot find the suspect in question.

29% of police officers interviewed by CRP admit this is a common practice. (See table D).

TABLE D

Is it the practice that sometimes relations, friends or associates of fleeing or unavailable suspects are arrested to compel the suspect to appear at the police station?

Response	Police
Yes	38 (29%)
No	53 (40.46%)
Don't know	40 (30.54%)
Total	131 (100%)

In June 1989, police officers searching for Paxton Idowu the editor of a daily newspaper, "*The Republic*", went to his house, arrested his pregnant wife, Florence and locked her up in a police cell overnight in order to compel her husband's appearance at the station. More recently, in June 1993, police officers seeking to arrest Dapo Olorunyomi, a journalist of now proscribed "*The News*" magazine, seized his wife and their three month old baby and took them to the police station at Alagbon Street, Ikoyi, Lagos. She escaped detention, only when her lawyer intervened.

Although only a few cases involving prominent persons ever get to attract media attention, our investigations reveal that the practice of arresting friends, relatives, and associates or even neighbours of suspects in order to compel the suspect to show up, occurs regularly under Nigeria's law enforcement system.

The practice of arresting persons on account only that they are related to a suspect, is a serious abuse of fundamental rights and amounts to an illegal arrest which may form the basis of an action for damages for illegal arrest and false imprisonment against the police.

Other abuses relate to the practice of the bail process and a colonially inherited law on wandering. In the case of wandering, policemen, were in the habit of arresting innocent citizens on accusations of wandering often with the purpose of extorting money from them. Public out-cry against this practice led to the federal government repealing the law on wandering in 1988. But some policemen have continued to arrest and detain people for this offence, in order to extort money.

ARBITRARY DENIAL OF BAIL

Police powers of bail are regulated by the Constitution, the Criminal Procedure Act and the Criminal Procedure Code. Section 17 of the Criminal Procedure Act (CPA) and Section 340 of the Criminal Procedure Code (CPC) requires a person arrested without a warrant, for a non capital offence to be charged to court within 24 hours or released on bail.

However, the application of the bail process by the police in Nigeria is largely corrupted.⁴ Suspects and their relations are compelled to pay money to police officers in order to secure bail. At several police station visited by CRP across the country, signs are mounted at conspicuous places at the police station warning against paying bribe for bail. The sign reads:

"Bail is not for sale it is your right. You do not have to pay or bribe the police for bailable offences. What is required is only an assurance that you will unfailingly produce the suspect on demand. It is anti-MAMSER to pay for bail at police station. It is also a crime for which you may be prosecuted".

Inspite of the above sign however, corruption of the bail process at police stations persist. Suspects and their relatives have had to learn to their chagrin, that they need to pay bribe to the investigation police officer (IPO), in charge of their case to be able to secure bail. Debo Okanlawon, a civil servant who sought the intervention of CRP, to

4. *For more details on police bail practices see: The Bail Process and Human Rights in Nigeria (published by Constitutional Rights Project) October 1992*

secure the release of his brother-in-law, from police custody in February 1993, was disappointed when he first visited the police station at Aguda, Surulere, Lagos only to be told that the bail amount for his brother's offence: assault occasioning harm, was ₦2,500.00. It was after he pleaded for the reduction of the "bail money" and failed that he now sought the assistance of CRP. Said he:

"I had thought that all I needed to do was go to the station and produce sufficient evidence of being a responsible enough person to take him out on bail, only to reach there and be told that I needed to pay ₦2,500:00. And the police officer telling me this was facing the "no bribe" sign, I couldn't believe it".

CRP lawyers who visited the station, were however able to secure bail for Debo's in-law, after a protest was made to the Divisional Police Officer (DPO). The investigating police officer was not even reprimanded by the DPO for what was clearly an attempt to extort money from a suspect.

Some suspects and lawyers interviewed by CRP, allege that even the DPO's are involved in extorting money from suspects. According to the scenario painted by some of the lawyers interviewed: If an offence is a serious one (stealing, obtaining money under false pretences - otherwise known as "419") the permission of the DPO or the Divisional Crime Officer (DCO) is needed before bail can be granted. Sometimes money is paid to the DPO or DCO to influence his exercise of a favourable discretion. Suspects who refuse or are unable to pay the bribe money stay on in police custody for long periods, on the excuse that investigations are still on, and that their release will prejudice the

investigations.

To further put pressure on suspects to pay the bribe money, considerable effort is made to isolate the suspect from contact with the outside world including his relations and especially lawyers, unless such contact will facilitate the payment of the money demanded.

89.07% of lawyers interviewed by CRP state that they experience restriction gaining access to their clients held in police custody.
(See Table E)

TABLE E

Do Lawyers experience hindrances gaining access to suspects held in police custody?

Responses	Lawyers
No	33 (10.93%)
Yes	269 (89.07%)
Total	302 (100%)

POLICE INVOLVEMENT IN CIVIL MATTERS

The police are increasingly being used by the rich, powerful and/or influential against poor, less connected victims. Although the primary duty of the police is to enforce the law and prevent criminal acts, our investigations reveal that the police are used by those who can afford them, to enforce debt collection, forcefully evict tenants and recover possession of property, coerce resolution of disputes, etc.

In May 1993, Fola Odesanya, a client service executive with a

finance house in Lagos was arrested and detained for two weeks by a police station in Yaba on account of introducing a client to deposit the sum of ₦5,000:00 to a finance house where she works and which had run into difficulties. Following the inability of the depositor to recover his money when it matured, he secured the services of the police, to harass and arrest the staff of the finance house, including Fola and compel their payment of the due amount.

In Ijebu-Ode, Ogun State, Babatunde Adebayo, a businessman was having constant quarrels with one of his neighbour over the ownership of a piece of land adjoining their properties.

In order to enforce resolution of the dispute in his power, Babatunde secured the services of the local police in August, 1992, who arrested his neighbour, tortured him almost to the point of death before releasing him, three weeks after. The neighbour was hospitalised for several weeks after the incident and was too frightened after that, to reopen the dispute.

The police have also been used by landlords to eject tenants from their property even if there is no valid court order for their re-possession of the property. The use of the police by those who can pay for it, to enforce civil claims, appears to be rising. Not being trained to identify what claims are valid in law or tainted with illegality or even enforceable and not being trained to identify lawful claims to property, there is no doubt that police powers are often abused, by their seeking to enforce civil claims, which may not be valid in law and which they do not have the legal powers to do.

CONDITION IN POLICE CELLS

A tour of several police cells in Lagos, Enugu, Jos, Kaduna,

Owerri and Benin reveal an appalling site of detention condition. Most police cells visited are filled to the brim with suspects detained without charge at police cells. In the Lagos area, police stations at Panti, Adeniyi Adele, Ajegunle and Mushin are most notorious for their overcrowding.

Some of the suspects are held for several weeks or even months before being released or charged to court. Police cells are often dark, small rooms lacking in conveniences and facilities. Suspects sleep on hard bare floor.

No bed is provided, and often the cells are filled and congested thus creating a problem of sleeping space.

Sometimes, suspects take turns to sleep while at other times they crouch and sit in their different position to be able to get some sleep. Feeding is hardly provided and sometimes suspects go for a whole day without food, unless they are lucky to have relatives who bring in food.

POLICE PROSECUTIONS

Section 23 of the Police Act⁵ empowers the police to conduct prosecution of criminal suspects in the courts. In practice, the police are responsible for most of the prosecution of criminal suspects at the Magistrates' Court.

Some of the offences tried in the magistrate court relate to offences punishable with less than 5 years imprisonment, such as stealing, manslaughter, assaults generally, etc. Criticisms abound however about the prosecution of suspects by the police. The criticisms

5. *Cap 359, Laws of the Federation of Nigeria, 1990.*

include: lack of training or competence on the part of police officers in prosecution, incompatibility of police investigative and prosecution roles, and corruption.

Most lawyers interviewed list their objection to police prosecution of criminal suspects as including, corruption incompetence and constant transfer of police officers from their post.

Shola Olowokere was arrested in 1985 for unlawful possession of firearms and charged to the Magistrate Court at Yaba, Lagos. He was refused bail and his case adjourned for advice to be received from the Director of Public Prosecution in the Lagos State Ministry of Justice. Since 1985 however, no fewer than six investigating police officers (IPO) have been assigned to his case without progress being made. Each new IPO comes to court at the adjourned date to plead that the file had just been passed to him and that he needed time to study it.

This is also the situation with Babagana Garuba who is held on a holding charge of armed robbery at the Ikoyi Prisons, and also Jubril Isah, charged before the Yaba Magistrate Court for the same offence.

These instances cited above are hardly isolated cases. About 70% of the 279 applications for legal assistance received by CRP in the first half of 1993, list constant change of IPO's as one of the reasons for the delay of the suspect's trial.

Another troubling allegation is that of corruption. Several lawyers and suspects interviewed by CRP insist that police officers seek and obtain bribe from suspects in order to prosecute their case with less diligence and withhold evidence necessary for a conviction. So that a suspect who may otherwise be guilty of a particular crime, may escape conviction for the reason only that the prosecution was deliberately bungled.

93.7% lawyers responding to CRP questionnaires have asked for the police to be forbidden from prosecuting criminal suspects in the courts. They will prefer that prosecution of suspects in the courts be handled by trained lawyers in the ministries of justice. Majority of police officers (57.14%) also agree with this position. (See table F).

TABLE F

Should the Police be forbidden from presecuting criminal suspects in the Courts?

Response	Lawyers	Police	Total
Yes	283 (93.7%)	67 (51.14%)	350 (80.83%)
No	19 (6.3%)	35 (26.72%)	54 (12.47%)
Don't know	-	29 (22.14%)	29 (6.70%)
Total	302 (100%)	131 (100%)	433 (100%)

THE LEGAL ASPECTS OF POLICE ABUSE

Extracting Confessions

By virtue of section 4 of the Police Act, there are five main functions with which the police are charged. The functions are, the

prevention and detection of crime, the apprehension of offenders, the preservation of law and order, the protection of property and the due enforcement of laws and regulations with which they are charged including the performance of such military duties as may be required of them.

The exercise of these wide powers by the police often elicit friction. Especially as the exercise of the powers result in acts prejudicial to the rights of the citizens. In addition, to determining how best to discharge these responsibilities, the police enjoys a lot of discretion.

Obviously, solving the riddle of a crime does not wind up after the arrest of suspects. For every criminal offence committed in which the identity of the criminal is not known a lot of people are arrested. In Nigeria, the police often works on clues, and on trial and error, to establish the identity of the criminal. This brings to prominence the practice of interrogation. Interrogation in police practice often involves the rigorous questioning of persons arrested in consequence of a crime to expose the person who most probably committed the offence in question. Legally, the easiest way to establish the author of a crime is to get the criminal to confess that he did it. In the circumstance, no evidence can be better than that.

A confession has been defined as

"an admission made at any time by a person charged with a crime, stating or suggesting the inference that he committed that crime".⁶

6. See Section 27, Evidence Act Cap 112 Laws of the Federation, 1990

A crucial element in determining the relevance or otherwise of a confession made by a suspect in a criminal proceeding is the voluntariness of the admission of guilt. Thus section 27(2) of the Evidence Act provides that confessions if voluntary, are deemed to be relevant facts as against the persons who make them only. But more importantly, the Evidence Act went on to provide that:

"A confession made by an accused person is irrelevant in a criminal proceeding, if the making of the confession appears to the court to have been caused by any inducement, threat or promise having reference to the charge against the accused person, proceeding from a person in authority and sufficient in the opinion of the court, to give the accused person grounds which would appear to him reasonable for supposing that by making it he would gain any advantage or avoid any evil of a temporal nature".⁷

The purport of the above provision is to disqualify a confession unduly extracted from a suspect using an inducement, threat or promise related to the particular charge in question and proceeding from a person in authority. It must also be sufficient to convey an impression to the accused that by so confessing he stands to gain an advantage and if not may suffer evil of a temporal nature.

Sadly, however, there is the open zeal on the part of the police as a matter of practice to force suspects on interrogation to make confessional statements. And this every so often is done in a manner that

7. Section 28, Evidence Act, Ibid

compromises the legal requirement that a confessional statement, to be relevant and admissible in a criminal proceeding, must be voluntary.

The preponderance of decided cases over the years have led to the establishment of the fact that a voluntary confession of guilt which is consistent and probable is about the best evidence regarding the crime in question.

But the following facts must accompany the confession: viz - that a criminal act has in fact been committed, that the accused person had the opportunity of committing the offence and that the confession is consistent with the other facts already ascertained and proved.⁸

In reality though, because of the persistence of the application of coercion on the part of the police against suspects, very few confessional statements arranged by the police ever passes the hard scrutiny to which they are often subjected in court. The rule in fact is that once the police flashes a confessional statement in the face of the court as a basis for the conviction of an accused and the said accused suggests that he was coerced or intimidated into making the statement, the court should conduct a mini trial to determine the voluntariness of the alleged confession,⁹ and its admissibility.

THE JUDGES RULES

The practice started in England at about 1912 when some rules

8. *R. V. Sykes (1913) 8 Cr. App. R. 233*

9. *See Okhuegbe V State (1971), UILR 55*

were formulated by judge's of the British Kings' Bench as a measure of guidance for police officers taking statements from suspects especially those in police custody. The rules have not been made specifically applicable in Nigeria by statute but are still generally observed. Failure to comply with the rules in eliciting statements from suspects may not affect the strength of what is realised even though it may affect its credibility.

