



# EASO Country of Origin Information Report

## Nigeria Actors of Protection



November 2018





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# Acknowledgements

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# Disclaimer

This report was written according to the EASO COI Report Methodology (2012).<sup>1</sup> The report is based on carefully selected sources of information. All sources used are referenced.

The information contained in this report has been researched, evaluated and analysed with utmost care. However, this document does not claim to be exhaustive. If a particular event, person or organisation is not mentioned in the report, this does not mean that the event has not taken place or that the person or organisation does not exist. Any event taking place after the finalisation of this report is not included.

Furthermore, this report is not conclusive as to the determination or merit of any particular application for international protection. Terminology used should not be regarded as indicative of a particular legal position.

'Refugee', 'risk' and similar terminology are used as generic terminology and not in the legal sense as applied in the EU Asylum Acquis, the 1951 Refugee Convention and the 1967 Protocol relating to the Status of Refugees.

Neither EASO nor any person acting on its behalf may be held responsible for the use which may be made of the information contained in this report.

The target users are asylum caseworkers, COI researchers, policymakers, and decision-making authorities.

The drafting of this report (including reviewing) was finalised on 5 October 2018. Any event taking place after this date is not included in this report. More information on the reference period for this report can be found in the [methodology](#) section of the Introduction.

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<sup>1</sup> The EASO methodology is largely based on the Common EU Guidelines for processing Country of Origin Information, (COI), 2008, and can be downloaded from the EASO website: [url](#)

# Glossary and abbreviations

AI	Amnesty International
CAS	Chief of the Air Staff
CJTF	Civilian Joint Task Force
CTU	Counter Terrorism Unit
DFAT	Department of Foreign Affairs and Trade (Australia)
DPP	Department of Public Prosecution
FCT	Federal Capital Territory (Abuja)
FEWS	Famine Early Warnings Systems
FJSC	Federal Judicial Service Commission
FMoH	Federal Ministry of Health
FOC	Flag Officer Commanding
HAGF	Honourable Attorney General of the Federation
<i>Hadd (hudud)</i>	Sharia-based penal code offences and punishments
IDPs	Internally Displaced Persons
IGP	Inspector General of Police
IMN	Islamic Movement in Nigeria
MDAs	[federal] Ministries, Departments, and Agencies
MEND	Movement for the Emancipation of the Niger Delta
MOPOL	Mobile Police
NAF	Nigerian Armed Forces
NAPTIP	National Agency for Prohibition of Traffic in Persons (and Other Related Matters)
NASOC	Nigerian Army Special Operations Command
NBS	[Nigeria's] National Bureau of Statistics
NJC	National Judicial Council
NJI	National Judicial Institute
NGO	Non-Governmental Organisation
NHRC	Nigeria's National Human Rights Commission
NLRC	Nigerian Law Reform Commission
NN	Nigerian Navy

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NPF	Nigeria Police Force
OSAC	US Overseas Security Advisory Council
PCC	Public Complaints Commission
PDSS	Police Duty Solicitor Scheme
PMF	Police Mobile Force
PSC	Police Service Commission
SARS	Special Anti-Robbery Squad
SPU	Special Protection Unit
TRADOC	Training and Doctrine Command
UNODC	United Nations Office on Drugs and Crime
US DoS	United States Department of State

# Introduction

This report was drafted by Country of Origin Information (COI) specialists from the COI unit listed under the [Acknowledgements](#) section.

The purpose of this report is to provide an overview of the functionality of the administration of Nigeria, identified as central from a citizen's perspective, that is, the official institutions that constitute the ultimate guarantee for the individual's possibility to exercise his or her rights. In this context the traditional justice and security system, i.e. police and armed forces, prosecution service and courts, the National Human Rights Commission, the ombudsman institution (Public Complaints Commission) and NAPTIP have been identified as central actors.

There are other institutions operating in the sphere of the Nigerian security and justice sector that fill important roles, e.g. the Department of State Services (DSS)/State Security Services (SSS), the National Intelligence Agency or the Defence Intelligence Agency. As these institutions may not constitute potential state actors of protection regarding assuring safety and guaranteeing rights, they were excluded from this report.

The terms of reference can be found in [Annex 2](#).

## Methodology

### Defining the Terms of Reference

A core set of parameters was defined in the terms of reference to answer questions on general information, capacity and integrity of each actor of protection in Nigeria.

Members of the EASO COI Specialist Network on West Africa and of the EASO Country Guidance Network gave input on the terms of reference that were finalised during a preparatory meeting in March 2018 taking all the inputs into account.

### Collecting information

The information is a result of desk research of public, specialised paper-based and electronic sources until 15 August 2018. As a result of the quality control process (see below) some additional information was included in response to feedback received during the respective reviews, until 5 October 2018.

As a general indication, the time frame for collecting information was the period from 2015 onwards.

### Quality control (peer and external review)

In order to ensure that the authors respected the EASO COI Report Methodology, a review was carried out by COI specialists from the countries and organisations listed as reviewers in the [Acknowledgements](#) section. In addition, a review of the report was carried out by Stella Amadi Odiase, and ACCORD (Austrian Centre for Country of Origin and Asylum Research and Documentation Research Consultancy). All comments made by the reviewers were taken into consideration and most of them were implemented in the final draft of this report. EASO performed the final quality review and editing of the text.

## Content of the report

This report provides information on elements and indicators that may help assessing the availability of state protection in Nigeria.

Chapter 1 provides a general introduction to Nigeria.

Chapter 2 provides information on the Nigerian Constitution and on the state's structure.

Chapters 3 to 9 identify the relevant state actors of protection in Nigeria:

- Nigerian Police Force;
- Nigerian Armed Forces;
- Department of Public Prosecution;
- Courts;
- National Human Rights Commission;
- Public Complaints Commission – The Nigerian Ombudsman;
- National Agency for the Prohibition of Trafficking in Persons (NAPTIP).

Simultaneously to this report on State Actors of Protection in Nigeria, EASO also published reports on the [Security Situation](#), [Targeting of individuals](#), and [Key Socio-economic Indicators](#). All reports were published in November 2018 and publicly available on the EASO COI Portal.<sup>2</sup> Where relevant, in this report, reference to these reports have been included for further reading and more detailed information.

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<sup>2</sup> EASO, COI report Nigeria, Targeting of individuals, November 2018, [url](#); EASO, COI report Nigeria, Key-socio-economic indicators, November 2018, [url](#); EASO, COI report Nigeria, Security situation, November 2018, [url](#)

# Map



Map 1: Nigeria, United Nations ©<sup>3</sup>

<sup>3</sup> UN, Map No 4228, August 2014, [url](#)

# 1. General introduction on Nigeria

Nigeria is a Federal Presidential Republic. It is divided into 36 states, and Abuja, which has the status of Federal Capital Territory (FCT).<sup>4</sup> The 36 states and the FCT are grouped into six geopolitical zones (see map below):

- North Central (7 states): Niger, Kogi, Benue, Plateau, Nassarawa, Kwara and FCT
- North East (6 states): Bauchi, Borno, Taraba, Adamawa, Gombe and Yobe
- North West (7 states): Zamfara, Sokoto, Kaduna, Kebbi, Katsina, Kano and Jigawa
- South East (5 states): Enugu, Imo, Ebonyi, Abia and Anambra
- South South (6 states): Bayelsa, Akwa Ibom, Edo, Rivers, Cross River and Delta
- South West (6 states): Oyo, Ekiti, Osun, Ondo, Lagos and Ogun



Map 2: @DFAT 2018<sup>5</sup>

<sup>4</sup> CIA Factbook – Nigeria, last updated 18 September 2018, [url](#)

<sup>5</sup> Australia, DFAT, Country Information Report Nigeria, 9 March 2018, [url](#), p. 2

Nigeria is the most populated country in Africa, with an estimated population of 193 million people (data 2016).<sup>6</sup> The country has a population growth rate of 2.61 %. The total area is 923 768 km<sup>2</sup>, and the population density is 212/km<sup>2</sup>.<sup>7</sup>

Nigeria is a highly diverse country with regards to ethnic groups and languages. There are more than 250 ethnic groups of which the largest groups are: Hausa/Fulani 29 %, Yoruba 21 %, Igbo (Ibo) 18 %, Ijaw 10 %, Kanuri 4 %, Ibibio 3.5 %, Tiv 2.5 %<sup>8</sup>, Edo/Bini 2 %<sup>9</sup>. The main languages (of the 519 living languages in the country) spoken include English, pidgin English, Hausa, Yoruba, Igbo, Fulani, Ijaw.<sup>10</sup>

In the north, the main ethnic groups are Hausa and Fulani, and several other groups such as Kanuri (in the north-east). The Middle Belt has many smaller, differing but related groups. Nigeria's south is divided into a Yoruba-speaking area in the west and an Igbo-speaking area in the east. The main group in the Niger Delta are the Ijaw although there are several other smaller ethnic groups.<sup>11</sup> See the map above with the six zones and the main ethnic groups.