The rules are worded to ensure that in procuring statements from criminal suspects, they are not compelled or stampeded into making statements not consistent with their volition.

The first rule provides that when a police officer is trying to discover whether, or by whom, an offence has been committed he is entitled to question any person whether suspected or not, from whom he thinks that useful information may be obtained. Thus, the rule applies not only in the interrogation of suspects but as related to those from whom valuable information as to the identity of the offenders can be got.

It also permits the police to question the person in custody even concerning offences different from the one for which he is in custody. Upon procuring evidence from which it will be safe to infer that a person may have committed an offence, the police is required under the rules to caution such person in the following terms

"You are not obliged to say anything unless you wish to do so but what you say, may be put in writing and given in evidence".

Thereafter, if the person making the statement gives out enough facts to warrant his being prosecuted and he has been informed, he is further cautioned thus -

"Do you wish to say anything? You are not obliged to say anything unless you wish to do so but whatever you say will be taken down in writing and may be given in evidence".

It is around these two cautions that the Judges' Rules revolve. However, allegations of torture and police violence against persons in custody remain a controversial aspect of suspect-police relationship.

The police in the course of this report provided insights into why the relationship of the police and the crime suspect has not always been cordial. Proceeding from the well known premise that everyone is presumed innocent until proven otherwise, Haz Iwendi the Nigerian Police chief spokesman said that inspite of the usual police declaration that they are friends to the larger society "a crime suspect knows that there is no way he can befriend the police except possibly to pervert the cause of justice".

According to him the abuse of the due process of law will always be there because the policemen are recruited from the society.

"The Nigerian crime suspects are people that even when you catch them red-handed, they will tell you 'I'm not guilty'. They are a problem to us. If you treat them with kid gloves you will be accused of corruption. If you deal harshly with them you will be accused of police brutality. The police therefore finds itself between the devil and the deep blue sea."

POLICE POWERS AND HUMAN RIGHTS

It was the Police Act of 1943 that first made the provisions for

the duties and the organisation of the Nigeria Police Force. These have been largely incorporated in the constitutional provisions that: "The Police shall be employed for the prevention and detection of crime, the apprehension of offenders, the preservation of law and order, the protection of life and property, and the due enforcement of all laws and regulations with which they are directly charged," as well as perform such military duties as may be required of them within or outside Nigeria.

Further provisions include that a police officer can conduct prosecutions before any court in the country notwithstanding "*whether or not the information is laid in his name*". However, perhaps the source of greatest abuse of suspects have been the police powers of arrest. The police have the powers to arrest a suspect with or without a warrant, and the aim, it is said, is to allow early intervention before a crime occurs.

Often police abuses of suspects derive from their powers to arrest without warrant, persons "*reasonably suspected*" of having or being about to commit a crime. There is no protection here from the bias, subjectivity or malice of a police officer who develops "*reasonable suspicion*" lacking in any objectivity.

Other police powers include the power of a police officer to execute any warrant issued under the law for the apprehension of any person charged with an offence, whether the officer is in possession of the warrant at the material time or not. It is required that a person arrested without a warrant should be taken before a magistrate "as soon as possible".

Similarly, a police officer has the power to "enter any house, shop, warehouse, or other premises in search of stolen property". The officer has the power to search and seize property he "may believe to have been stolen", just in the same way he would have done if he had

a search warrant. Persons on whose premises such property was found could be summoned or arrested and brought before a magistrate for being in possession of such property. In addition, a police officer has the right to detain and search any person he reasonably suspects of being in possession of stolen property.

Furthermore, on "reasonable suspicion" that a person is deserter, any constable has the power to arrest and bring such a person before a magistrate. Any person who obstructs, resists or assaults any police officer or person aiding the police officer in the course of his duty shall be guilty of a punishable offence. Additionally, a punishable offence is refusing to assist an assaulted police officer.

However, to check possible police abuses, there are constitutional provisions which seek to protect the citizen. They include the right to personal liberty, which provides that:

"Every person shall be entitled to his personal liberty and no person shall be deprived of such liberty"

But any person arrested or detained has the right to remain silent and not answer any questions until he has consulted with his lawyer. Such a person must also "be informed in writing within twenty-four hours (and in a language that he understands) of the facts and grounds for his arrest or detention".

In addition any person arrested on suspicion of having committed a criminal offence shall be brought before a law court, "in the case of an arrest or detention in any place where there is a court of competent jurisdiction within a radius of forty kilometers, a period of one day". In other cases it should be within two days "or such longer period as in the circumstances may be considered by the court to be reasonable".

However, any person arrested and detained unlawfully shall have a right

"to compensation and public apology from the appropriate authority..."

The Constitution also guarantees the citizen's right to fair hearing within a reasonable time and before a court or tribunal constituted in such a way that its independence and impartiality is guaranteed. Furthermore, citizens have the right to privacy in their homes, correspondence, telephone conversations and telegraphic communications.

Being a member of the United Nations, Nigeria is also obliged to conform to UN provisions on the Universal Declaration of Human Rights, the Standard Minimum Rules for the Treatment of Prisoners and the Code of Conduct for Law Enforcement Officials. The Universal Declaration on Human Rights provides for the protection of the right to life, liberty and security of the individual. Article 5 of the declaration provides that:

"No person shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment".

Article 10 of the Covenant on Civil and Political Rights provides that:

"All persons deprived of their liberty shall be treated with humanity and respect for the inherent dignity of the human person".

Following the first UN Congress on the prevention of crime and

the treatment of offenders in 1955, the Standard Minimum Rules for the Treatment of Prisoners was adopted. It stresses, among others, the importance of freedom from arbitrary arrest, detention or exile; the evils of unacknowledged detention and torture. Then, according to the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, where the *"lawful use of force and firearms is unavoidable"*, state security agents should, among other things:

"Minimize damage and injury, and respect and preserve human life; ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment; ensure that relatives or close friends of the injured or affected persons are notified at the earliest possible moment".

Besides, where death or injury results, law enforcement agents are required to report "promptly" to their superiors. Governments are also required to ensure that:

"Arbitrary or Abusive Use of Force and Firearms by Law Enforcement Officials is punished as a criminal offence under the law".

And no government is expected to use exceptional circumstances - "such as internal political instability or any other public emergency" as justification for any departure from these requirements.

The Code of Conduct for Law Enforcement officials adopted by the UN in 1979, forbids the use of torture by police officials and enjoins them to rigorously oppose and control all acts of corruption.

CONDONING POLICE ABUSE

In spite of widespread abuse of the human rights of the individual by personnel of the Nigeria Police Force, very little evidence exists of official sanction against erring members of the force.

The police authorities are reluctant to take disciplinary action against its officers who engage in such human rights abuses as extra-judicial killing, torture, unlawful arrest and corruption.

Indeed our study reveals that the police are anxious to cover up these abuses and infringements by its officials. These cover ups come in form of outright apathy against complaints of human rights abuses or through the setting up of internal police panels to take off the pressure of public complaints against particularly serious violations.

One of such internal panels was set up on March 14, 1991 to investigate allegations of cold-blooded murder of seven suspects, at Oko-Oba, Agege, cited earlier in this report. Three months after its setting up, the panel submitted a report that absolved the policemen involved of the incident, stating that the seven persons were shot by the police in self-defence, a verdict widely seen as a cover-up.

The reports and incidents of human rights abuses by the police cited in this study, represent only a tip of the ice-berg. For one reported case of human rights abuse, several more go unreported and unrecorded. Indeed only a few cases of police abuse involving prominent individuals or that are shockingly outrageous, ever get into public focus or into the media.

The public have not been encouraged by the attitude of the police authorities to complaints of human rights abuse against its officials and do not therefore find an incentive or have any hope that erring officials will be brought to account for their misdeeds.

The courts have also not been very responsive to complaints of human rights abuses against the police. In the courts, allegations by suspects that their "confessional statements" was obtained through torture is often treated with cynicism. Judges and Magistrates easily share the police's explanation that the suspects are only lying to escape punishment, and indeed share in deep prejudices against suspects created by the police's tale of criminal activities and insecurity. During the hearing of an application by CRP at Lagos High Court in November 1992, a judge had refused to assign an early date for the case inspite of CRP Counsel's argument that the matter demanded urgency because it was a human rights case involving the denial of liberty. According to the judge:

"don't you know they are armed robbers, have you not seen the havoc they create all over the place".

This attitude is very typical in the Nigerian judicial system and creates a double jeopardy for innocent suspects brutalised by an inhuman police system and a prejudiced judicial system. So that while the courts are unsympathetic, the police authorities are unperturbed by the heinous atrocities of its officials.

A positive development to enforce accountability and accountability of police personnel occurred in * involving the killing of two brothers from the Dawodu family in Lagos - Saka and Sule Dawodu.

Reacting to a widespread demonstrations in Lagos that lasted for two days, the police authorities arrested police constable Eze Ibeh, accused of shooting the two brothers to death and charged him before the Lagos High Court for murder. He was subsequently convicted and sentenced to death for murder by the High Court on *. Very little action

has been taken against erring police officials since this incident.

Responding to allegations of police abuse, levelled by a visiting delegation of the New York based international human rights group, Lawyers Committee for Human Rights (LCHR), Awa Kalu, the Special Assistant to the Federal Attorney-General and Minister of Justice said that:

"the reason why the Attorney-General office did not prosecute police officers alleged to have used excessive force was because "people always go to the press instead of the Attorney..." when confronted with specific examples of inaction in cases that had been brought to the Attorney-General's office, Mr. Kalu's only response was "if the police say that a person was an armed robber, what can we do?"¹⁰

CRP study of police practices, reveal that incidents of police abuse increased since the intervention of the military in politics through a coup d'etat in December 1983. With the suspension of the various provisions of fundamental rights included in the 1979 Nigeria Constitution, including the right to liberty, the police appears to be at large and are unrestrained in their treatment of suspects.

Haz Iwendi, Public Relations Officer of the Nigerian Police told CRP in an interview that police respect for human rights is not enhanced by military rule, suggesting that respect for the human rights of suspects is dependent on the nature of government and the constitutional guarantees that exist at the given time.

10. *Lawyers Committee for Human Rights: The Nigerian Police Force: A Culture of Impunity; New York, May, 1992. P. 10*

CHAPTER FIVE

CONSTRAINTS ON POLICING IN NIGERIA

Without doubt, the ability of a police officer to perform his role of protecting lives and property, maintaining public order and safety effectively, depends to a considerable extent on that officer's perception of his role and responsibilities. What does he perceive his job to be? What should he do or not do in the performance of his duties?

In the case of the Nigerian police, the role perception was inevitably shaped by its history and origins as a colonial force, whose role was largely to suppress and pacify subject peoples opposed to the imposed authority of the colonialists. There is widespread belief among Nigerians, that more than 30 years after independence, the police force in Nigeria still carries on like an occupation force.

Indeed, a retired Assistant Inspector General of Police was once reported as saying that:

"the police in Nigeria was conceived not as a service organisation for the natives but as an instrument of coercion and oppression of the natives".¹ Consequently, "The widespread complaints of police brutalities, the mindless shootings of the armless at road blocks and check-points ... give credibility to assertions that the law enforcement agencies have not as yet completely succeeded in shaking off their imperial historical pasts".²

1. *Quoted in Law Development and Administration in Nigeria, P. 391*

2. *Ibid, P. 391*

According to Ethelbert Okere, in his book, Nigeria: Agenda for a Modern Police Force, this attitude of viewing the citizens as conquered people is not unique to the police force, but common with members of the armed forces in general. However, "The result," he says,

"is that while this ... attitude makes the police scornful of the people, the latter are, on the other hand, resentful and hateful of the former".³

Another consequence of this state of affairs is the state of permanent hostility between the police and the citizenry who "resist answering a conquered people on their own soil".

Of course, the situation raises questions about the nature of training that policemen obtain before they are deployed to operations. Understandably, because of their objectives, the colonial authorities neglected the establishment of a civil police, and instead depended to a great extent on a para-military police force deployed in the suppression of resistance to British colonial rule. Then, in the training of senior police officers, the model was not the Scotland Yard, where the police was of a more civil nature, but the Northern Ireland police - because the kind of situation of rebellion against British presence obtaining in Northern Ireland, was what the British colonialists anticipated in Nigeria. Today, there is no evidence that the training and orientation practices bequeathed by the colonial authorities have been discarded or even modified significantly.

3. *Nigeria: Agenda for a Modern Police Force, New Concept Media Limited, 1991, P. 26*

Rather evidence points to a general degeneration of training and standards. "Police training schools", a police officer confided in a private interview, "are the Siberia of the Nigeria Police. If you are posted to a training school you can't make *anything* out of the place".⁴ What he was referring to is the importance of police posting in regard to illegal (but usually huge) income from criminal pay-offs (popularly known as *settlement*) and extortions from both the guilty and the innocent.

Corruption is said to be so deep, that even in the training schools, instructors "unfortunate" to have been posted there, extort bribes from trainees, as a condition for passing them. In other words, even new recruits in their examinations and right from the training school, are trained in corruption and abuse of office and responsibilities as a matter of accepted convention.

But if the aim is indeed to serve Nigeria, more than anything else the police ought to imbibe the fact that: "Nigeria is an independent and sovereign nation. Nigerian citizens are not subjects. Sovereignty belongs to the people (Nigerians) from whom government derives all its powers and authority and the security and welfare of the people (Nigerians) 'is the primary purpose of government'".⁵ These constitutional tenets are what should be the foundation of police training. The police orientation described above is compounded by the general illiteracy predominant among the lower ranks. Police work is often seen in the society as a last resort employment, often for the unemployable - those who are not only illiterate but often have some criminal records behind them as petty-

4. *Interview granted on condition of anonymity.*

5. *Law Development and Administration in Nigeria, P. 391*

thieves and political thugs. Therefore, cleaning up the police force requires not only raising entry qualifications, but also raising the general literacy levels in the country so that more citizens will understand the police for what it should be and then complement police duties, making the maintenance of law and order and prevention of crime effective with minimal application of force.

While the tendency among Nigerians is to blame the police force as an institution for its short-comings, the truth is that often the blame should go beyond the police to the government and the political elite, whether civilian or military. They are the ones who have run the ship of state since independence, and the failures of the police force stem directly from their acts of omissions and commissions. While revenue accruing to the government may not be enough to meet its many urgent responsibilities, it is evident in the case of the police force that it has been neglected, at least in comparison to the other security forces.

For instance, there is widespread belief among the general public that policemen, particularly of the lower cadres, are frustrated in their jobs. The mere physical appearance of lower rank policemen tend to give credence to this view. Often the police personnel is ill-clad, in worn-out uniform and tattered boots. Their susceptibility to bribery and corruption, evidently higher than in the other professions is also evidence of a poor pay structure. In addition, policemen live in poorly maintained and overcrowded barracks. In a typical barrack, often built in the colonial era, there are four blocks of buildings, each housing twenty-four families that on the average have ten or twelve members each.

At one such barrack in Obalende, Lagos, all the residents make use of the same toilet facilities and the taps are often dry. The buildings "are looking very dilapidated, the railings of the balconies built with

cement are all crumbling and most of the windows are either broken or are open to the elements".⁶ The residents, whose ranks range from constables to deputy superintendents "were said to individually mend and patch broken windows and cracked walls...". As Okere asks:

"What then can be expected of the policeman who lives under such frustrating conditions, who at the same time is expected by society to stake his life in safe-guarding others' lives and property?".

According to him, one of the consequences is that policemen lose sense of discipline and decency, with their families engaging in the very social vices they are supposed to prevent. He quotes a female police officer who disclosed that "*there are incessant cases of theft*" in the barracks.

The practice of keeping policemen in barracks was introduced by the colonial authorities essentially for easy mobilisation in times of emergency. However, over time it has become a major source of alienation between members of the force and the public. Indeed, both the Political Bureau, which studied and recommended a future political direction for Nigeria in 1987, and a previous study group on Law and Order, recommended improving the quality of training of the policeman, emphasising "knowledge about the Nigerian society and his responsibility to it". To this end, it recommended successful completion of secondary education as the minimum entry qualification and also called for a de-emphasis of the "barracks life" as a preliminary step to "integrating him [the policeman] into the larger society so as to enhance his work".

6. *Ibid*, Okere

Under the tenure of Etim Inyang as Inspector-General, a directive was issued in 1985 that the minimum entry requirement for joining the police force should be the West African School Certificate (WASC) or General Certificate of Education (GCE) ordinary level, with at least four credits that should include English Language and Mathematics. Already serving policemen who fell short of this requirement were required to make up within three years.

However, Inyang's successor, Muhammadu Gambo, decided to rescind the directive a year later when he said he discovered that enlistment into the force had been declining following the directive. According to him, one of the consequences of the directive was imbalance in the "federal character" of the NPF, as people from educationally backward parts of the country were said to have been particularly affected.

Equally affecting the performance of the police in Nigeria are the twin issues of logistics and equipment. While at the present, the police ratio to the general population is one policeman for five hundred and ninety citizens⁷ (close to the UN target of one for four hundred citizens) the poor state of police logistics and equipment diminishes considerably the positive impact this ratio should have had on police performance.

According to Mr. Haz Iwendi, the police force public relations officer, policing is a function of equipment and logistics. "If you want to have an efficient police force, " he says, "*you must be ready to equip the police*".⁸ The standard is for every police station to have at least one lorry, a landrover, a station wagon car and a motorcycle. But most

7. *Membership of the Nigeria Police Force is estimated at 150,000, policing a national population of 88.5 million people.*

8. *Interview with the CRP held on April 27, 1993.*

stations in the country are in deficit of these basics. The result is that sometimes citizens are attacked by armed robbers and when they manage to get through distress calls to the police, they are asked to provide vehicles to convey the police to the scene of the crime! In addition, available police communication equipment (if at all) are either obsolete, difficult to maintain or in disrepair. Therefore, police stations find it difficult to get in touch with one another or their patrol teams. It is generally believed by the citizenry that armed robbers are usually better armed than the police. A report in a national magazine once described police guns as sounding "poa poa (intermittently) like an Ondo woman pounding yam," while the robbers' guns were sounding "tatatatata, like a scooter motorcycle".⁹

Perhaps the neglect of the police force in Nigeria is best underscored by the relationship between the police and the military. Even in mere physical appearance, the military are always better turned out than the police, in neat, new uniforms and boots. Military barracks are better kept, and soldiers are better paid and catered for as well. Yet, while the policemen have to battle crime everyday, many soldiers never fight any wars throughout the duration of their career.

Probably because of this unequal treatment, the relationship between policemen and soldiers is hardly ever friendly. Soldiers exhibit a deep-seated contempt for policemen - an attitude perhaps reinforced with the advent of military rule. While testifying before the Justice Akanbi Panel, which investigated student crises in Nigerian educational institutions in 1986, Alozie Ogugbuaja, who was then the Lagos State police public relations officer, declared that the neglect of the police

9. "Hi-tech crimes", *Newswatch* August 1992

force by successive military administrations was deliberate. This, he said, was because a well-equipped police force even had the capacity to even stop military coups.

This was perhaps a blunt indictment of the military, and the fact that Ogugbuaja subsequently experienced a series of victimisations which later saw him out of the police force, was at least an indication that his accusation was far-reaching and was taken seriously. According to one account, in 1989, the budget allocation for the police force amounted to two kobo for each citizen for the prevention of crime.¹⁰ Nevertheless, over a period of 20 years, the military budget has remained the highest annual allocation on the average to any single sector.

One other way the military affects the work of the police is through the decrees issued by the military governments. As Haz Iwendi, the police P.R.O. puts it, "the police is working under a military system in which some human rights have been suspended. So when you are accusing the police, you must know that police acts upon legislation. If it is a democracy, the police is for that, if it is militocracy the same thing" he said. The result is that when there are laws which oust the human rights of the citizens, it is still the police which enforces it.

Besides, the police powers of arrest are indeed wide-ranging, justifiable only "on reasonable suspicion that an offence is committed or likely to be committed". While the object is to ensure effective crime prevention and detection, there is an underlying assumption that the police would apply these powers judiciously and with the utmost sense of humane discretion. However, in a police force, where both qualities are lacking, particularly in the lower ranks, the powers of arrest have

10. *Okere Op. Cit.*, P. 19

become perhaps the most abused of the police powers. This has prompted the recommendation that the powers of the arrest without warrant be curtailed and limited to officers from the rank of assistant superintendents.¹¹

Nonetheless, it is noteworthy that the police do not live in complete isolation, and some of their problems, particularly that of the role perception resulting in their abuse of powers, are part of a general malaise affecting government in Nigeria. State power, especially since political independence from Britain, has not been seen by the ruling class as an engine for uplifting the well-being of the general populace. Instead, the elites have used the instrument of the state as the means for private accumulation of wealth. The consequence has been a general abuse of office by public office holders and the spread of the germ of corruption. Often, those in authority have employed policemen in accomplishing illegal acts. Such behaviour on the part of office holders have particularly proved to be sources of bad examples to the law enforcement agencies. The effect is that with many in the force, the belief they have acquired through informal orientation is that power is meant to be abused. Police work will be made a lot easier by a cleaning of the augean stables, so to say.

The work of the police has been made even more difficult by the down turn in Nigeria's economic fortunes beginning from the mid-80s. The boom in crime since then is only comparable to what happened at the end of the civil war. Criminals have become more daring and sophisticated. Corruption has also been spawned much more with far-reaching consequences. While crime has grown astronomically, the

11. *Op. Cit. P. 392 (Law Development and Administration in Nigeria)*

police have even sunk deeper into problems such as corruption among force members, usually a great impediment in fighting crime. The sliding fortunes have also been a source of delay in equipping the police force adequately.

Evidence indicates that at least seventy percent of Nigerians are poorer today than they were in 1985. The ripple effects on crime are bound to be considerable. The huge army of the unemployed, as the saying goes, are ample enough workshops for the devil. The growing incidence of crimes are largely a consequence of the harsh economic circumstances of the moment. The result is that often the police is under great pressure to stem the tide, and when they have their hands full, it is believed, they resort to extra-judicial methods. There is also evidence to believe that a lot of criminal elements seek to join the force in order to exploit the police reputation for corruption and abuse of powers to their own ends. Once in the force, they contribute their quota to its bad image with the public.

As the police spokesman said, the Nigerian Police Force is not intrinsically bad, but are rather victims of circumstances. "Our police went to Congo (in the 60s) and performed excellently," says Iwendi:

"They went to Namibia in 1990 and out of twenty-five countries the Nigeria police was the best. What was the magic? They had the equipment. Again our men went to Angola. Out of the twenty of them that went, fifteen got letters of commendation. We trained them here, but we have not given them the equipment".

Nevertheless, there is no doubt that making the police more effective entails improving the economic fortunes of Nigerians in general. This will make the work of the police easier by taking some

pressure off the crime rate. Other complements would be further democratisation of the society, and raising of general literacy levels, so that citizens are more aware of their rights and responsibilities. Then with a better trained and re-orientated police force, it should be possible to create an ideal police force conforming to international standards in its operations.

CHAPTER SIX

CONCLUSION AND RECOMMENDATIONS

The study of police practices in Nigeria, undertaken by Constitutional Rights Project, CRP, reviewed the origin and nature of Nigeria's police system, the orientation, attitude and psychology of police personnel, police powers and responsibility, and highlighted shortcomings in the law enforcement system. Particularly highlighted are shortcomings in police infrastructure and training, and the massive violation of the fundamental rights of the individual by the police.

Our conclusion and recommendations are presented in this chapter as follows:

1. The Nigerian Police perception of its role and responsibilities, and the attitude of police personnel to the individual in the Nigerian society reveals a police force that perceives of itself as an occupying force - a bully, that has a duty to compel obedience to the authority of the State, an authority that the police believes should be unquestionable and obeyed at all times.
2. In pursuit of its perceived role, the police force in Nigeria has perpetrated serious violations of the rights of the individual. Extra-judicial killings, torture, beatings, use of excessive force, arbitrary arrests and detention, and general harassment of the individual and communities is a constant police characteristic in Nigeria.
3. Corruption has eaten deep into the fabric of the Nigerian police system. Police personnel are accused of receiving bribes to either condone unlawful acts or enforce illegal or unauthorised actions. Police personnel are also known to deliberately arrest innocent

persons on trumped up charges in order to extort money from them.

4. The bail process is very much corrupted by the police, with suspects arbitrarily denied their right to bail. Often a suspect may only be released on bail, if he can afford to pay the police to exercise a favourable bail discretion.
5. Conditions of detention in police cells are inhuman. Most police cells are overcrowded, insanitary and diseased, and detainees are often held for prolonged periods in these cells. Feeding is arbitrary and irregular, while medical services are non-existent.
6. Lawyers and relations do not have easy access to suspects in police custody, owing to bottlenecks created by the police. The police are particularly anxious to keep away lawyers from suspects, whom they accuse of complicating their investigations. Lawyers on the other hand accuse the police of keeping them away from their clients in custody, because they take advantage of the ignorance and fear of suspects in custody to extort bribes from them and their worried relations, an advantage that will be removed by the involvement of lawyers.
7. Police powers of prosecution are fraught with dangers resulting in abridgement of fundamental rights, including delay in prosecution of suspects and perversion of the course of justice through corruption.

8. The authorities of the Nigeria Police Force condone the widespread abuse of the fundamental rights of the individual by police personnel and do not take steps to sanction erring police officers.
Its failure to hold police personnel accountable for their actions has increased incidents of police abuse of the individual and has virtually turned the Nigeria police force into an unquestionable, unaccountable institution, with its personnel violating the constitutional safeguards of fundamental rights with impunity.
9. In-house investigations and panels set up by the police authorities, have largely been aimed at clearing up police image, covering up its acts or dousing public controversy, rather than establishing the truth of an incident, and disciplining erring officials involved in human rights abuse.
10. The constitutional and legal protection of human rights in Nigeria is lacking. With the suspension of most of the fundamental rights provisions of the Nigerian Constitution by the military government, since a coup d'etat in December 1983, very little legal and constitutional safeguards exist for challenge of human rights abuse by the police.
The independence of the judiciary has also been circumscribed by the military government, such that judicial intervention over complaints of police abuse is limited.
11. The police in Nigeria operate under very serious constraints. Constraints induced by poor funding of the police force.
Some of the constraints include:

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- (a) Poor education and training which results in the production of police personnel ignorant of police responsibilities in the protection of human rights.
 - (b) Low salaries and poor staff welfare which occasions low morale and lack of confidence, encouraging corruption and aggressive conduct.
 - (c) Poor equipments, lack of communication gadgets, including telephones, vehicles, etc, leading to inefficient law enforcement.
12. Although Nigeria has ratified the African Charter on Human and Peoples' Rights, it is yet to ratify other major international instruments, that should provide binding obligation on it to respect fundamental rights in line with international standards. The International Covenant on Civil and Political Rights (ICCPR) and its optional protocol has neither been signed nor ratified by Nigeria. Again the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment has being signed but not ratified by Nigeria. Considering that these treaties have been signed and ratified by a wide range of countries in the world including several African countries, it is puzzling that Nigeria is reluctant to be bound by it.