The religious adherence of the population is nearly equally divided between Christians and (Sunni) Muslims. According to a 2010 survey, the percentages of Muslims and Christians were 48.8 % respectively 49.3 % of the population, while 1.9 % was mainly composed of 'either practitioners of indigenous religions or no affiliations'.<sup>12</sup>

The economy largely relies on agriculture, trade, and oil production.<sup>13</sup>

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<sup>6</sup> Nigeria, NBS, Population of Nigeria 2016, available at: [url](#)

<sup>7</sup> World Population Review, Nigeria population 2018 (estimate), n.d., [url](#)

<sup>8</sup> CIA Factbook – Nigeria, last updated 18 September 2018, [url](#); Worldatlas, Largest Ethnic Groups in Nigeria, 25 April 2017, [url](#)

<sup>9</sup> Encyclopaedia Britannica, Edo People, 29 August 2018, [url](#)

<sup>10</sup> Ethnologue, Nigeria, Languages, [url](#)

<sup>11</sup> Minority Rights Group International, Nigeria, updated January 2018, [url](#)

<sup>12</sup> Pew Research Centre, Global Religious Futures Projects – Nigeria, 2010, [url](#). The CIA Factbook gives the following percentages: Muslim 50%, Christian 40%, indigenous beliefs 10%. CIA Factbook – Nigeria, last updated 18 September 2018, [url](#)

<sup>13</sup> CIA Factbook – Nigeria, last updated 18 September 2018, [url](#). For more information, see EASO, COI report Nigeria, Key-socio-economic indicators, November 2018, [url](#)



## 2. Constitution and state structure

Nigeria gained independence from the United Kingdom on 1 October 1960. The country has had several constitutions, with the current one being adopted in 1999 and amended several times since. The country operates a presidential system of government with three distinct but complementary branches: the executive, the legislative, and the judiciary. The president and bicameral parliament are directly elected.<sup>14</sup>

Administratively, Nigeria is a federal republic formed by 36 states and the Abuja FCT (Federal Capital Territory)<sup>15</sup>, and divided into six geopolitical zones (North West, North Central, North East, South West, South East and South South).<sup>16</sup> The geopolitical zones however do not have a constitutional basis, but were created by late General Sani Abacha in 1995.<sup>17</sup>

President Major General (retired) Muhammadu Buhari serves both as head of state and head of government, while Oluyemi ‘Yemi’ Osinbajo serves as Vice President (both since 29 May 2015). The cabinet is a federal executive council appointed by the president.<sup>18</sup>

Nigeria’s bicameral parliament, the National Assembly, consists of the Senate (109 seats – three each for the 36 states, and one for Abuja) and the House of Representatives (360 seats). Its members are elected directly in single-seat constituencies by a simple majority vote to serve four-year terms.<sup>19</sup>

Even though Nigeria operates a federal system of government, the Constitution vests a lot of power in the central government when it comes to the control of public good and services as well as the management of the country’s resources.<sup>20</sup> As a result, the states are mostly reliant on the federal government for policy direction and also for federal funding to run the respective states.<sup>21</sup>

### 2.1 Sources of Nigerian law

Nigeria’s legal system is a mixed system based on English common law, Islamic law (applied in 12 northern states), and customary law<sup>22</sup>, with other sources being the Constitution, legislation, and judicial precedent. Each state as well as the Abuja FCT has its own law-making organ (the House of Assembly) and legal system.<sup>23</sup> One source describes the Nigerian legal system as ‘thirty six (36) separate, independent, interacting and geographically bound legal systems co-existing within a constitutional framework that also accommodates a set of federal laws applicable to all the States across board.’<sup>24</sup>

The country’s apex court is the Supreme Court, consisting of the Chief Justice and 15 justices. Subordinate courts are: the courts of appeal (72 across the 6 geopolitical zones); the Federal High Court (1 in each state); the State High Courts in each state and the Federal Capital Territory; the Sharia

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<sup>14</sup> CIA, World Factbook – Nigeria, last updated 7 August 2018 [url](#)

<sup>15</sup> CIA, World Factbook – Nigeria, last updated 7 August 2018, [url](#)

<sup>16</sup> Nigerian Tribune, Of Nigeria’s major ethnic groups, geopolitical zones, 30 October 2017, [url](#); The Eagle Online, Constitution: Six Geopolitical Zones divide North, South, 12 August 2012, [url](#)

<sup>17</sup> Nigerian Tribune, Of Nigeria’s major ethnic groups, geopolitical zones, 30 October 2017, [url](#)

<sup>18</sup> CIA, World Factbook – Nigeria, last updated 7 August 2018, [url](#)

<sup>19</sup> CIA, World Factbook – Nigeria, last updated 7 August 2018, [url](#)

<sup>20</sup> Nigeria, Constitution of the Federal Republic of Nigeria, 1999, n.d. [url](#)

<sup>21</sup> Nigeria, Constitution of the Federal Republic of Nigeria, 1999, n.d. [url](#)

<sup>22</sup> CIA, World Factbook – Nigeria, last updated 7 August 2018 [url](#)

<sup>23</sup> Nigeria – Constitution Development and Legal Complex, 7 March 2018, [url](#); Yemisi Dina et al. UPDATE: Guide to Nigerian Legal Information, November/December 2015, [url](#)

<sup>24</sup> Nigeria – Constitution Development and Legal Complex, 7 March 2018, [url](#)

Court of Appeal of the Federal Capital Territory, and the Customary Court of Appeal of the Federal Capital Territory. The state court system is similar in structure to the federal system.<sup>25</sup> Every state has its own high court, election tribunals and an election appeal tribunal. A Sharia court of appeal and a customary court of appeal are present in any state which requires either of them.<sup>26</sup>

### 2.1.1 English common law

English law embedded in the Nigerian legal system includes the common law, the doctrines of equity, statutes of general application in force in England as of 1 January 1900, statutes and subsidiary legislation on specified matters, and English law statutes made before 1 October 1960, which extend to Nigeria and have not yet been repealed.<sup>27</sup>

### 2.1.2 Islamic law

Islamic law (Sharia) is based on the Islamic religion and the Quran as its primary source, and ‘was introduced into Nigeria by its practitioners as a consequence of a successful process of Islamization.’ In Nigeria’s southern states where Islamic law exists, it has been integrated into the customary law and has always been treated as an aspect of it. In northern states with a Muslim-majority population, Islamic law has been administered as a separate and distinct system since 1956.<sup>28</sup>

The constitution stipulates the jurisdiction of Sharia courts in civil proceedings involving questions of Islamic personal law. These provisions are listed in Articles 262 and 277.<sup>29</sup> According to the Australian Department of Foreign Affairs and Trade (DFAT), ‘non-Muslims are not required to have their cases heard by sharia courts, but they may choose to do so, if the dispute involves a Muslim’, and ‘some non-Muslims opt to have their cases heard in sharia courts, which are generally considered cheaper and quicker than civil courts’.<sup>30</sup> The Sharia-based penal code provides for *hadd* (or plural: *hudud*) offences and punishments, including caning, amputation, and death by stoning.<sup>31</sup>

Sharia law is applied in the 12 northern states of Nigeria: Bauchi, Borno, Gombe, Jigawa, Kaduna, Kano, Katsina, Kebbi, Niger, Sokoto, Yobe and Zamfara.<sup>32</sup> These states have established Sharia courts, which are detailed in Section [6.2](#).