RECOMMENDATIONS

Police practices in Nigeria reveals a disturbing disregard for constitutional and legal provisions, and norms. In this light Constitutional Rights Project, CRP, makes the following recommendations to enhance police human rights practices:

1. Police personnel accused of perpetrating human rights abuses must be investigated by an independent body, that has powers to punish guilty police officials. Such body should be set up by the Federal Attorney-General at the Federal level and in the States by the State Attorney-General, and should comprise representatives of the police, ministries of justice, human rights groups, and the bar association.
The body should have full powers to investigate complaints of human rights abuse, including allegations of corruption against the police and recommend necessary disciplinary action against erring police personnel including criminal prosecution and payment of compensation where necessary. This power should not necessarily affect the right of the complainant to proceed against the police under the provisions of the Fundamental Rights enforcement rules made pursuant to the Constitution.
2. The authorities of the Nigeria Police Force, should institute and improve training facilities to educate police personnel on the provisions of the Nigerian Constitution and international human rights instruments, protecting the rights of the individual, particularly the provisions of these instruments that forbid, extra-judicial killings, torture, beatings, use of excessive force, arbitrary

arrests and detention, etc.

3. A minimum educational qualification i.e. a full secondary school education should be set as the minimum qualification for employment of police personnel.
4. Conditions of detention in police cells should be improved and minimum standards of detention stipulated, which guarantees healthy conditions, good ventilation, lighting and maximum space.
Sanitary installations should be adequate and sufficient to enable every prisoner to comply with the needs of nature when necessary and in a clean and decent manner. Reasonable food, good drinking water and medical services should be provided for suspects detained at police cells.
5. Suspects must not be detained at police cells beyond 24 hours and must be charged to court or released on bail, should it be impossible for police investigations to be concluded within 24 hours of arrest.
6. The right of suspects to bail should be scrupulously protected and enforced by the police authorities, and police personnel sanctioned should they demand bribe to release suspects on bail.
7. Lawyers should be given unhindered access to their clients in police custody.
8. Police prosecution of criminal offences should be stopped and the

function transferred to the Directors of Public Prosecution in the at the state and federal levels, as appropriate.

9. Adequate funds should be budgeted for the police to provide for improved salaries and conditions of service, for police personnel, and provision of adequate equipments, communication gadgets, including telephones, vehicles, *etc.*
10. The fundamental rights provisions of the Nigerian Constitution suspended by military decree should be restored, and the judiciary empowered to enforce its provisions.
11. Nigeria must also ratify relevant international human rights instruments affecting police human rights practices including the International Covenant on Civil and Political Rights and the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.
12. Again the provisions of the various international instruments governing conduct of law enforcement officials should be incorporated into the rules and regulations of the Nigeria Police Force, Such instruments include: the Code of Conduct for law enforcement officials, the Declaration on the Protection of all Persons from Being subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Conventions against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. These instruments are reproduced in the appendices to this report and should act as guide for police personnel in Nigeria.

APPENDIX A

POLICE ACT [CAP. 359] LAWS OF THE FEDERATION OF NIGERIA, 1990

1.0 EXTRACT OF LAWS GOVERNING THE POLICE

Part i.—Short Title and Interpretation

1. This Act may be cited as the Police Act.
2. In this Act, unless the context otherwise requires--

"Commissioner" means a Commissioner of Police, a Deputy Commissioner of Police or an Assistant Commissioner of Police;

"constable" means any police officer below the rank of corporal;

"court" means any court established by any law in force in Nigeria;

"the Force" means the Nigeria Police Force established under this Act;

"inspector" includes a chief inspector and an inspector of police;

"Inspector-General", "Deputy Inspector-General" and "Assistant Inspector-General" means respectively Inspector-General of Police, the Deputy Inspector-General of Police and an Assistant Inspector-General of Police;

"non-commissioned officer" means a police sergeant-major, a police sergeant or a police corporal as the case may be;

"police officer" means any member of the Force;

"superintendent of police" includes a chief superintendent of police, a superintendent of police, a deputy superintendent of police, and an assistant superintendent of police;

"superior police officer" means any police officer above the rank of a cadet assistant superintendent of police;

"supernumerary police officer" means a police officer appointed under section 18, 19 or 21 of this Act or under an authorisation given under section 20 of this Act.

Part ii.—Constitution and Employment of the Force

3. There shall be established for Nigeria a police force to be known as the Nigeria Police Force (hereafter in this Act referred to as "the Force").
4. The police shall be employed for the prevention and detection of crime, the apprehension of offenders, the preservation of law and order, the protection of life and property and the due enforcement of all laws and regulations with which they are directly charged, and shall perform such military duties within or without Nigeria as may be required by them by, or under the authority of, this or any other Act.
5. There shall be an Inspector-General of the Nigeria Police, such number of Deputy Inspectors-General, Assistant Inspectors-General as the Nigeria Police Council considers appropriate, a Commissioner for each State of the Federation and such ranks as may from time to time be appointed by the Nigeria Police Council.
6. The Force shall be under the command of the Inspector-General, and contingents of the Force stationed in a State shall, subject to the authority of the Inspector-General, be under the command of the Commissioner of that State.
7.
 - (1) A Deputy Inspector-General is the second in command of the Force and shall act for the Inspector-General in the Inspector-General's absence from Force Headquarters.
 - (2) When acting for the Inspector-General, the Deputy Inspector-General shall be guided by the following:-

- (a) all matters involving any change in Force policy shall be held in abeyance pending the return of the Inspector-General or, if the matter is urgent, referred directly to the Inspector-General for his instructions;
 - (b) all matters of importance dealt with by the Deputy Inspector-General during the absence of the Inspector-General shall be referred to the Inspector-General on his return.
8. (1) An Assistant Inspector-General shall be subordinate in rank to the Deputy Inspector-General but shall be senior to all commissioners.
- (2) An Assistant Inspector-General shall act for the Inspector-General in the absence of both the Inspector-General and the Deputy Inspector-General and when so acting, the provisions of paragraphs (a) and (b) of subsection (2) of section 7 of this Act shall, with all necessary modifications, apply to him.
9. (1) Notwithstanding the provisions of the Constitution of the Federal Republic of Nigeria, there is hereby established a body to be known as the Nigeria Police Council (hereafter in this Act referred to as "the Council") which shall consist of--
- (a) The President, as Chairman;
 - (b) the Chief of General Staff;
 - (c) the Minister of Internal Affairs;
 - (d) the Inspector-General of Police.
- (2) The Council shall be charged with the following functions-
- (a) policy formulation and administration of the Force;
 - (b) matters relating to the appointment, promotion and discipline of members of the Force.

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- (3) The Director-General in the Police Affairs Department of the Presidency, shall be the Secretary to the Council.
 - (4) The President, shall be charged with operational control of the Force.
 - (5) The Inspector-General shall be charged with the command of the Force subject to the directive of the President.
10. (1) The President may give to the Inspector-General such directions with respect to the maintaining and securing of public safety and public order as he may consider necessary, and the Inspector-General shall comply with those directions or cause them to be complied with.
- (2) Subject to the provisions of subsection (1) of this section, the Commissioner of a state shall comply with the directions of the Governor of the state with respect to the maintaining and securing of public safety and public order within the state, or cause them to be complied with:
- Provided that before carrying out any such direction the Commissioner may request that the matter should be referred to the President for his directions.
11. The Inspector-General may, with the consent of the president by writing under his hand delegate any of his powers under this Act (except this power of delegation) so that the delegated powers may be exercised by the delegate with respect to the matters or class of matters specified or defined in the instrument or delegation.
12. When required to perform military duties in accordance with the provisions of section 4 of this Act such duties entailing service with the armed forces of Nigeria or any force for the time being attached thereto

or acting therewith, the police shall be under the command and subject to the orders of the officer in command of the forces in Nigeria, but for the purposes of interior economy shall remain under the control of a superior police officer.

Part iii.—General Administration

Oaths for Officers

13. On the appointment or promotion of any person as a member of the Force to or above the rank of cadet sub-inspector, the provisions of the Oaths Act shall apply; and such person shall forthwith take and subscribe the official oath, the police oath and, in proper case, the oath of allegiance.

Enlistment and Service

14. Every constable, shall, on appointment, be enlisted to serve in the Force for three years, or for such other period as may be fixed by the Nigeria Police Council to be reckoned in all cases from the day on which he has been approved for service and taken on to the strength.
15.
 - (1) Notwithstanding the provisions of section 14 of this Act, where a constable on or after his appointment opts or is selected for duties other than general duties and engages in those duties, he shall be deemed to have agreed to extend his period of enlistment by an additional period not exceeding six years, the extent of the additional period to be fixed by the Nigeria Police Council, and the enlistment of the constable shall have effect accordingly.
 - (2) Where any person to whom subsection (1) of this section applies re-engages for service with the Force, section 15 of this

Act (extension of term in special cases) shall have effect in respect of the re-engagement, and notwithstanding the fact that on or after the re-engagement the person concerned is or may be a non-commissioned officer.

16. Every non-commissioned officer, constable or recruit constable on enlistment, and every such police officer if re-engaged for a further period of service, shall make and subscribe the police declaration prescribed by the Oaths Act.

17. (1) Any non-commissioned officer or constable of good character may, within six months before completion of his first period of enlistment and with the prescribed approval, re-engage to serve

for a further period of six years, and may similarly re-engage for a second period of six years, and may thereafter similarly re-engage either to serve until the expiration of a third period of six years or until he reaches the age of forty-five years (whichever is earlier).

(2) Upon completion of such third period of six years, or if he has re-engaged until reaching the age of forty-five years then upon reaching such age, the non-commissioned officer or constable may if he so desires and with the prescribed approval continue in the Force in the same manner in all respects as if his term of service were still unexpired, except that he may be discharged or may claim a discharge upon six months prescribed notice thereof being given to or by him.

(3) The prescribed approval referred to in subsections (1) and (2) of this section shall be that of the Nigeria Police Council or of a superior police officer to whom the Nigeria Police Council has duly delegated the power to give such approval, and the

- prescribed notice referred to in subsection (2) shall be given by or to the National Police Council or by or to a superior police officer to whom the National Police Council has duly delegated the power of giving or receiving such notice.
- (4) If a non-commissioned officer or constable offers to re-engage within six months after having received his discharge he will, if his offer of service is accepted, on re-engagement be entitled to the rank which he was holding at the time of his discharge, provided there is a vacancy in the establishment of that rank at the time he re-engages.
 - (5) The service of a non-commissioned officer or constable who has re-engaged under this section shall be deemed to be continuous for the purposes of pension or annual allowance or gratuities, as the case may be, the non-commissioned officer or constable being regarded as on leave without pay during the period between discharge and re-engagement.
 - (6) No non-commissioned officer or constable may re-engage after a period of six months has elapsed since his discharge, but a non-commissioned officer or constable may be permitted to re-enlist subsequent to that period if his offer of service is accepted.
 - (7) The question of the reinstatement of a re-enlisted non-commissioned officer or constable to the rank he held prior to his discharge shall be decided by a superior police officer.
 - (8) Any non-commissioned officer or constable whose period of service expires during a state of war, insurrection or hostilities, may be compulsorily retained and his service prolonged for such period, not exceeding twelve months, as the Nigeria Police Council may direct.
 - (9) Subject to the provisions of section 7(1) of the Pensions Act and to the provisions of subsection (2) of this section, no police

officer other than a superior police officer shall be at liberty to resign or withdraw himself from his duties without the approval of the Nigeria Police Council or any police officer authorised in writing by the Nigeria Police Council.

Supernumerary police officers

18. (1) Any person (including any government department) who desires to avail himself of the services of one or more police officers for the protection of property owned or controlled by him may make application therefor to the Inspector-General, stating the nature and situation of the property in question and giving such other particulars as the Inspector-General may require.
- (2) On an application under the foregoing subsection the Inspector-General may, with the approval of the President, direct the appropriate authority to appoint as supernumerary police officers in the Force such number of persons as the Inspector-General thinks requisite for the protection of the property to which the application relates.
- (3) Every supernumerary police officer appointed under this section--
- (a) shall be appointed in respect of the area of the police province or, where there is no police province, the police district or police division in which the property which he is to protect is situated;
 - (b) shall be employed exclusively on duties connected with the protection of that property;
 - (c) shall, in the police area in respect of which he is appointed and in any police area adjacent thereto, but not elsewhere, have the powers, privileges and

- immunities of a police officer; and
- (d) subject to the restrictions imposed by paragraphs (b) and (c) of this subsection and to the provisions of section 22 of this Act, shall be a member of the Force for all purposes and shall accordingly be subject to the provisions of this Act and in particular the provisions thereof relating to discipline.
- (4) Where any supernumerary police officer is appointed under this section, the person availing himself of the services of that officer shall pay to the Accountant-General--
- (a) on the enlistment of the officer, the full cost of the officer's uniform; and
- (b) quarterly in advance, a sum equal to the aggregate of the amount of the officer's pay for the quarter in question and such additional amounts as the Inspector-General may direct to be paid in respect of the maintenance of the officer during that quarter;

and any sum payable to the Accountant-General under this subsection which is not duly paid may be recovered in a summary manner before a magistrate on the complaint of any superior police officer:

Provided that this subsection shall not apply in the case of an appointment made on the application of a department of the Government of the Federation.

- (5) Where the person availing himself of the services of any supernumerary police officer appointed under this section desires the services of that officer to be discontinued, he must give not less than two months' notice in writing to that effect, in the case of an officer appointed in respect of a police area

within that part of Lagos State formerly known as the Federal territory, to the Inspector-General or, in the case of an officer appointed in respect of a police area within a State, to the Commissioner of Police of that State; and on the expiration of such notice the services of the supernumerary police officer in question shall be withdrawn.

(6) Where the services of a supernumerary police officer are withdrawn in pursuance of subsection (5) of this section in the course of a quarter for which the sum mentioned in subsection (4)(b) of this section has been paid to the Accountant-General, the Accountant-General shall pay to the person by whom that sum was paid a sum which bears to that sum the same proportion as the unexpired portion of that quarter bears to the whole of that quarter.

(7) In this section, "the Accountant-General" means the Accountant-General of the Federation; "government department" means any department of the Government of the Federation or of the Government of a state; and "quarter" means any period of three months; and any reference in this section to the person availing himself of the services of a supernumerary police officer appointed under this section is a reference to the person on whose application the office was appointed or, if that person has been succeeded by some other person as the person owning or controlling the property for the protection of which the officer in question was appointed, that other person.

19. (1) The appropriate authority may, at the request of any superior police officer, appoint any person as a supernumerary police officer in the Force with a view to that person's employment on duties connected with the administration or maintenance of premises occupied or used for the purposes of the Force, but

shall not do so in any particular case unless satisfied that it is necessary in the interest of security or discipline that persons performing the duties in question should be subject to the provisions of this Act relating to discipline.

(2) Every supernumerary police officer appointed under this section--

(a) shall be appointed in respect of the area of the police area command or where is no police area command, the police division in which the premises in connection with whose administration or maintenance he is to be employed are situated;

(b) shall be employed exclusively on duties connected with the administration or maintenance of those premises;

(c) shall, in the police area in respect of which he is appointed, but not elsewhere, have the powers, privileges and immunities of a police officer; and

(d) subject to the restrictions imposed by paragraphs (b) and (c) of this subsection and to the provisions of section 22 of this Act, shall be a member of the Force for all purposes and shall accordingly be subject to the provisions of this Act and in particular the provisions thereof relating to discipline.

20. (1) If at any time the President is satisfied, as regards any police area, that it is necessary in the public interest for supernumerary police officers to be employed in that area, he may authorise the appropriate authority to appoint persons as supernumerary police officers in the Force under and in accordance with the authorisation.

(2) Every authorisation under this section shall be in writing and

shall specify the police area to which it relates and the maximum number of supernumerary police officers who may be appointed under that authorisation.

(3) Every supernumerary police officer appointed under an authorisation given under this section--

- (a) shall be appointed in respect of the police area to which the authorisation relates;
- (b) shall, in the police area in respect of which he is appointed and in any police area adjacent thereto, but not elsewhere, have the powers, privileges and immunities of a police officer; and

(c) subject to the restriction imposed by paragraph (b) of this subsection and to the provisions of section 22 of this Act, shall be a member of the Force for all purposes and shall accordingly be subject to the provisions of this Act and in particular to the provisions thereof relating to discipline.

21. (1) The appropriate authority may at the request of the Inspector-General or of the Commissioner of Police of a State appoint any person as a supernumerary police officer in the Force with a view to that person's attachment as an orderly to--

- (a) a Minister; or
- (b) a Commissioner of the Government of a State; or
- (c) a police officer of or above the rank of assistant commissioner.

(2) Every supernumerary police officer appointed under this section--

- (a) shall be employed exclusively on duties connected with the activities of the person to whom he is attached;
 - (b) shall, while so employed, have throughout Nigeria the powers, privileges and immunities of a police officer; and
 - (c) subject to the restriction imposed by paragraph (a) of this subsection and to the provisions of section 22 of this Act, shall be a member of the Force for all purposes and shall accordingly be subject to the provisions of this Act and in particular the provisions thereof relating to discipline.
22. (1) Every supernumerary police officer shall, on appointment, be enlisted to serve in the Force from month to month, and accordingly a supernumerary police officer may at any time resign his appointment by giving one month's notice in that behalf to the superior police officer in charge of the police area in respect of which he is appointed, and his appointment may be determined by the appropriate authority on one month's notice in that behalf or on payment of one month's pay instead of such notice.
- (2) The ranks to which supernumerary police officers may be appointed shall be prescribed by regulations made by the President under section 46 of this Act on the recommendation of the Nigeria Police Council.
- (3) A supernumerary police officer shall have no claim on the Police Reward Fund; and, without prejudice to any liability under the Workmen's Compensation Act, to pay compensation to or in respect of any person by virtue of his employment as a supernumerary police officer, a person's service as such an officer shall not render him or any other person eligible for any pension, gratuity or annual allowance under this Act or the

Pensions Act.

(4) In section 18 to 21 of this Act and this section--

"the appropriate authority", in relation to any power to appoint or determine the appointment of supernumerary police officers, means the Nigeria Police Council or any superior police officer to whom that power has been delegated in accordance with section 194(1) of the Constitution of the Federal Republic of Nigeria;

"police area" means any police Area Command, police district or police division;

"Area Command", "police district" and "police division" mean respectively an Area Command, police district or police division established under the provisions of Standing Order made under section 47 of this Act.

Part iv.—Powers of Police Officers

23. Subject to the provisions of sections 160 and 191 of the Constitution of the Federal Republic of Nigeria (which relate to the power of the Attorney-General of the Federation and of a State to institute and undertake, take over and continue or discontinue criminal proceedings against any person before any court of law in Nigeria), any police officer may conduct in person all prosecutions before any court whether or not the information or complaint is laid in his name.

24. (1) In addition to the powers of arrest without warrant conferred upon a police officer by section 10 of the Criminal Procedure Act, it shall be lawful for any police officer and any person whom he may call to his assistance, to arrest without warrant in the following cases--

(a) any person whom he finds committing any felony,

misdemeanour or simple offence, or whom he reasonably suspects of having committed or of being about to commit a felony, misdemeanour or breach of the peace;

(b) any person whom any other person charges with having committed a felony or misdemeanour;

(c) any person whom any other person--

(i) suspects of having committed a felony or misdemeanour, or

(ii) charges with having committed a simple offence, if such other person is willing to accompany the police officer to the police station and to enter into recognisance to prosecute such charge.

(2) The provisions of this section shall not apply to any offence with respect to which it is provided that any offender may not be arrested without warrant.

(3) For the purposes of this section the expressions felony, misdemeanour and simple offence shall have the same meanings as they have in the Criminal Code.

25. Any warrant lawfully issued by a court for apprehending any person charged with any offence may be executed by any police officer at any time notwithstanding that the warrant is not in his possession at that time, but the warrant shall, on the demand of the person apprehended, be shown to him as soon as practicable after his arrest.

26. Any summons lawfully issued by a court may be served by any police

officer at any time during the hours of daylight.

27. When a person is arrested without a warrant, he shall be taken before a magistrate who has jurisdiction with respect to the offence with which he is charged or is empowered to deal with him under section 484 of the Criminal Procedure Act as soon as practicable after he is taken into custody:

Provided that any police officer for the time being in charge of a police station may inquire into the case and--

- (a) except when the case appears to such officer to be of a serious nature, may release such person upon his entering into a recognisance, with or without sureties, for a reasonable amount to appear before a magistrate at the day, time and place mentioned in the recognisance; or
- (b) if it appears to such officer that such inquiry cannot be completed forthwith, may release such person on his entering into a recognisance, with or without sureties, for a reasonable amount, to appear at such police station and at such times as are named in the recognisance, unless he previously receives notice in writing from the superior police officer in charge of that police station that his attendance is not required, and any such bond may be enforced as if it were a recognisance conditional for the appearance of the said person before a magistrate.

28. (1) A superior police officer may by authority under his hand authorise any police officer to enter any house, shop, warehouse, or other premises in search of stolen property, and

search therein and seize and secure any property he may believe to have been stolen, in the same manner as he would be authorised to do if he had a search warrant, and the property seized, if any, corresponded to the property described in such search warrant.

- (2) In every case in which any property is seized in pursuance of this section, the person on whose premises it was at the time of seizure or the person from whom it was taken if other than the person on whose premises it was, may, unless previously charged with receiving the same knowing it to have been stolen, be summoned or arrested and brought before a magistrate to account for his possession of such property, and such magistrate shall make such order respecting the disposal of such property and may award such costs as the justice of the case may require.
 - (3) Such authority as aforesaid may only be given when the premises to be searched are, or within the preceding twelve months have been, in the occupation of any person who has been convicted of receiving stolen property or of harbouring thieves, or of any offence involving fraud or dishonesty, and punishable by imprisonment.
 - (4) It shall not be necessary on giving such authority to specify any particular property, provided that the officer granting the authority has reason to believe generally that such premises are being made a receptacle for stolen goods.
29. A police officer may detain and search any person whom he reasonably suspects of having in his possession or conveying in any manner anything which he has reason to believe to have been stolen or otherwise unlawfully obtained.

30. (1) It shall be unlawful for any police officer to take and record for the purposes of identification the measurements, photographs and fingerprint impressions of all persons who may from time to time be in lawful custody:

Provided that if such measurements, photographs and fingerprint impressions are taken of a person who has not previously been convicted of any criminal offence, and such person is discharged or acquitted by a court, all records relating to such measurements, photographs and fingerprint impressions shall be forthwith destroyed or handed over to such person.

- (2) Any person who shall refuse to submit to the taking and recording of his measurements, photographs or fingerprint impressions shall be taken before a magistrate who, on being satisfied that such person is in lawful custody, shall make such order as he thinks fit authorising a police officer to take the measurements, photographs and fingerprint impressions of such person.

Part 7.—Property Unclaimed, Found or Otherwise

31. Where any property has come into the possession of the police as unclaimed property or property found or otherwise, a court of summary jurisdiction may, on application either of a member of the police force or by a claimant of the property, either order the delivery of the property to the person appearing to the court to be the owner thereof or, if the owner cannot be ascertained, make such order with respect to the property as to the court may seem meet.
- (2) Without prejudice to the generality of subsection (1) of this section and subject to the provisions of subsection (2) of this section and of section 32 of this Act, an order made under the

said subsection (1) with respect to any property the owner of which cannot be ascertained may direct--

- (a) in the case of property that has not previously been sold in pursuance of section 32 of this Act, that the property be sold; and
- (b) in any case, that the proceeds of sale be paid into the Police Reward Fund, after deduction of the cost (if any) of the sale and of any sum which the court may direct to be paid as a reward to any person by whom the property was delivered into the possession of the Police.

- (3) An order under this section shall not affect the right of any person to take within six months from the date of the order legal proceedings against any person in possession of the property delivered by virtue of the order for the recovery of the property, but on the expiration of those six months the right shall cease.

- 32. Where the property is a perishable article or its custody involves unreasonable expense or inconvenience it may be sold at any time, but the proceeds of sale shall not be disposed of until they have remained in the possession of the police for six months; and in any other case the property shall not be sold until it has remained in the possession of the police for six months.

Part vi.— Miscellaneous Provisions

- 33. (1) There shall be established a fund to be called "the Police Reward Fund" (in this section referred to as "the Fund") into which shall be paid the following--

- (a) all pay forfeited by order of a superior officer on members of the Force for offences against discipline;
 - (b) all fines levied for assaults on members of the Force;
 - (c) one-third of any fees paid by members of the public in respect of extracts from reports of accidents made by the police;
 - (d) one-third of any fees paid in accordance with Standing Orders for the services of police officers who would otherwise be off duty;
 - (e) all sums ordered to be paid into the Fund under section 31(2).
- (2) Subject to the rules for the time being in force under section 23 of the Finance (Control and Management) Act with respect to disbursements from the Fund, the Fund shall be applied at the discretion of the Inspector-General for any of the following purposes, that is to say--
- (a) to reward members of the Force for extra or special services;
 - (b) for procuring comforts, conveniences or advantages for members of the Force which are not authorised to be paid for out of moneys provided by the Federal Government;
 - (c) for payment of *ex gratia* compassionate gratuities to widows or children of deceased members of the Force;
 - (d) for making *ex gratia* payments towards the funeral expenses of any member of the Force who dies in the service of the Force.

34. A superior police officer shall, upon first arrival at any place where police are to be stationed, cause public proclamation to be made that if

the inhabitants suffer constables to contract debts, such debts are not recoverable from their due or accruing pay and will not be discharged by the officers.

35. The pay of any constable shall not be withheld upon any civil process except in respect of any debt or liability which he may have incurred within three years next before being appointed to the Force, and for such debt or liability when constituted by decree his pay may be withheld to an extent not exceeding one-half of any monthly payment thereof; and when an order for payment of such debt or satisfaction of such liability is made, the court making the order shall give due notice thereof to the superior police officer in charge of the detachment to which the judgment debtor belongs, and thereupon the amount ordered shall be stopped out of the judgment debtor's pay until the amount of the decree is made good:

Provided that no amount shall be withheld on an order made by a native tribunal.

36. No member of the Force shall, while he holds such appointment, engage in any private business or trade, without the (written consent of the Nigeria Police Council or any person to whom such power is delegated).