### 2.1.3 Customary law

Traditionally, customary law is divided into ethnic / non-Muslim law on the one hand, and Muslim law / Sharia on the other. Ethnic customary law is the indigenous law that applies to members of the different ethnic groups. Each ethnic group in Nigeria has its own variety of customary law that reflects its culture, customs, values and habits. Customary law is particularly dominant in the area of personal and family relations (e.g. marriage, divorce, guardianship and custody of children and succession), although due to the differences in the customary laws of various ethnic groups, this must not be taken for granted, and differences can be observed even within a single ethnic group.<sup>33</sup> Customary courts function in most of the 36 states.<sup>34</sup>

<sup>25</sup> CIA, World Factbook – Nigeria, last updated 7 August 2018, [url](#)

<sup>26</sup> Nigeria, Federal High Court, The Judiciary in Nigeria, n.d. [url](#)

<sup>27</sup> Yemisi Dina et al., UPDATE: Guide to Nigerian Legal Information, November/December 2015, [url](#)

<sup>28</sup> Yemisi Dina et al., UPDATE: Guide to Nigerian Legal Information, November/December 2015, [url](#)

<sup>29</sup> Nigeria, Constitution of the Federal Republic of Nigeria, 1999, n.d. [url](#)

<sup>30</sup> Australia, DFAT Country Information Report Nigeria, 9 March 2018, [url](#), p. 31

<sup>31</sup> Australia, DFAT Country Information Report Nigeria, 9 March 2018, [url](#), p. 30; US DoS, Country Report on Human Rights Practices 2017 – Nigeria, 20 April 2018, [url](#), p. 6

<sup>32</sup> ConstitutionNet, Sharia and the Nigerian Constitution: Strange Bedfellows?, 16 April 2015, [url](#)

<sup>33</sup> Yemisi Dina et al., UPDATE: Guide to Nigerian Legal Information, November/December 2015, [url](#)

<sup>34</sup> US DoS, Country Report on Human Rights Practices 2017 – Nigeria, 20 April 2018, [url](#), p. 13

Ethnic customary law is ‘unwritten, uncertain, difficult to ascertain’, ‘flexible, and has the capacity to adapt to social and economic changes without losing its character.’ It is usually enforced in customary courts, which occupy the bottom levels of the hierarchy of courts, and are in most cases presided over by non-legally trained personnel. Higher courts are however equally permitted to observe and to enforce the observance of rules of customary law by their enabling laws. Most causes dealt with by customary courts, especially in South Western Nigeria, are matters relating to the dissolution of traditional marriages.<sup>35</sup>

## 2.2 Legislative reform

Legislative reform in Nigeria is spearheaded by the Nigerian Law Reform Commission (NLRC), which is the sole agency entrusted with this responsibility.<sup>36</sup> The NLRC was established in 1979 by the Nigerian Law Reform Commission Act and reviews all federal laws. Amongst other duties, it can primarily either submit its own proposals for examination of laws for potential reform, or receives and considers proposals for legislative reform which may be made by or referred to it by the Attorney General of the Federation, and potentially act upon those.<sup>37</sup> The Act itself is in the process of being amended by three House of Representatives bills (HB 460, HB 655 and HB 923). In June 2018, the bills were before the House Committee on Justice.<sup>38</sup>

The NLRC undertakes a law revision exercise, usually every 10 years, so that laws can be amended, repealed, and new ones enacted. The current exercise covers all federal laws in the country, including those enacted after 2002 to date, those inadvertently omitted in the 2004 Laws of the Federation, laws repealed by later laws or by courts of competent jurisdiction, and the 663 laws contained in Laws of the Federation 2004.<sup>39</sup> In January 2018, the Senate passed Revised Edition (Laws of the Federation) Bill, 2018 (SB 391), which ‘seeks to make comprehensive provision for the periodic revision of the Laws of the Federation of Nigeria by the Nigerian Law Reform Commission.’<sup>40</sup>

According to its Chairman, the NLRC struggles with inadequate funding for research and poor remuneration for the staff.<sup>41</sup>

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<sup>35</sup> Yemisi Dina et al, UPDATE: Guide to Nigerian Legal Information, November/December 2015, [url](#)

<sup>36</sup> This Day, Nigeria: 'Reforming Our Laws a Problem, Implementation a Greater Challenge', 14 July 2015, [url](#)

<sup>37</sup> Nigerian Law Reform Commission Act, 1979 [url](#); NLRC, Functions of the Commission, n.d., [url](#)

<sup>38</sup> PLAC, Factsheet on a bill for an Act to amend the Nigerian Law Reform Commission Act, June 2018, [url](#)

<sup>39</sup> Vanguard, Law reform will bring our law in tandem with current realities, 5 April 2018, [url](#)

<sup>40</sup> PLAC, Senate Passes the Law of the Federation Bill, 2018, 18 January 2018, [url](#)

<sup>41</sup> Vanguard, Law reform will bring our law in tandem with current realities, 5 April 2018, [url](#)

## 3. Nigeria Police Force

### 3.1 General

The Nigeria Police Force (NPF) is the principal law enforcement agency in the country. The Nigerian constitution, specifically Article 214, prohibits state and local governments from forming their own forces<sup>42</sup>, and as such the NPF is a federal unit. However, state governors may direct federal police for local emergency actions.<sup>43</sup>

Some of Nigeria's northern states which practice Islamic law utilise religious police units known as *Hisbah*, responsible for enforcing Sharia law, supplementing the regular police force or providing social services.<sup>44</sup> Article 214 of the constitution provides: 'There shall be a police force for Nigeria, which shall be known as the Nigeria Police Force, and subject to the provisions of this section no other police force shall be established for the Federation or any part thereof.' The *Hisbah* is not recognised by the Constitution as law enforcement officers.<sup>45</sup>

The states utilising *Hisbahs* are Kano, Zamfara, Bauchi, Kaduna, Katsina, Gombe, and Borno (where it exists only on paper). However, the *Hisbahs* in each state are unique and significant differences exist between them, with the character of individual *Hisbahs* determined by a number of factors. Their powers do not reach across the entire country but are limited to the states that have adopted the Sharia.<sup>46</sup> For more information on *Hisbahs*, see [EASO COI report Nigeria, Targeting individuals](#), October 2018, Section 2.5.3.

According to Interpol, the strength of the NPF is more than 350 000 men and women covering all 36 Nigerian states and the federal capital territory, Abuja.<sup>47</sup> Another source reported 371 800 officers<sup>48</sup>, while the current Inspector General of Police (IGP) himself, Ibrahim Idris, mentioned in April 2017 the number of police officers being 'only over 300 000'.<sup>49</sup> He also revealed that the NPF was overstretched and far below the United Nations' 1:400 police-population ratio.<sup>50</sup> The official crime statistics from June 2018 list the NPF's total strength at 22 484 senior officers and 259 406 inspectors/rank and file.<sup>51</sup>

According to the Australian DFAT, 'the NPF suffers from low capacity and insufficient training. In addition, the centrally controlled nature of the NPF ensures resources and changes in operating procedures are slow to reach all corners of the country.'<sup>52</sup>

In November 2017, the World Internal Security and Police Index International (WISPI), rated the Nigeria police force as the 'worst', in terms of its ability to handle internal security challenges, out of 127 countries assessed.<sup>53</sup>

<sup>42</sup> Nigeria, Constitution of the Federal Republic of Nigeria, 1999, n.d., [url](#), s. 214 (1); ACAPS, Nigeria Country Profile – Security Forces, 2 May 2018, [url](#); Australia, DFAT Country Information Report Nigeria, 9 March 2018, [url](#), p. 29;

<sup>43</sup> ACAPS, Nigeria Country Profile – Security Forces, 2 May 2018, [url](#)

<sup>44</sup> Premium Times, Sokoto govt denies disbanding Sharia police after governor daughter's wedding raid, 9 January 2017, [url](#); USCIRF, Country Reports: Tier 1 Countries, (Recommended for CPC Designation): Nigeria, April 2018, [url](#)

<sup>45</sup> Nigeria, Constitution of the Federal Republic of Nigeria, 1999, n.d., [url](#), s. 214 (1)

<sup>46</sup> NSRP, Sharia implementation in Northern Nigeria Over 15 Years, October 2016, [url](#), p. 5

<sup>47</sup> Interpol, Nigeria, The Nigerian Police Force, n.d., [url](#)

<sup>48</sup> Australia, DFAT Country Information Report Nigeria, 9 March 2018, [url](#), p. 29

<sup>49</sup> Sahara Reporters, Despite Buhari's Order, Police Still Attached To Dignitaries, 23 April 2017, [url](#)