Part vii.-- Offences

37. (1) Any police officer other than a superior police officer who--
- (a) begins, raises, abets, countenances, or excites mutiny;
 - (b) causes or joins in any sedition or disturbance whatsoever;
 - (c) being at any assemblage tending to riot, does not use

- (d) his utmost endeavour to suppress such assemblage; coming to the knowledge of any mutiny, or intended mutiny or sedition, does not without delay give information thereof to his superior officer;
- (e) strikes or offers any violence to his superior officer, such officer being in the execution of his duty;
- (f) deserts or aids or abets the desertion of any constable from the Force; or
- (g) on enlistment falsely states that he has not been convicted or imprisoned for an criminal offence or that he was never employed by the Government of the Federation or Government of any State,

shall be liable to imprisonment for two years.

- (2) Any police officer may be proceeded against for desertion without reference to the time during which he may have been absent, and thereupon may be found guilty, either of desertion or of absence without leave:

Provided that a police officer shall not be convicted as a deserter or of attempting to desert unless the court shall be satisfied that there was an intention on the part of such officer either not to return to the Force, or to escape some particular important service.

38. Upon reasonable suspicion that any person is a deserter any constable or other person may apprehend him and forthwith bring him before a court having jurisdiction in the place wherein he was found, which may deal with the suspected deserter or remand him to a court having jurisdiction in the place in which he has deserted.

39. Every person who assaults, obstructs or resists any police officer in the

execution of his duty, or aids or incites any other person so to assault, obstruct or resist any police officer or any person aiding or assisting such police officer in the execution of his duty, shall be guilty of an offence and, on summary conviction thereof before a magistrate, shall be liable to a penalty of fifty naira or to imprisonment for a term of six months.

40. If any person is called upon to aid and assist a police officer who is, while in the execution of his duty, assaulted or resisted or in danger of being assaulted or resisted, and such person refuses or neglects to aid and assist accordingly, he shall be guilty of an offence and, on summary conviction thereof before a magistrate, shall be liable to a penalty of fifty naira or to imprisonment for a term of six months.
41. Every person who knowingly harbours entertains, or, either directly or indirectly, sells or gives any intoxicating liquor to, any constable when on duty, or permits any such constable to abide or remain in his house (except in case of extreme urgency); and any person who, by threats or by offer of money, gift, spirituous liquors, or any other thing, induces or endeavours to induce any constable to commit a breach of his duty as constable or to omit any part of such duty, shall be guilty of an offence and, on summary conviction thereof before a magistrate, shall be liable to a penalty of ten naira to be imprisoned for a term of one month.
42. Every person not being a police officer who puts on or assumes either in whole or in part, the dress, name, designation, or description of any police officer or any dress, name or designation, resembling and intended to resemble the dress, name or designation of any police officer, or in any way pretends to be a police officer, for the purposes of obtaining admission into any house or other place, or of doing any act which such person would not by law be entitled to do of his own

authority, shall be guilty of an offence and, on summary conviction thereof before a magistrate, shall be liable to a penalty of two hundred naira or to imprisonment for a term of one year.

43. (1) Any person who knowingly uses or attempts to pass off any forged or false certificate, character, letter, or other document for the purpose of obtaining admission into the Force, or who, on applying for enlistment, shall make any false answer to any question which shall be put to him by a police officer, shall be guilty of an offence and, on summary conviction thereof before a magistrate, shall be liable to imprisonment for a term of six months.
- (2) Any police officer may arrest without warrant any person whom he reasonably believes to be guilty of an offence against this section.
44. Nothing in this Act shall be construed to exempt any police officer from being proceeded against by the ordinary course of law when accused of any offence punishable under any other Act or law.
45. (1) No person who has been acquitted by a court of any crime or offence shall be tried on the same charge or suffer any punishment on account thereof under this Act.
- (2) If any member of the Force has been convicted by a court of any crime or offence, he shall not be liable to be punished for the same offence under this Act, otherwise than by reduction in rank or grade or by dismissal from the Force.

Part viii.— Regulations and Standing Orders

46. The President may make regulations on the recommendations of--

- (a) the Nigeria Police Council with respect to the policy, organisation and administration of the Force, including establishments and financial matters, other than pensions within the meaning of the Pensions Act,
 - (b) the Nigeria Police Council with respect to appointments to offices in the Force, promotion, transfer, dismissal and disciplinary control of officers.
47. (1) The President may make Standing Orders for the good order, discipline and welfare of the Force after consultation with--
- (a) the Nigeria Police Council with respect to the policy, organisation and administration of the Force, including establishment and financial matters other than pensions within the meaning of the Pensions Act,
 - (b) the Nigeria Police Council with respect to any matter relating to appointments to officers in the Force, promotion, transfer, dismissal and discipline of members of the Force.
- (2) The Nigeria Police Council with the approval of the President may make such Standing Orders as they may think fit and proper with respect to any matter relating to the duties and operational control of the Force.
- (3) Such Standing Orders shall be binding upon all police officers but need not be published in the Federal *Gazette*.

Part ix.— Application

48. All the provisions of this Act shall extend to all persons who, at the

commencement of this Act shall be serving in a police force established under an Act repealed by this Act as if such persons had been appointed under this Act, and service under any such repealed Act shall, for the purposes of gratuities and pensions, be deemed to be service under this Act.

Part x.— Special Constables

49. (1) There shall continue to be a Nigeria Special Constabulary (in this Act called "the special constabulary").
- (2) The special constabulary shall be, and be deemed always to have been, part of the Nigeria Police Force, and accordingly references in this Act to the police force established under this Act shall, subject to the provisions of this Act, include, and be deemed always to have included, references to the special constabulary.
- (3) The special constabulary shall consist of--
- (a) special constables appointed in normal circumstances under section 50 of this Act; and
 - (b) such emergency special constables as may be appointed from time to time under section 4 of this Act.
- (4) In so far as any enactment (whether passed or made before or after the commencement of this Act) requires police officers to perform military duties or confers power (whether expressly or in general terms) to require police officers to perform such duties, that enactment shall not, in the absence of express provision to the contrary, extend to members of the special constabulary.

50. (1) Subject to the provisions of this section, the competent authority may appoint as a special constable any person (whether male or female) who--
- (a) has attained the age of twenty-one years but has not attained the age of fifty years; and
 - (b) is of good character and physically fit; and
 - (c) has signified his willingness to serve as a special constable.
- (2) The President shall from time to time by notice published in the *Federal Gazette* fix the maximum number of persons who may at any one time hold appointments under this section; and a person shall not be appointed as a special constable under this section if his appointment would cause the number for the time being so fixed to be exceeded.
- (3) Before fixing any number under subsection (2) of this section, the President shall obtain from the Nigeria Police Council a recommendation with respect thereto.
- (4) Subject to subsection (2) of this section the Inspector-General may from time to time--
- (a) with the approval of the President fix the maximum number of persons who may at any one time hold appointments under this section in any territory; and
 - (b) at his own discretion fix the maximum number of persons appointed under this section who may at any one time hold any particular rank in the special constabulary in any territory,

and may, in either case, fix different numbers with respect to different

territories; and it shall be the duty of every competent authority to secure that the numbers fixed under this subsection are not exceeded.

- (4) Every special constable appointed under this section--
- (a) shall be appointed to serve as a special constable for one year or such longer period as may be agreed between him and the authority by whom he is appointed, and shall on appointment sign an engagement in the prescribed form to serve as a special constable for that period;
 - (b) shall be appointed in respect of the police Area Command or, where there is no police Area Command, the police division in which he resides or is employed;
 - (c) shall within the territory in which the police area in respect of which he is appointed is situated, but not elsewhere, have the powers, privileges and immunities of a police officer; and
 - (d) subject to the provisions of this Act, shall be a member of the Nigeria Police Force for all purposes:

Provided that a special constable appointed in respect of a police area within the Federal Capital Territory, Abuja shall have the powers, privileges and immunities of a police officer not only within the Federal Capital Territory, Abuja but also within any area adjacent to the Federal Capital Territory, Abuja.

- (5) A special constable appointed under this section shall have such rank as may be assigned to him by the competent authority; and where the rank of assistant superintendent or any higher rank is assigned to a special constable under this subsection, the assigning authority shall cause notice thereof to be

published in the *Federal Gazette*.

- (6) A special constable appointed under this section may within three months before the end of his first or any subsequent period of engagement, and with the permission of the competent authority, re-engage to serve for a further period of one year or such longer period as may be agreed between him and that authority and, if he does so, his appointment under this section shall be deemed to have been extended accordingly; and without prejudice to the right of the competent authority to refuse permission in any case, a person shall not be permitted to re-engage under this subsection unless he would, if not already a special constable, be qualified for appointment as such under subsection (1) above.
- (7) Every special constable appointed under this section shall, on appointment, be issued with a certificate of appointment in the prescribed form, and on the determination of his appointment (whether by the passage of time or under section 51 of this Act) shall be issued with a certificate of discharge in the prescribed form.
- (8) In relation to constables appointed under this section--
 - (a) section 16 hereof (which relates to the making of a declaration on enlistment or re-engagement) shall have effect as if for the reference to enlistment there were substituted a reference to appointment; and
 - (b) section 17 of this Act (which relates to re-engagement) shall not apply.

51. (1) A special constable appointed under section 50 of this Act may

at any time give to the superior police officer in charge of the police area in respect of which he is appointed notice in writing to the effect that he desires to resign his appointment on a date (not being less than fourteen days later than the date on which the notice is given) mentioned in the notice.

- (2) On receipt of a notice under the foregoing subsection the superior police officer in question shall refer it to the competent authority; and if, but only if, the competent authority consents to the notice having effect, the appointment of the special constable by whom the notice was given shall determine on the date mentioned in the notice or the date on which he is notified that the competent authority has given his consent under this subsection, whichever is the later.
- (3) The competent authority may at any time, for reasons appearing to him to be sufficient, by notice in writing forthwith suspend or determine the appointment of any special constable appointed under section 50 of this Act and may, if he thinks fit, do so without informing the special constable of the reasons for his action, but shall in every case immediately report his action and the reasons therefor to the Inspector-General.
- (4) A special constable whose appointment is suspended or determined under subsection (3) of this section otherwise than by the Nigeria Police Council may appeal against the suspension or determination to the competent authority; and any such appeal shall be heard and determined by the competent authority to whom it is made.
- (5) Any delegation of the powers of the Nigeria Police Council under subsection (3) and (4) of this section shall be such as to secure that in every case the competent authority having power to hear and determine an appeal under subsection (4) of this section is a police officer of higher rank than the police officer

against whose action the appeal is brought.

52. (1) If at any time the Commissioner of Police for a State is satisfied, as regards any police area in that State, that an unlawful assembly or riot or breach of the peace has taken place or may reasonably be expected to take place in that area, or that by reason of other special circumstances it is necessary in the public interest for emergency special constables to be appointed in respect of that area, he may authorise the superior police officer in charge of that area or any chief superintendent of police to appoint persons resident or employed in that area (whether male or female) as emergency special constables.
- (2) An authorisation under this section need not be in writing, but must specify the maximum number of emergency special constables who may be appointed under that authorisation.
- (3) Where a superior police officer proposes to appoint any person as an emergency special constable under an authorisation given under this section, he shall cause to be served on that person a notice in the prescribed form requiring him to present himself at a time and place specified in the notice for appointment as an emergency special constable.
- (4) Every person on whom a notice is served under subsection (3) of this section shall present himself at the time and place specified in the notice and shall there, on being required to do so by the superior police officer proposing to appoint him, make and sign a promise in the prescribed form to serve as an emergency special constable until such time as his appointment is determined under this section; and immediately after he has made and signed that promise, the superior police officer shall hand to him a document in the prescribed form appointing him

as an emergency special constable in respect of the police area to which the authorisation under which he is being appointed relates.

- (5) Every emergency special constable appointed under this section--
 - (a) shall, in the police area in respect of which he is appointed, but not elsewhere, have the powers, privileges and immunities of a police officer; and
 - (b) subject to the provisions of this Act shall be a member of the Nigeria Police Force for all purposes and shall accordingly be subject to the provisions of this Act.

- (6) The superior police officer in charge of the police area in respect of which an emergency special constable is appointed may at any time, and shall if so directed by the Commissioner of Police for the State in which that police area is situated, by notice in writing forthwith, or with effect from a future date specified in the notice, determine the emergency special constable's appointment; and on the determination of his appointment under this section an emergency special constable shall be issued with a certificate of discharge in the prescribed form.

- (7) Any person who without reasonable excuse (proof of which shall lie on him)--
 - (a) refuses or fails to comply with the requirements of a notice served on him under subsection (3) of this section; or
 - (b) refuses to make and sign a promise to serve on being required to do so under subsection (4) of this section, shall be liable on summary conviction to a fine not

exceeding forty naira.

- (8) The foregoing provisions of this section shall apply in relation to the Federal Capital Territory, Abuja as they apply in relation to a State, subject to the modification that, in relation to the Federal Capital Territory, Abuja any reference to the Commissioner of Police shall be construed as a reference to the Inspector-General of Police.
 - (9) The foregoing provisions of this section shall have effect subject to section 53(2) and (3) of this Act.
53. (1) The Commissioner of Police for a State or the Inspector-General--
- (a) on giving an authorisation under section 52 of this Act, shall forthwith inform the President of his action and of the circumstances which led him to take it, and shall as soon as possible cause notice of the giving of the authorisation to be published in the appropriate *Gazette*; and
 - (b) as soon as possible after all emergency special constables appointed under that authorisation have been discharged shall cause notice of that fact to be published in the appropriate *Gazette*.