<sup>50</sup> Sahara Reporters, Despite Buhari's Order, Police Still Attached To Dignitaries, 23 April 2017, [url](#)

<sup>51</sup> Nigeria, NBS, Crime Statistics: Reported Offences by Type and State (2017, June 2018, [url](#), pp. 132-133

<sup>52</sup> Australia, DFAT Country Information Report Nigeria, 9 March 2018, [url](#), p. 29

<sup>53</sup> IPSA, World Internal Security and Police Index 2016, [url](#)

The duties, powers, organisation, and functioning of the NPF are regulated by the Police Act of 1967. Part II of the Act stipulates the following general duties of the police:

‘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 outside Nigeria as may be required of them by, or under the authority of this or any other Act.’<sup>54</sup>

Three different structures can be identified within the NPF: the Command (Authority) Structure, the Administration Structure, and the Organisation Structure.<sup>55</sup>

### 3.1.1 Command (Authority) structure

In accordance with section 215 of the 1999 Constitution, Section 6 of the 1967 Police Act provides that the Police Forces shall be commanded by an Inspector General of Police who is directly appointed by the president. Although not specifically mentioned in the constitution, according to Section 7(1) of the Police Act the Deputy Inspector General of Police is the second in command of the NPF and shall so act for him in the Inspector General’s absence.<sup>56</sup> Third in line is the Office of the Assistant Inspector-General, who shall act for the Inspector General of Police in the event of the absence of both the Inspector-General of Police and Deputy Inspector General of Police. Fourth in command is a Commissioner of Police who is in charge of contingents of the NPF stationed in a state.<sup>57</sup>

Apart from the top four ranks mentioned above, the NPF knows 11 other ranks which can hierarchically be ranked in the following way: the Deputy Commissioner of Police, the Assistant Commissioner of Police, the Chief Superintendent of Police, the Superintendent of Police, the Deputy Superintendent of Police, the Assistant Superintendent of Police, the Inspector of Police, Sergeant Major, Sergeant, Corporal, and Constable.<sup>58</sup>

### 3.1.2 Administrative structure

The Nigeria Police is administratively structured and divided into nine departments with each department charged with specific duties. The departments are as follows: Finance and Administration; Operations; Logistics and Supply; Investigation; Training; Research and Planning; Information and Communication; Force Intelligence Bureau, and Force Secretary.<sup>59</sup>

### 3.1.3 Organisational structure

The NPF is structured in line with the geopolitical structure of the country, with provisions for supervisory formations. From the top down, the organisational structure of the Police Force is as such: Force Headquarters, Zonal Headquarters, State Commands Headquarters, Divisional Police Headquarters, Police Station, Police Post, Village Police Post.<sup>60</sup>

According to an Open Society Institute report published in 2010, there are 12 zone commands, each of which is headed by an Assistant Inspector General (AIG) of Police. The individual zone commands are<sup>61</sup>:

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<sup>54</sup> Police Human Rights Resources, Police Act, 1967, [url](#), Section 4

<sup>55</sup> Nigeria, Nigeria Police Force, The Structure of the Nigeria Police Force, n.d., [url](#)

<sup>56</sup> Nigeria, Nigeria Police Force, The Structure of the Nigeria Police Force, n.d., [url](#); Nigeria, Constitution of the Federal Republic of Nigeria, 1999, n.d., [url](#)

<sup>57</sup> Nigeria, Nigeria Police Force, The Structure of the Nigeria Police Force, n.d., [url](#)

<sup>58</sup> Nigeria, Nigeria Police Force, The Structure of the Nigeria Police Force, n.d., [url](#)

<sup>59</sup> Nigeria, Nigeria Police Force, Website, n.d., [url](#)

<sup>60</sup> Nigeria, Nigeria Police Force, The Structure of the Nigeria Police Force, n.d., [url](#)

<sup>61</sup> Open Society Institute, Criminal Force, May 2010 [url](#), p. 39

- Zone 1: Kano, Katsina, and Jigawa States, with HQ in Kano;
- Zone 2: Lagos and Ogun States, with HQ in Lagos;
- Zone 3: Adamawa, Gombe, and Taraba States with HQ in Yola (Adamawa State);
- Zone 4: Benue, Nassarawa, and Plateau States, with HQ in Makurdi (Benue State);
- Zone 5: Bayelsa, Delta, and Edo States, with HQ in Benin (Edo State);
- Zone 6: Cross River, Ebonyi, Rivers, and Akwa Ibom States, with HQ in Calabar (Cross River State);
- Zone 7: Federal Capital Territory, Kaduna, and Niger States, with HQ in Abuja (FCT);
- Zone 8: Ekiti, Kogi, and Kwara States, with HQ in Lokoja (Kogi State);
- Zone 9: Abia, Anambra, Enugu, and Imo States, with HQ in Umuahia (Abia State);
- Zone 10: Kebbi, Sokoto, and Zamfara States, with HQ in Sokoto (Sokoto State);
- Zone 11: Ondo, Osun, and Oyo States, with HQ in Oshogbo (Osun State);
- Zone 12: Bauchi, Borno, and Yobe States, with HQ in Bauchi (Bauchi State).

Several specialised units can be found within the NPF, such as the Border Patrol, Bombs Disposal Squad, Ports Authority Police, and the Special Anti-Robbery Squad (SARS).<sup>62</sup>

The NPF also has a paramilitary rapid deployment unit known as the Police Mobile Force (PMF) or Mobile Police (MOPOL).<sup>63</sup> According to police regulations, ‘a police mobile force shall be established and maintained to act as a police striking force in the event of riots or other serious disturbances occurring within the Federation.’<sup>64</sup> There are presently 12 MOPOL commands and 52 police squads which are spread amongst 36 state commands and the Federal Capital Territory (FCT).<sup>65</sup>

The NPF can be contacted by phone using the Nigerian general emergency numbers or the official Nigerian police help lines and emergency contact phone numbers of all the 36 states.<sup>66</sup>

### 3.2 Police capacity

The NPF is generally considered to be unable to perform its duties in a proper and efficient manner. Numerous sources mention its lack of sufficient funding, suitable manpower, proper equipment, appropriate and adequate training, welfare packages, and government support on its side.<sup>67</sup> As such, most Nigerians ‘do not perceive it as an effective law enforcement body and have little faith in the criminal justice system.’<sup>68</sup> Underfunding in particular is a phenomenon which dates back to the era of military rule in Nigeria (1960-1999).<sup>69</sup> The NPF’s centrally controlled nature leads to resources and

<sup>62</sup> Open Society Institute, Criminal Force, May 2010, [url](#), p. 40

<sup>63</sup> Open Society Institute, Criminal Force, May 2010, [url](#), p. 41

<sup>64</sup> Police Human Rights Resources, Police Act, 1967, [url](#), section 25

<sup>65</sup> Oyemwinmina, C, Aibieyi, S, Analysis towards Effective Policing in Nigeria, 2016, [url](#), p. 64

<sup>66</sup> Nigerian Infopedia, Official Nigeria Police Help Lines and Emergency Phone Numbers, 3 June 2018, [url](#)

<sup>67</sup> Adegoke, N, The Nigeria Police Force and the Challenges of Security in Nigeria, December 2014, [url](#), p. 23; Adegoke, N, Factors Influencing Nigerian Police Performance, June 2014, [url](#), pp. 17-18; NOI Polls, The Nigeria Police has performed averagely since the current IGP took over office, 18 February 2013, [url](#); Obarisiagbon, E. I. and Omagie, M., Public Perception of the Role of the Nigeria Police Force in Curbing the Menace of Kidnapping in Benin Metropolis, March 2018, [url](#), p. 68; OSAC, Nigeria 2017 Crime and Safety Report: Lagos, 7 April 2017, [url](#); Osayande, P.B.O., Factors Inhibiting Police Performance in Nigeria, August 2008, [url](#); Sahara Reporters, The Conditions Of Nigeria’s Police Force, 7 November 2011, [url](#)

<sup>68</sup> OSAC, Nigeria 2017 Crime and Safety Report: Lagos, 7 April 2017, [url](#)

<sup>69</sup> Agbiboa, D. E., Protectors or Predators?, 10 December 2013, [url](#), p. 15

changes in operating procedures reaching all corners of the country slowly.<sup>70</sup> According to one source, there are no crime laboratories and facilities to process evidence in Nigeria.<sup>71</sup>