In this subsection "the appropriate *Gazette*", in relation to the Commissioner of Police for a State means the State *Gazette*, and in relation to the Inspector-General means the Federal *Gazette*.

- (2) The President may by order published in the Federal *Gazette* declare persons of any class or description specified in the order to be exempt from appointment as emergency special constables under section 52 of this Act, and the power to

appoint persons as emergency special constables under that section shall not extend to persons of any class or description for the time being so specified.

- (3) Any power to make or determine appointments under or by virtue of section 52 of this Act shall be exercisable only while there is in force the necessary delegation of that power by the Nigeria Police Council.
- (4) Section 16 of this Act (which requires certain police officers on enlistment to make and subscribe the police declaration prescribed by the Oaths Act) and section 17 of this Act (which relates to re-engagement) shall not apply to emergency special constables.

- 54. (1) The Inspector-General may provide for use by special constables such batons, clothing and other equipment as he considers necessary for the proper carrying out of their duties.
 - (2) Any expenses incurred by the Inspector-General under this section shall be defrayed out of moneys provided by the Federal Government.
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- 55. (1) Regulations made by virtue of section 46(a) of this Act with respect to the organisation and administration of the Force shall not require special constables to attend for instruction on more than four days in any one month or for periods amounting in the aggregate to more than twenty-four hours in any one month.
 - (2) Any person responsible for giving instruction to special constables under regulations made as aforesaid shall have regard as far as possible to the convenience of special constables who are to attend for instruction and also, where applicable, to that of the employers of such special constables.

56. (1) Except as expressly provided by this section or by regulations made by virtue of subsection (3) of this section, a persons's service as a special constable shall not render him or any other person eligible for any pay, allowance, pension or gratuity under this Act or the Pensions Act.
- (2) A special constable shall have no claim on the Police Reward Fund established under section 33 of this Act and shall not as such be entitled to occupy living accommodation provided at the public expense.
- (3) Regulations made by virtue of section 46(a) of this Act may provide for allowances to be paid to special constables--
- (a) in respect of expenses incurred by them in connection with their attendance at periods of instruction;
 - (b) as compensation for loss of earnings during periods of full-time duty; and
 - (c) in respect of the use by special constables of or of this subsection the rank of inspector of their own vehicles while on full-time duty,

but shall not provide for the payment of any other allowances to special constables; and the amount of any such allowance as is mentioned in paragraph (a) or (b) of this subsection shall be fixed by the regulations, and shall not be calculated by reference to the actual expenses or loss of earnings of the person to whom it is payable.

- (4) Without prejudice to the generality of the said section 46 of this Act, regulations thereunder may make provision for enabling any such allowance as is mentioned in subsection (3) of this section to be withheld by a superior police officer if, in his opinion, there are good reasons for withholding it.

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- (5) Subject to subsection (7) of this section, section 6 of the Pensions Act (which contains corresponding provisions applicable to police officers above the rank of constable) shall apply to special constables as they apply to regular police officers.
 - (6) Subject to subsection (7) of this section, paragraphs (1) and (2) of regulation 24 of the repealed Pensions Regulations (which make provision for the payment of pensions to officers in respect of permanent injuries received while on duty) shall apply to special constables as they apply to regular police officers, so however that, for the purposes of the application of those paragraphs to special constables, references to retirement shall be construed as references to retirement from employment other than employment as a special constable.
 - (7) If a special constable is killed or sustains injuries at a time when he holds some other office in the public service of the Federation or of a State, his duty as a special constable shall, for the purpose of the Pensions Act, be deemed to form part of his duty as the holder of that other office, and subsections (5) and (6) of this section shall not apply in his case.
 - (8) Any pension granted by virtue of subsection (5) or (6) of this section shall be subject to the provisions of the Act under which it is granted and shall be liable to cease or be otherwise dealt with accordingly.
 - (9) In this section, "regular police officer" means a police officer who is neither a special constable nor a supernumerary police officer.

57. In this Part, except where the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say--

"competent authority" in relation to any power to appoint special constables, or to approve their re-engagements, or to suspend or determine their appointments, or to assign ranks to or exercise disciplinary control over special constables, or to hear their appeals against suspension or dismissal, means the Nigeria Police Council or any superior police officer or inspector to whom the power in question has by notice published in the Federal *Gazette* been delegated in accordance with the Constitution of the Federation, and any such notice may, as regards any such power, make different provision with respect to different ranks in the special constabulary;

"emergency special constable" means an emergency special constable appointed under section 52 of this Act;

"police area" means any police province, police district or police division;
 "police Area Command", "police district" and "police division" mean respectively a police Area Command, police district or police division established under the provisions of Standing Orders made under section 47 of this Act;

"prescribed" means prescribed by regulations made under section 46 of this Act;

"special constable" includes an emergency special constable;

"territory" means a State or the Federal Capital Territory, Abuja.

58. (1) The Special Constables Act 1959 is hereby repealed, and Government Notice No. 1598 (Approval of Maximum Personnel Establishment) dated 30th July, 1960 and the Special Constables (Training and Allowances) Regulations 1960 are hereby revoked.
- (2) Subject to subsections (1) and (4) of this section, anything done under or by virtue of the Special Constables Act 1959 shall be deemed to have been done under or by virtue of the corresponding provision of this Act; and anything begun under

- or by virtue of the said Act of 1959 may be continued under or by virtue of this Act as if begun under or by virtue of this Act.
- (3) Without prejudice to the generality of subsection (2) of this section, any person who immediately before the commencement of this Act held an appointment as a special constable under the Special Constables Act 1959 shall be deemed to have been appointed under and in accordance with the corresponding provisions of this Act on the date and for the period on or for which he was actually appointed; and service under that Act shall, for the purposes of any pension for which a special constable is eligible by virtue of this Act, be deemed to be service under this Act.
- (4) Nothing in this Act shall affect any pension which was before the commencement of this Act granted under the Special Constables Act 1959; and the provisions of that Act shall continue to apply to any pension so granted as if this Act had not been made.

Part xi.—Traffic Warden Service

59. (1) There is hereby established a Traffic Warden Service (hereafter in this Act referred to as "the warden service").
- (2) The warden service shall consist of traffic wardens appointed from time to time under this Act.
- (3) The warden service shall be a part of the Nigerian Police Force, and accordingly references to the police force established under this Act shall, subject to the provisions of this Act, include references to the warden service.
- (4) Notwithstanding subsection (3) of this section, in so far as any enactment (whether passed or made before or after the commencement of this Act) requires police officers to perform

military duties, or confers any power on any person (whether expressly or in general terms) to require police officers to perform such duties, that enactment shall not, in the absence of express provision to the contrary, extend to traffic wardens.

- (5) Traffic wardens shall be employed to discharge functions normally undertaken by the police in connection with the control and regulation of, or the enforcement of the law relating to, road traffic and shall in that connection act under the direction of the police.
- (6) Without prejudice to the generality of the foregoing subsection, a traffic warden shall be required to deal (*inter alia*) with the following, that is to say--
 - (a) general control and direction of motor traffic on the highway;
 - (b) assisting pedestrians to cross the road; and
 - (c) controlling vehicles stopping or parking in unauthorised places.

60. (1) Notwithstanding anything to the contrary in any enactment, the Inspector-General is hereby vested with the power to appoint, confirm such appointment, promote, transfer, dismiss or exercise any disciplinary control over any traffic warden.
- (2) Subject to the provisions of this Act, a person may be appointed a traffic warden if he--
 - (a) is not less than nineteen nor more than twenty-one years of age;
 - (b) is in possession of minimum educational qualification of primary six;
 - (c) is not less than 167.64 centimetres and 162.56 centimetres tall respectively for men and women;

- (d) in the case of men, has not less than 86.36 centimetres chest measurement when fully expanded;
 - (e) is of good character and is physically fit; and
 - (f) has signified his willingness to serve as a traffic warden.
- (3) The President shall, from time to time by notice published in the *Federal Gazette*, fix the maximum number of persons who may at any one time hold appointments under this Act; and a person shall not be appointed as a traffic warden if his appointment would cause the number for the time being so fixed to be exceeded.
- (4) Before fixing any number under subsection (3) of this section the President shall obtain from the Nigeria Police Council recommendation with respect thereto.
- (5) The Inspector-General may from time to time--
- (a) with the approval of the President fix the maximum number of traffic wardens who may at any one time hold appointments in any State;
 - (b) at his own discretion fix the maximum number of traffic wardens who may at any one time hold any particular rank in the warden service in any State; and
 - (c) in either case fix different numbers with respect to different States.
- (6) In relation to traffic wardens appointed under this Act--
- (a) section 16 of this Act (which relates to the making of a declaration for enlistment or re-engagement) shall have effect as if for the reference to enlistment or re-engagement there were substituted respectively a reference to appointment or re-appointment; and
 - (b) the form of the police declaration prescribed by the Oaths Act shall be adapted by the substitution--

- (i) for the words "police officer" where they occur in the fifth line, of the words "a traffic warden"; and
 - (ii) for the words from "for the preservation of peace" to the end of the declaration, of the words "to discharge all the duties of my office according to law".

- 61. (1) Every traffic warden appointed under this Act shall be appointed to serve as a traffic warden for a period of one year; and only in the police province, district or division in which he resides.
- (2) Such a traffic warden may, subject to satisfactory conduct and service, be re-appointed for further periods of three years each until the expiration of the tenth year of his appointment in the warden service when he may elect to determine his appointment or elect that his service be allowed to continue until he is fifty-five years of age.

- 62. A traffic warden appointed under this Act shall, when on duty, in uniform and within the police province, district or division in which he is appointed to serve, but not elsewhere, have the powers, privileges and immunities of a police officer under any law relating to the regulation of road traffic.

- 63. Every traffic warden shall, on first appointment be issued with a certificate of appointment in a form approved by the Inspector-General and on the determination of that or any subsequent appointment (whether by effluxion of time or under section 10 of this Act) shall in like manner be issued with a certificate of discharge.

- 64. A traffic warden shall have such rank as may be assigned to him by the

Inspector-General within the following grades, that is--

- (a) Traffic Warden Grade III;
- (b) Traffic Warden Grade II;
- (c) Traffic Warden Grade I;
- (d) Senior Traffic Warden.

65. (1) A traffic warden appointed under this Act may at any time give to any superior police officer under whom he is serving, notice in writing of his intention to resign his appointment on a date mentioned in the notice (not being less than twenty-eight days later than the date on which the notice is given).
- (2) On receipt by the superior police officer of the notice referred to in subsection (1) of this section, the superior police officer shall immediately thereafter refer such notice to the Commissioner having control over him and the traffic warden, and if the Commissioner consents to the notice having effect, the appointment of the traffic warden shall determine accordingly.
66. (1) In so far as the context so admits but subject to the provisions of this Act, a traffic warden shall be subject to the provisions of the Police Regulations for purposes of discipline.
- (2) In the application to traffic wardens of the Second Schedule to the Police Regulations, references to Constables, Corporals, Sergeants, and Inspectors shall include respectively references to Traffic Wardens Grade III, Traffic Wardens II, Traffic Wardens Grade I and Senior Traffic Wardens.
67. (1) The Inspector-General may provide for use by the traffic wardens such equipments as he considers necessary for the proper carrying out of the duties of traffic wardens under this

Act.

- (2) Any expenses incurred by the Inspector-General under this section shall be defrayed out of moneys provided by the Federal Government.
68. The Inspector-General may delegate any of his powers under this Act to the Commissioner of a State or the Commandant of a police college (except this power of delegation) so that the delegated powers may be exercised by the delegate with respect to the matters or class of matters specified or defined in the instrument of delegation.
69. (1) Every person appointed into the warden service shall be required to undergo a course of training at the traffic training school of a police college for a period of twelve weeks or such other or further period as the Inspector-General may determine.
 - (2) A traffic warden appointed under this Act shall have allocated to him a service number with the letters "TW" and the service numbers of all traffic wardens employed in the Federation, shall appear on the register kept for that purpose by the Inspector-General.
 - (3) It shall be the duty of every traffic warden to whom a service number has been allocated under subsection (2) of this section whenever on duty to wear such service number on the shoulder flaps of his uniform.

APPENDIX B

INTERNATIONAL CONVENANTS AND CODES ON LAW ENFORCEMENT

2.0 INTERNATIONAL INSTRUMENTS

2.1 Declaration on the Protection of all Persons from being subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Adopted by General Assembly resolution 3452 (XXX) of 9 December, 1975

Article 1

1. For the purpose of this Declaration, torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted by or at the instigation of a public official on a person for such purposes as obtaining from him or a third person information or confession, punishing him for an act he has committed or is suspected of having committed, or intimidating him or other persons. It does not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions to the extent consistent with the Standard Minimum Rules for the Treatment of Prisoners.
2. Torture constitutes an aggravated and deliberate form of cruel, inhuman or degrading treatment or punishment.

Article 2

Any act of torture or other cruel, inhuman or degrading treatment or punishment is an offence to human dignity and shall be condemned as a denial of the purposes of the Charter of the United Nations and as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights.

Article 3

No State may permit or tolerate torture or other cruel, inhuman or degrading treatment or punishment. Exceptional circumstances such as a state of war or a threat of war, internal instability or any other public emergency may not be invoked as a justification of torture or other cruel, inhuman or degrading treatment or punishment.

Article 4

Each State shall, in accordance with the provisions of this Declaration take effective measures to prevent torture and other cruel, inhuman or degrading treatment or punishment from being practised within its jurisdiction.

Article 5

The training of law enforcement personnel and of other public officials who may be responsible for persons deprived of their liberty shall ensure that full account is taken of the prohibition against torture and other cruel, inhuman or degrading treatment or punishment. This prohibition shall also, where appropriate, be included in such general rules or instructions as are issued in regard to the duties and functions of anyone who may be involved in the custody or treatment of such persons.

Article 6

Each State shall keep under systematic review interrogation methods and practices as well as arrangements for the custody and treatment of persons deprived of their liberty in its territory, with a view to preventing any cases of torture or other cruel, inhuman or degrading treatment or punishment.

Article 7

Each State shall ensure that all acts of torture as defined in article 1 are offences under its criminal law. The same shall apply in regard to acts which constitute participation in, complicity in, incitement to or an attempt to commit torture.

Article 8

Any person who alleges that he has been subjected to torture or other cruel, inhuman or degrading treatment or punishment by or at the instigation of a public official shall have the right to complain to, and to have his case impartially examined by, the competent authorities of the State concerned.

Article 9

Wherever there is reasonable ground to believe that an act of torture as defined in article 1 has been committed, the competent authorities of the State concerned shall promptly proceed to an impartial investigation even if there has been no formal complaint.

Article 10

If an investigation under article 8 or article 9 establishes that an act of torture as defined in article 1 appears to have been committed, criminal proceedings shall be instituted against the alleged offender or offenders in accordance with national law. If an allegation of other forms of cruel, inhuman or degrading treatment or punishment is considered to be well founded, the alleged offender or offenders shall be subject to criminal, disciplinary or other appropriate proceedings.

Article 11

Where it is proved that an act of torture or other cruel, inhuman or degrading treatment or punishment has been committed by or at the instigation of a public official, the victim shall be afforded redress and compensation in accordance with national law.

Article 12

Any statement which is established to have been made as a result of torture or other cruel, inhuman or degrading treatment or punishment may not be invoked as evidence against the person concerned or against any other person in any proceedings.

2.2 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Adopted and opened for signature, ratification and accession by General Assembly resolution 39/46 of December 1984

ENTRY INTO FORCE: 26 JUNE, 1989, IN ACCORDANCE WITH ARTICLE 27 (1)

PART 1**Article 1**

1. For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for

any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

2. This article is without prejudice to any international instrument or national legislation which does or may contain provisions of wider application.

Article 2

1. Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.
2. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.
3. An order from a superior officer or a public authority may not be invoked as a justification of torture.

Article 3

1. No State Party shall expel, return ("*refouler*") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.
2. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a

consistent pattern of gross, flagrant or mass violations of human rights.

Article 4

1. Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture.
2. Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature.

Article 5

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 4 in the following cases:
 - (a) When the offences are committed in any territory under its jurisdiction or on board a ship or aircraft registered in that State;
 - (b) When the alleged offender is a national of that State;
 - (c) When the victim is a national of that State if that State considers it appropriate.
2. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over such offences in cases where the alleged offender is present in any territory under its jurisdiction and it does not extradite him pursuant to article 8 to any of the States mentioned in paragraph 1 of this article.

3. This Convention does not exclude any criminal jurisdiction exercised in accordance with internal law.

Article 6

1. Upon being satisfied, after an examination of information available to it, that the circumstances so warrant, any State Party in whose territory a person alleged to have committed any offence referred to in article 4 is present shall take him into custody or take other legal measures to ensure his presence. The custody and other legal measures shall be as provided in the law of that State but may be continued only for such time as is necessary to enable any criminal or extradition proceedings to be instituted.
2. Such State shall immediately make a preliminary inquiry into the facts.
3. Any person in custody pursuant to paragraph 1 of this article shall be assisted in communicating immediately with the nearest appropriate representative of the State of which he is a national, or, if he is a stateless person, with the representative of the State where he usually resides.
4. When a State, pursuant to this article, has taken a person into custody, it shall immediately notify the States referred to in article 5, paragraph 1, of the fact that such person is in custody and of the circumstances which warrant his detention. The State which makes the preliminary inquiry contemplated in paragraph 2 of this article shall promptly report its finding to the said States and shall indicate whether it intends to exercise jurisdiction.

Article 7

1. The State Party in the territory under whose jurisdiction a person alleged to have committed any offence referred to in article 4 if found shall in the cases contemplated in article 5, if it does not extradite him, submit the case to its competent authorities for the purpose of prosecution.
2. These authorities shall take their decision in the same manner as in the case of any ordinary offence of a serious nature under the law of that State. In the cases referred to in article 5, paragraph 2, the standards of evidence required for prosecution and conviction shall in no way be less stringent than those which apply in the cases referred to in article 5, paragraph 1.
3. Any person regarding whom proceedings are brought in connection with any of the offences referred to in article 4 shall be guaranteed fair treatment at all stages of the proceedings.

Article 8

1. The offences referred to in article 4 shall be deemed to be included as extraditable offences in any extradition treaty existing between States Parties. States Parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them.
2. If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may consider this Convention as the legal basis for extradition in respect of such offences. Extradition shall be subject to the other conditions provided by the law of the requested State.

3. State Parties which do not make extradition conditional on the existence of a treaty shall recognise such offences as extraditable offences between themselves subject to the conditions provided by the law of the requested State.
4. Such offences shall be treated, for the purpose of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in the territories of the States required to establish their jurisdiction in accordance with article 5, paragraph 1.

Article 9

1. States Parties shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of any of the offences referred to in article 4, including the supply of all evidence at their disposal necessary for the proceedings.
2. States Parties shall carry out their obligations under paragraph 1 of this article in conformity with any treaties on mutual judicial assistance that may exist between them.

Article 10

1. Each State Party shall ensure that education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment.
2. Each State Party shall include this prohibition in the rules or instructions issued in regard to the duties and functions of any such

person.

Article 11

Each State Party shall keep under systematic review interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subject to any form of arrest, detention or imprisonment in any territory under its jurisdiction, with a view to preventing any cases of torture.

Article 12

Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction.

Article 13

Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given.

Article 14

1. Each State Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. In the event of the death of the victim as a result of an act of

torture, his dependants shall be entitled to compensation.

2. Nothing in this article shall affect any right of the victim or other persons to compensation which may exist under national law.

Article 15

Each State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made.

Article 16

1. Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article 1, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. In particular, the obligations contained in articles 10, 11, 12 and 13 shall apply with the substitution for references to torture of references to other forms of cruel, inhuman or degrading treatment or punishment.
2. The provisions of this Convention are without prejudice to the provisions of any other international instrument or national law which prohibits cruel, inhuman or degrading treatment or punishment or which relates to extradition or expulsion.

2.3 Code of Conduct for Law Enforcement Officials

Article 1

Law enforcement officials shall at all times fulfil the duty imposed upon them by law, by serving the community and by protecting all persons against illegal acts, consistent with the high degree of responsibility required by their profession.

Article 2

In the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons.

Article 3

Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty.

Article 4

Matters of a confidential nature in the possession of law enforcement officials shall be kept confidential, unless the performance of duty or the needs of justice strictly require otherwise.

Article 5

No law enforcement official may inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment, nor may any law enforcement official invoke superior orders or exceptional circumstances such as a state of war or a threat of war, a threat to national

security, internal political instability or any other public emergency as a justification of torture or other cruel, inhuman or degrading treatment or punishment.

Article 6

Law enforcement officials shall ensure the full protection of the health of persons in their custody and, in particular, shall take immediate action to secure medical attention whenever required.

Article 7

Law enforcement officials shall not commit any act of corruption. They shall also rigorously oppose and combat all such acts.

Article 8

Law enforcement officials shall respect the law and the present Code. They shall also, to the best of their capability, prevent and rigorously oppose any violations of them.

Law enforcement officials who have reason to believe that a violation of the present Code has occurred or is about to occur shall report the matter to their superior authorities and, where necessary, to other appropriate authorities or organs vested with reviewing or remedial power.

APPENDIX C

QUESTIONNAIRES ADMINISTERED

For Individuals

1. Have you ever had any contact with the police about a criminal offence before?
If yes in what capacity (either as a victim, an accused or friend/relation of a victim or an accused person).
2. If you have had any contact, with the police under any of the above circumstances, please narrate briefly the nature of such contact.
3. From your experience or contact with the police, what is your assessment of the attitude of the police to suspects:
Victims of Crime:
Witnesses:
4. Have you ever been arrested by the police before or in connection with a criminal offence?
5. If the answer to (4) above is yes, were you informed of the reason for your arrest, before you were arrested?
6. Were you beaten, handcuffed or otherwise maltreated in the process of your arrest?
7. Did you make a statement to the police after your arrest?
8. If the answer to (7) above is yes, under what circumstances did you make the statement?
9. Were you forced or in any way compelled to make the statement to the police?

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10. Were you allowed to consult with a lawyer before making the statement to the police?
 11. Were you informed by the police that you were not obliged to make statements to them and that should you make one, it would be used in evidence?
 12. At what stage after your arrest were you allowed access to a lawyer?
 13. How long were you in police custody before being released on bail or charged to court?
 14. Were you allowed visits by relations/friends while in police custody?
 15. Who provided you with the following during your stay in police custody:
Food Clothing
Toiletries Medical needs
 16. What do you think are the major problems confronting the Police force in Nigeria?

For Police Officers

1. Under what circumstances does the police arrest a suspect?
2. What procedure do you normally adopt in making an arrest?
3. Is it the practice that sometimes relations, friends or associates of fleeing or unavailable suspects are arrested to compel the suspect to

appear or give him/herself up to the police?

4. When would you place a suspect under immediate arrest as distinct from asking him/her to report to the police station?
5. Do you normally inform suspects of the reason for their arrest? If yes, is it before or after the arrest?
6. Do you make effort to explain to a suspect in the language that he/she understands of the reason for his/her arrest?
7. Is it your experience that suspects sometimes resists arrest? If yes, how do you respond to the situation?
8. Do you normally handcuff or otherwise restrain a suspect at the time of his/her arrest or at any stage thereafter?
9. At what point is a suspect required to make a written or oral statement to the police in respect of the offence for which he/she is held?
10. Is a suspect under obligation to make a written or oral statement to the police on arrest?
11. If a suspect is unwilling to make a statement, how do you deal with the situation?
12. Is it the practice that you allow suspects the opportunity of consulting with their counsel, before they make statements to the police?
13. If an arrested suspect asks your assistance to inform his/her relatives about his arrest, would you oblige him?

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14. Do you always allow arrested suspects access to their relatives?
 15. What do you do if an arrested person needs to contact a lawyer, to assist with his matter?
 16. In what circumstances would bail be granted to a suspect and when would it be refused?
 17. If you refuse a suspect bail, how quickly do you charge him to court?
 18. If for any reason a suspect is kept in your custody, who provides him with the following:-
Food.....Clothing.....
Medical attention
 19. Are you satisfied with the state of hygiene and sanitation in the police cells at your station? Please explain:
 20. When would you decide to use force against a suspect in your custody?
 21. Do you at times, find the need to torture or compel suspects, to elicit statements from them on their involvement in a crime?
 22. What factors account for the delay in the prosecution of criminal suspects by the police in the Magistrate courts?
 23. There has been calls for the removal of the responsibility for the prosecution of criminal suspects at the magistrate courts from the police to qualified lawyer/prosecutors in the ministries of justice, do you subscribe to this view? Please explain:
 24. Are you satisfied with the conditions of service of police personnel in

Nigeria? Please explain:

25. Are you satisfied with the quality of infrastructure and materials available to the police for law enforcement? Please explain:
26. Is the teaching of human rights a component of the training received by the police at their training institutions? If yes, what effect does it have in the way you treat suspects?
27. What do you consider to be the major problems confronting the police force in Nigeria in its law enforcement task?
28. What suggestions would you offer to tackle these problems.

For Legal Practitioners

1. At what stage in the criminal justice process involving the police, does the suspect first involve you in the proceedings?
 - (a) On his apprehension or arrest
 - (b) After his arrest and on arrival at the police station
 - (c) On being charged to court.....
 - (d) Others (specify)
2. By whom are you normally first contacted, to get involved in a case?
 - (a) The suspect himself.....
 - (b) Relatives of the suspect
 - (c) Others (specify)

3. Is it your experience, that suspects find it easy to contact a lawyer after their arrest by the police? Please explain:
4. Do you experience hindrances in gaining access to a client held in police custody? If yes, please explain:
5. Is it your experience that suspects arrested by the police make written statements relating to the crime before, or after consulting with a lawyer?
6. Is it your experience that suspects arrested by the police make written statements to the police in circumstances that guarantee free and voluntary statements? Please explain:
7. From your observations, how would you describe the conditions under which suspects are held in police cells?
8. At what stage do you normally apply for bail for your client at the police station?
9. Do you normally encounter difficulties in securing the release of your client on bail. If yes, please explain the nature of the difficulties:
10. From your experience, will you say that suspects are always maltreated by the police?
11. What is the nature of complaints of maltreatment (if any) by the police at the station, that you receive from your clients?
12. Do you find the use of torture by the police to elicit statements or confessions from criminal suspects a recurring complaint?

13. From your experience what do you think is responsible for the delay in the prosecution of criminal suspects by the police at the magistrate courts?
14. There has been calls for the removal of the responsibility for the prosecution of criminal suspects at the magistrate courts from the police to qualified lawyer/prosecutors in the ministries of justice, do you subscribe to this view? Please explain:
15. What do you think are the major problems confronting the police force in Nigeria?
16. What suggestions would you make for the achievement of an efficient police force in the country?