In line with the above-mentioned information, a recent study mentions that there is presently little or no training for the NPF and where it does exist, it is ‘very poor’ as police officers ‘are not thoroughly exposed to modern policing’.<sup>72</sup>

A 2014 study on the NPF’s performance in crime prevention and control points out that criticism of the Nigerian police generally centres on ‘the quality of the police personnel, their ineffectiveness and inefficiency in carrying out their tasks especially in preventing and controlling crime, manpower shortages, poor police attitudes and response to citizens’ lack of essential police equipment and facilities and constant conflict and tension between the police and the citizenry’, with another major point of criticism being widespread organised corruption (see below).<sup>73</sup>

Nigeria is not only lacking enough police officers, but ‘almost half of them are responsible for protecting VIPs such as politicians, businessmen and other wealthy individuals’.<sup>74</sup> In the Boko Haram-affected Lake Chad region for example, the gap in state presence has made it necessary to rely on vigilantes.<sup>75</sup>

Due to overall poor police performance and their lack of presence, ‘criminal groups do not fear arrest or prosecution for their crimes.’<sup>76</sup> In some cases, it has even been discovered that the police aid criminals.<sup>77</sup> Adding to this is the fact that ‘local police and neighbourhood associations, including vigilante groups, generally do not deter or disrupt crimes and seldom apprehend or detain suspects.’<sup>78</sup> Some citizens therefore appear to welcome the development of the private security sector in the country, although at the same time the need is stressed for its supervision by the police/government to prevent abuse of power.<sup>79</sup> As a result of vigilante justice, crime perpetrators are often beaten or burned to death by mobs before police arrive.<sup>80</sup>

### 3.2.1 Crime (general statistics)

The National Bureau of Statistics (NBS) reported that in 2016, a total of 125 790 offence cases were reported. The highest number of cases and highest and lowest percentage share of total cases can be seen in the table below<sup>81</sup>:

Highest number of cases (2016)	
Type of offence	Number of cases
Offence against property	65 397
Offence against persons	45 554
Offence against lawful authority	12 144

<sup>70</sup> Australia, DFAT Country Information Report Nigeria, 9 March 2018, [url](#), p. 29

<sup>71</sup> OSAC, Nigeria 2017 Crime and Safety Report: Lagos, 7 April 2017, [url](#)

<sup>72</sup> Obarisiagbon, E.I. et al., Public Perception of the Role of the Nigeria Police Force in Curbing the Menace of Kidnapping in Benin Metropolis, March 2018, [url](#), p. 68

<sup>73</sup> Karimu, O.O., Nigeria Police Force Performance in Crime Prevention and Control, September 2014, [url](#), p. 82

<sup>74</sup> DW, Nigeria fails to protect schools from Boko Haram's attacks, 25 February 2018, [url](#)

<sup>75</sup> Mahmood, O.S. et al., Responses to Boko Haram in the Lake Chad Region, July 2018, [url](#), p. 3

<sup>76</sup> OSAC, Nigeria 2017 Crime and Safety Report: Lagos, 7 April 2017, [url](#)

<sup>77</sup> Sahara Reporters, ‘Arrow’ And Ex-Policeman — Two ‘Key’ Offa Bank Robbers Arrested By Police, 21 May 2018, [url](#)

<sup>78</sup> OSAC, Nigeria 2017 Crime and Safety Report: Lagos, 7 April 2017, [url](#)

<sup>79</sup> Karimu, O.O., Nigeria Police Force Performance in Crime Prevention and Control, September 2014, [url](#), p. 86

<sup>80</sup> The Economist, Suspects are beaten up and burned by “jungle justice” vigilantes, 24 December 2016, [url](#); OSAC, Nigeria 2017 Crime and Safety Report: Lagos, 7 April 2017 [url](#)

<sup>81</sup> Nigeria, NBS, Crime Statistics: Reported Offences by Type and State, 2016, June 2017, [url](#), p. 1

Local acts	2 695
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Highest percentage share of total cases (2016)		
State	Percentage	Number of cases
Lagos State	36.08 %	45 385
FCT Abuja	10.48 %	13 181
Delta State	6.25 %	7 867

Lowest percentage share of total cases (2016)		
State	Percentage	Number of cases
Katsina State	0.10 %	128
Abia State	0.29 %	364
Zamfara State	0.38 %	483

In terms of offence against property or person, South West was the most affected region, with a significantly higher number of reported cases compared to other regions.<sup>82</sup>

In 2017, a total of 134 663 cases were reported, with offence against property again being the most common<sup>83</sup>:

Highest number of cases (2017)	
Type of offence	Number of cases
Offence against property	68 579
Offence against persons	53 641
Offence against lawful authority	12 443

Highest percentage share of total cases (2017)		
State	Percentage	Number of cases
Lagos State	37.9 %	50 975
Abia State	9.2 %	12 408
Delta State	5.3 %	7 150

Lowest percentage share of total cases (2017)		
State	Percentage	Number of cases
Kebbi State	0.2 %	205
Kogi State	0.20 %	282

<sup>82</sup> Premium Times, Abuja, Lagos record highest crime rate in Nigeria in 2016 – NBS, 13 June 2017, [url](#)

<sup>83</sup> Nigeria, NBS, Crime Statistics: Reported Offences by Type and State (2017), June 2018, [url](#), p. 1



Bauchi State	0.30 %	386
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The number of reported offences increased in 2017 in comparison to the previous year, with Lagos State maintaining the highest amount of recorded crimes, significantly more than the following states.

### 3.3 Police integrity

In response to allegations of extrajudicial killings and other abuses, the NPF introduced a voluntary Code of Conduct in January 2013, which provides a set of guiding principles and standards of behaviour for police officers. The NPF has also introduced human rights officers at all police stations, however their ability to prevent human rights abuses is limited for various reasons, including a lack of authority at the local level.<sup>84</sup>

Apart from the fact that NPF personnel do not patrol residential neighbourhoods, numerous NPF officers are assigned to private security details for either businesses or individuals, as mentioned above, and therefore ‘routinely ignore any requests for assistance not directly associated with their assignments.’<sup>85</sup>

In 2006, MOPOL units were reportedly used for duties irrelevant to their training and hired as escorts to VIPs.<sup>86</sup> Oil companies in the Niger Delta relied heavily on the MOPOL to secure their private operations.<sup>87</sup> On 26 June 2016, the aforementioned Ibrahim Idris announced his decision to withdraw ‘the services of mobile police officers attached to individuals as security aides’. He said that ‘the police mobile force was the striking arm of the police and should not be used as a security aide for individuals.’<sup>88</sup>

Although it has been announced several times that police officers will be withdrawn from providing security services to individuals, politicians and private companies<sup>89</sup>, a significant part of the NPF are reportedly still engaged in this way. According to an Assistant Inspector-General of Police (AIG), based in Zone 5, only 20 % of policemen are engaged in protecting lives and ensuring peace, while ‘the remaining 80 per cent are just busy providing personal security to some “prominent people” on guard duties.’<sup>90</sup>

In the north-east part of the country affected by the Boko Haram insurgency, where security is co-maintained with the Nigerian military, issues have arisen regarding police and overall security presence as a result of allegedly poor communication between the two security forces.<sup>91</sup>

A 2017 report by the US Overseas Security Advisory Council (OSAC) stated that in Lagos State, ‘despite a visible police presence in large cities, police assistance does not have a wide reach’, with law enforcement authorities usually responding slowly or not at all and providing little or no investigative support to victims. While the Rapid Response Squad’s policing capacity and emergency response capabilities are growing, they ‘remain in a nascent state’. The report further mentions that victims must usually maintain close contact with the police to move an investigation forward. At the same

<sup>84</sup> Australia, DFAT Country Information Report Nigeria, 9 March 2018, [url](#), p. 30

<sup>85</sup> OSAC, Nigeria 2017 Crime and Safety Report: Lagos, 7 April 2017, [url](#)

<sup>86</sup> Open Society Institute, Criminal Force, May 2010, [url](#), p. 41

<sup>87</sup> Africa Renewal, Security for the highest bidder, October 2009, [url](#)

<sup>88</sup> Channels Television, Police Withdraws Mobile Security Aides To Individuals, 25 June 2016, [url](#)

<sup>89</sup> Premium Times, UPDATED: IGP Idris orders immediate withdrawal of police officers attached to VIPs, 19 March 2018, [url](#); Sahara Reporters, Police IGPs And The Politics Of Withdrawal Of Police Personnel From VIPs, Politicians, 20 March 2018, [url](#)

<sup>90</sup> Premium Times, 80% of Nigerian police officers provide personal security for ‘prominent people’, AIG laments, 8 February 2018, [url](#)

<sup>91</sup> CBC, Nigerian army, police argue over who should have protected town where girls disappeared, 26 February 2018, [url](#)

time, requesting police assistance may result in a situation where the requester is asked for a bribe by the responding officer(s).<sup>92</sup>

### 3.3.1 Corruption

As already mentioned earlier in this chapter, long-standing critique towards the NPF has been aimed at corruption and human rights abuses.<sup>93</sup> A 2016 study described the relationship between the police and the public in Nigeria as ‘perhaps the most troublesome in sub-Saharan Africa’<sup>94</sup>, while another source notes that the NPF is widely perceived by the public as the most corrupt and violent institution in Nigeria.<sup>95</sup> A recent study mentions that there is ‘widespread corruption among its [the police’s] rank and file (officers and men)’ which includes the taking of bribe from suspects as well as complainants before carrying out its statutory functions. As a result, the public’s perception of the police is poor.<sup>96</sup>

According to a July 2017 study by the United Nations Office on Drugs and Crime (UNODC), local police officers in Nigeria are the most commonly bribed public officials in the country, as well as one of the most frequently bribed ones. Bribes paid to avoid the payment of a fine constitute the second largest proportion of bribes in the country (18 %), and are a frequent request in citizens’ encounters with the police.<sup>97</sup> In 2016, there was a 46.4 % prevalence rate of bribery in relation to police officers in the country. Police officers quoted in the report mention low and untimely salaries, the resulting inability to take care of families, poor funding, lack of cooperation by the public in investigations, or insecurity among the reasons for bribery.<sup>98</sup>

Police corruption usually occurs at police roadblocks and checkpoints, ostensibly placed to curb criminality on Nigerian roads, and instead becoming a source of illegal income.<sup>99</sup> In 2010, Human Rights Watch concluded that police corruption in Nigeria is a widespread informal system of returns:

‘[...] subordinates pay their superiors a portion of the money they make from bribes and extortion. Subordinates often pay their superiors to be assigned to positions where they have ample opportunities to extract money from the public. Superior officers frequently set monetary targets for subordinates assigned to these lucrative posts and remove those who fail to meet their targets. Money continues up the chain of command as officers who take returns from their subordinates pay their superiors in turn. This corrupt system of returns not only encourages low-level police officers to commit abuses as a means of extorting money, and effectively punishes those who do not, but it also creates a strong disincentive for senior officers who personally benefit from the system of returns to hold their subordinates accountable for extortion and other abuses.’<sup>100</sup>

This form of systemic reciprocity is also confirmed by a more recent source, which suggests that while soliciting bribes is a societal norm in Nigeria, giving them is not.<sup>101</sup> Human Rights Watch also concluded that the police was not only extorting money from ordinary civilians, but also accepted bribes from criminal suspects to avoid arrest, detention, and prosecution.<sup>102</sup>

<sup>92</sup> OSAC, Nigeria 2017 Crime and Safety Report: Lagos, 7 April 2017, [url](#)

<sup>93</sup> US DoS, 2017 Country Reports on Human Rights Practices – Nigeria, 20 April 2018, [url](#)

<sup>94</sup> Akinlagi, O.M., Do the Police Really Protect and Serve the Public? July 2016, [url](#), p. 3

<sup>95</sup> Agbiboa, D.E., Protectors or Predators?, 10 December 2013, [url](#), p. 1

<sup>96</sup> Obarisiagbon, E.I. et al., Public Perception of the Role of the Nigeria Police Force in Curbing the Menace of Kidnapping in Benin Metropolis, Southern Nigeria, March 2018, [url](#), p. 67

<sup>97</sup> UNODC, Corruption in Nigeria, 31 July 2017, [url](#), p. 7

<sup>98</sup> UNODC, Corruption in Nigeria, 31 July 2017, [url](#), pp. 35-37

<sup>99</sup> Chatham House, Collective Action on Corruption in Nigeria, 17 May 2017, [url](#), p. 9; Human Rights Watch, “Everyone’s in on the Game”, 17 August 2010, [url](#)

<sup>100</sup> Human Rights Watch, “Everyone’s in on the Game”, 17 August 2010, [url](#), p. 4

<sup>101</sup> Chatham House, Collective Action on Corruption in Nigeria, 17 May 2017, [url](#), pp. 9-11

<sup>102</sup> Human Rights Watch, “Everyone’s in on the Game”, 17 August 2010, [url](#), p. 55

### 3.3.2 Abuse of power, ill treatment and use of excessive force

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

In a more recent example, in November 2017, Kano State police killed three members of the Islamic Movement in Nigeria during its annual Ashura<sup>106</sup> procession, when firing tear gas and bullets.<sup>107</sup>

### 3.3.3 Oversight and legal safeguards against abuse

The NPF was initially overseen by three government agencies: the Nigerian Police Council, the Police Service Commission (PSC), and the Ministry of Police Affairs.<sup>108</sup> However, the latter was scrapped, following the Buhari administration's re-organisation of the federal executive in 2015.<sup>109</sup>

The responsibility of the PSC is the prevention and investigation of police abuses, but it suffers from inadequate resources and a lack of independence. While the [National Human Rights Commission \(NHRC\)](#) may investigate police misconduct, it has not been an effective mechanism for doing so. The judiciary is generally unable to prosecute police officers for authority abuse, as it lacks an effective internal investigation function. According to the Australian DFAT, 'instances of police abuse are rarely investigated and perpetrators are infrequently held to account in Nigeria.'<sup>110</sup>

In December 2017 the National Assembly passed into law the Anti-Torture Act 2017, which criminalises torture and protects victims and witnesses of torture, thereby making police officers legally prosecutable for its potential use.<sup>111</sup> Prior to this, there was no law in Nigeria with the objective of prohibiting and punishing such conduct<sup>112</sup>, even though Nigeria had signed the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 28 July 1988, and ratified it on 28 June 2001.<sup>113</sup>

In December 2017, the NPF launched Force Order 20, which addressed 'free legal services for arrested and/or detained persons in police formations' and institutionalised the Police Duty Solicitor Scheme (PDSS) as a countrywide mechanism for its delivery.<sup>114</sup>

Complaints of police misconducts can be reported to the Public Complaint Rapid Response Unit of the National Human Rights Council, which says it is available 24/7 via telephonic and electronic channels.<sup>115</sup>

<sup>103</sup> AI, Amnesty International Report 2017/18 – Nigeria, 22 February 2018, [url](#); Odisu, T. A., Law Enforcement in Nigeria by the Police Force and the Travails of Rule of Law, 10 August 2016, [url](#); US DoS, Country Report on Human Rights Practices 2017 – Nigeria, 20 April 2018, [url](#)

<sup>104</sup> US DoS, Country Report on Human Rights Practices 2017 – Nigeria, 20 April 2018, [url](#)

<sup>105</sup> AI, Nigeria: 'You have signed your death warrant', September 2016, [url](#)

<sup>106</sup> The day of *Ashura* is a religious commemoration for Shia Muslims of the martyrdom of Hussein, a grandson of the Prophet Muhammad, at Karbala in 680 AD. For details, see: BBC, What is Ashura?, 6 December 2011, [url](#)

<sup>107</sup> US DoS, 2017 Report on International Religious Freedom – Nigeria, 29 May 2018, [url](#)

<sup>108</sup> Australia, DFAT Country Information Report Nigeria, 9 March 2018, [url](#), p. 30

<sup>109</sup> The Eagle Online, Buhari to name 25 substantive ministers, scrap five ministries, 10 November 2015, [url](#)

<sup>110</sup> Australia, DFAT Country Information Report Nigeria, 9 March 2018, [url](#), p. 30

<sup>111</sup> Vanguard, Anti-Torture Act 2017: Issues, implication for police officers, 31 May 2018, [url](#)

<sup>112</sup> Vanguard, Anti-Torture Act 2017: Issues, implication for police officers, 31 May 2018, [url](#)

<sup>113</sup> United Nations Treaty Collection, Chapter IV: Human Rights - 9. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 29 September 2018, [url](#)

<sup>114</sup> Vanguard, As Nigeria launches the Police Duty Solicitor Scheme: Looking back, looking forward, 20 September 2017, [url](#)

<sup>115</sup> Vanguard, NHRC begins audit of police detention cells in Nigeria, 14 June 2018, [url](#)

## 4. Nigerian Armed Forces

### 4.1 General

The Nigerian Armed Forces (NAF) consist of three service branches: the Nigerian Army, Nigerian Navy, and Nigerian Air Force.<sup>116</sup>

Reliable data on the strength of the armed forces is scarce and figures differ depending on sources. The website DefenceWeb placed the total force strength of the NAF at 210 000 personnel (army 100 000, navy 15 000, air force 13 000, and 82 000 paramilitary) as of October 2013.<sup>117</sup> A similar number is given by the World Bank [using International Institute for Strategic Studies data], which assessed the total number of armed forces personnel to be 200 000 in 2016 (this includes paramilitary forces ‘if the training, organization, equipment, and control suggest they may be used to support or replace regular military forces’).<sup>118</sup> More recent information is provided by Global Firepower. According to their index, in 2018 the Nigerian military consists of a total of 181 000 personnel (124 000 active personnel and 57 000 reserve personnel), and ranks it as the fourth most powerful military in Africa (with manpower being only one of the considered factors).<sup>119</sup>

The Nigerian Army is the land branch of the armed forces and by far the largest of the three branches.<sup>120</sup> Hierarchically, the army is organised into army headquarters (HQ), divisions, brigades, battalions/regiments, companies, platoons and sections. A division consists of 7 000 – 22 000 troops and is commanded by a major general.<sup>121</sup> The following eight divisions are listed on the Nigerian Army website<sup>122</sup>:

- 1 Mechanised Division, HQ located in Kaduna, Kaduna State;
- 2 Mechanised Division, HQ located in Ibadan, Oyo State;
- 3 Armoured Division, HQ located in Jos, Plateau State;
- 6 Amphibious Division, HQ located in Port Harcourt, Rivers State;
- 7 Infantry Division, HQ located in Maiduguri, Borno State;
- 8 Division, HQ located in Sokoto, Sokoto State;
- 81 Division, HQ located in Lagos, Lagos State;
- 82 Composite Division, HQ located in Enugu, Enugu State.

Besides these divisions there are also the Guards Brigade, the Training and Doctrine Command (TRADOC) and the Nigerian Army Special Operations Command (NASOC).<sup>123</sup>

<sup>116</sup> CIA, World Factbook – Nigeria, last updated 7 August 2018, [url](#)

<sup>117</sup> Martin, G. & Kruger, A., Nigerian Armed Forces, 7 October 2013, [url](#)

<sup>118</sup> World Bank, Armed forces personnel, total, n.d., [url](#)

<sup>119</sup> Global Firepower, 2018 African Powers Ranked by Military Strength, n.d., [url](#); Global Firepower, 2018 Nigeria Military Strength, n.d., [url](#)

<sup>120</sup> Martin, G. & Kruger, A., Nigerian Armed Forces, 7 October 2013, [url](#)

<sup>121</sup> Global Security, Nigerian Army Order of Battle, 10 April 2017, [url](#)

<sup>122</sup> Nigeria, Nigerian Army, Formations, n.d., [url](#)

<sup>123</sup> Global Security, Nigerian Army Order of Battle, 10 April 2017, [url](#); Nigeria, Nigerian Army, Formations, n.d., [url](#)

The Nigerian Army is functionally organised into combat arms (infantry and armoured); the combat support arms (artillery, engineers and signals); and the combat support services (medical, supply and transport, ordinance and finance). Others include the military police, intelligence, physical training, chaplains, public relations and band. The Training and Doctrine Command (TRADOC) is located in Minna and is responsible for doctrinal training and combat development. The Nigerian Army has 17 Corps Training Schools and a College of Logistics (NACOL).<sup>124</sup>

The second branch of the armed forces is the Nigerian Navy (NN). The Naval HQ is the administrative organ of the Nigerian Navy and is commanded by the Chief of the Naval Staff (CNS). The CNS has eight staff branches: Policy & Plans, Training & Operations, Administration, Naval Engineering, Logistics, Accounts & Budget, Naval Safety & Standards, and the Office of the Navy Secretary. There are five commands headed by Flag Officers Commanding (FOCs) and five autonomous units.<sup>125</sup>

The last branch of the armed forces is the Nigerian Air Force. The Air Force's Head Quarter is commanded by the Chief of the Air Staff (CAS) and has ten staff branches: Medical Service, Accounts & Budget, Communication Information Systems, Training & Operations, Air Secretary, Standards & Evaluation, Administration, Logistics, Aircraft Engineering, and Policy & Plan. Furthermore, there are several direct reporting units and operational commands.<sup>126</sup>

According to Global Security, the naval command is top-heavy and there are six times as many general officers and flag officers in the Air Force and the Navy as there are operational ships and aircraft.<sup>127</sup>

According to the Humanitarian Practice Network (HPN), 'Nigeria has revised its rules of engagement and code of conduct in order to reflect international humanitarian and human rights standards.' As of October 2017, a protocol was being drafted on handing over children encountered during operations to civilian child protection actors. A year earlier, the Chief of Defence Staff committed to drafting and implementing a civilian protection policy.<sup>128</sup>

While the Armed Forces Act, which forms the legal framework for the Air Force, makes no mention with regard to the army's role towards civilians<sup>129</sup>, sources point out that the protection of civilians (in armed conflict) presents a duty of the armed forces based on international humanitarian law.<sup>130</sup> The Australian DFAT asserts that the Nigerian Police Force's poor capacity and subsequent limited ability to control societal violence, particularly in areas under a state of emergency and between farmers and settlers in the middle belt states, has led the government to turn to the military to provide community policing in such areas.<sup>131</sup>

It is also useful to mention the existence of the Nigeria Security and Civil Defence Corps (NSCDC), a paramilitary institution established in 1967 by the federal government. The NSCDC's main goal is to protect the population against threat and any form of attack or disaster.<sup>132</sup> In April 2017, the Ministry of Interior announced that 3 000 people will be drawn from officers and men of the NSCDC in order to establish a new corps to be known as Agro Rangers, whose objective will be to protect farmers and secure farm investments throughout the country.<sup>133</sup> The NSCDC also deployed 5 000 people to protect

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<sup>124</sup> Global Security, Nigerian Army Order of Battle, 10 April 2017, [url](#)

<sup>125</sup> Nigeria, Nigerian Navy, Structure, n.d., [url](#)

<sup>126</sup> Nigeria, Nigerian Air Force, Organisation, n.d., [url](#)

<sup>127</sup> Global Security, Nigerian Navy, 22 August 2016, [url](#)

<sup>128</sup> HPN, Integrating civilian protection into Nigerian military policy and practice, October 2017, [url](#)

<sup>129</sup> Nigeria, Armed Forces Act, n.d., [url](#)

<sup>130</sup> AI, Nigeria: Security forces failed to act on warnings about Boko Haram attack hours before abduction of schoolgirls, 20 March 2018, [url](#); The New York Times, 'They Told Us They Were Here to Help Us.' Then Came Slaughter, 28 February 2017, [url](#)

<sup>131</sup> Australia, DFAT Country Information Report Nigeria, 9 March 2018, [url](#), p. 29

<sup>132</sup> Nigeria, NSCDC, History of Nigeria Security and Civil Defence Corps, n.d., [url](#)

<sup>133</sup> AgroNigeria, Farmers' security: FG to deploy 3, 000 Agro Rangers Corps to farms and ranches, 27 April 2017, [url](#); Nigeria, Federal Ministry of Interior, Agro-rangers to Protect Agric Investments – Dambazau, 11 April 2017, [url](#)

the IDP camps in the north-east.<sup>134</sup> However, the NSCDC is not part of the NAF and is the responsibility of the Ministry of the Interior.<sup>135</sup>

## 4.2 Capacity

Global Firepower states that the Nigerian Army has 148 combat tanks, 1 420 Armoured Fighting Vehicles and nearly 400 pieces of artillery at its disposal. The Air Force's inventory consists of 124 aircraft, most of which are transport or trainer, whereas only 30 are for combat purposes (9 fighters and 21 attack aircraft). Additionally, the Air Force has 42 helicopters, 11 of which are attack. Its account of Nigerian Navy vessels lists a total number of 75, while also stating that there are 93 patrol vessels.<sup>136</sup> Another source however mentions the deployment of a total of 93 Nigerian vessels against militants in the Niger Delta in December 2017.<sup>137</sup>

The OECD reported that 'despite its continued military operations against Boko Haram, Nigeria's military expenditures fell in 2017 for the fourth consecutive year'. Nevertheless, the country is the fourth largest military spender in Sub-Sahara Africa after Sudan, South Africa and Angola, and by far the biggest military power in West Africa. The total expenditures in 2017 was USD 1 621 million.<sup>138</sup> Nigeria is also the third largest weapons importer in Africa. The arms import increased by 42 % between 2008-2012 and 2013-2017, according to the Stockholm International Peace Research Institute.<sup>139</sup> In February 2017, the Chief of Army Staff announced a recruitment of 12 000 men to boost the Army's operations across the country that would take place after the approval of the 2017 budget proposal of 152.8 billion Naira (approximately EUR 400 million).<sup>140</sup>

Despite the large investments, observers note that the military continues to suffer from extremely low capacity and high rates of desertion, with frontline soldiers publicly complaining about not receiving wages and having inadequate or no equipment. Local and international experts attribute the difference between the high rates of government spending and the low capacity of the forces to fight corruption.<sup>141</sup>

Nigeria has no conscription. The minimum age for voluntary military service is 18 years.<sup>142</sup> According to HPN, there are low levels of female representation among military personnel.<sup>143</sup>

According to Global Security, a key concern in recruitment is the NAF's 'Federal Character', the purpose of which is to avoid a regional imbalance in the Army. Accepted recruits are integrated into units with soldiers from every Nigerian state and region, and receive indoctrination training which aims to impart a Nigerian national identity on the soldiers, which makes the Army 'function more as a "tribe" separate from the various Nigerian groups, with a similar level of identification and loyalty.' The indoctrination has less effect in the upper echelons of the officer corps, largely because of the politically influenced promotions at that level, which often take on ethnic and religious meaning. Non-promoted officers often seek to find a religious or ethnic reason for their failure to advance, although the credibility of this has, according to the source, been difficult to assess.<sup>144</sup>

<sup>134</sup> Premium Times, FACTSHEET: What the Buhari administration has achieved in two years – Presidency, 30 May 2017, [url](#)

<sup>135</sup> Nigeria Governance Project, Nigeria Security and Civil Defence Corps, (NSCDC), n.d., [url](#)

<sup>136</sup> Global Firepower, 2018 Nigeria Military Strength, n.d., [url](#)

<sup>137</sup> The Nation, Navy deploys 80 boats, 13 ships against militants in Niger Delta, 5 December 2017, [url](#)

<sup>138</sup> OECD/SWAC, Maps & Facts: Military Expenditures in West Africa 2017, July 2018, [url](#)

<sup>139</sup> SIPRI, Trends in International Arms Transfers, 2017, March 2018, [url](#), p. 7

<sup>140</sup> Financial Watch, Nigerian Army Recruitment 2017: 12,000 Officers to be Engaged – Buruntai, 15 February 2017, [url](#)

<sup>141</sup> Australia, DFAT Country Information Report Nigeria, 9 March 2018, [url](#), p. 29

<sup>142</sup> CIA, World Factbook – Nigeria, last updated 7 August, [url](#); Global Security, Nigerian Army – Personnel, 14 December 2014, [url](#)

<sup>143</sup> HPN, Integrating civilian protection into Nigerian military policy and practice, October 2017, [url](#)

<sup>144</sup> Global Security, Nigerian Army – Personnel, 14 December 2014, [url](#)

While the Nigerian government has repeatedly claimed in recent years to have technically defeated Boko Haram, the military has been criticised for failing to eliminate violence associated with the insurgency.<sup>145</sup> See also [EASO COI report Nigeria, Security situation](#), November 2018, Section 3.1, and [EASO COI report Nigeria, Targeting individuals](#), November 2018, Section 2.1.

### 4.3 Integrity

In March 2017, following accusations by Amnesty International of human rights abuses committed by the army, the Nigerian military launched a project called Promoting Human Rights Accountability in the North East, the essence of which, according to the National Human Rights Commission (NHRC), was to ‘mainstream human rights into Operation Lafiya Dole<sup>146</sup> activities, its rules of engagement and code of conduct’, as well as designing and developing a code of conduct for the Civilian Joint Task Force (CJTF). This included bringing accountability to bear for all alleged human rights violations committed during the counterinsurgency operation. An officer of the Seventh Division stated that the ‘establishment of Department of Civil-Military Relations in the Army Headquarters and Human Rights Desk in all Army formations in the country’ has been prompted.<sup>147</sup>

According to HPN, based on their workshops conducted in Borno State, ‘military personnel are keen to improve how they approach civilian protection, but often do not know what it means.’ This may lead to defensive attitudes on their part, particularly around the use of force in crowd control and sexual exploitation and abuse. Military personnel are ‘more likely to take civilian protection seriously if they see commitment by commanding officers’, as military hierarchy in Nigeria is particularly strong, and junior officers will often not speak in front of senior officers.<sup>148</sup>

In October 2017, Chief of Army Staff, Lt. General Tukur Buratai, said in a press release to commemorate International Human Rights Day, that the Army was ‘committed to adopting measures that ensure respect for human rights as the fundamental basis of our civil military relationship’. He also mentions an initiative that ‘includes support for continuous human rights awareness and education of our officers and men.’<sup>149</sup>

In May 2018, army troops in Maiduguri, Borno State, received training on the protection of human rights, an initiative between the Nigerian Army and the National Human Rights Commission (NHRC).<sup>150</sup>

According to Chitra Nagarajan, senior adviser for the Center for Civilians in Conflict (CIVIC)<sup>151</sup>, long tours of duty affect concentration, interest and morale of soldiers (specifically in North East Nigeria). Military personnel who have spent between three and five years in the area of operations admit that this amount of time away from their families can make them act more harshly towards civilians. Such soldiers show reduced interest in civilian protection compared to soldiers who have spent less time in the area of operations. However, it is unknown what the precise links are between tours of duty, trauma, and the ability and interest in protecting civilians in north-eastern Nigeria.<sup>152</sup>

UNODC concluded in July 2017 that members of the armed forces represent the type of public officials to whom the highest average number of bribes is paid, at a yearly rate of 5.7 bribes.<sup>153</sup>

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<sup>145</sup> Australia, DFAT Country Information Report Nigeria, 9 March 2018, [url](#), p. 29

<sup>146</sup> For details on Operation Lafiya Doyle, see EASO COI report Nigeria, Security situation, November 2018, [url](#), Section 2.2.1

<sup>147</sup> Vanguard, NHRC criticizes Amnesty report on human rights abuses in North East, 10 March 2017, [url](#)

<sup>148</sup> HPN, Integrating civilian protection into Nigerian military policy and practice, October 2017, [url](#)

<sup>149</sup> Vanguard, Army affirms commitment to protection, advancement of human rights, 10 December 2017, [url](#)

<sup>150</sup> Naija, Nigerian Army, NHRC commence human rights protection training for troops in Maiduguri, 18 May 2018, [url](#)

<sup>151</sup> CIVIC is an international NGO working on behalf of civilians in conflict zones. Aside from Nigeria, it is also active in Iraq, Afghanistan, or Ukraine. See CIVIC, [website], n.d. [url](#)

<sup>152</sup> Nagarajan, Chitra, Integrating civilian protection into Nigerian military policy and practice, October 2017, [url](#), pp. 21-24.

<sup>153</sup> UNODC, Corruption in Nigeria, 31 July 2017, [url](#), pp. 40-41

According to Global Security, as of 2014, corruption was also associated with the army's recruitment process, 'as each potential recruit had to get a series of signatures on a form -- and each signature requires a bribe'. One system of dealing with a situation where a recruit would not have the sufficient amount of money for the bribes, was for the potential recruit to 'rent' a weapon from a serving soldier and use it to commit armed robberies to collect the necessary funds (for the bribes as well as the weapon rental fee). Once recruited, the new soldier would rent his weapon out to future recruits.<sup>154</sup>

Corruption also hinders the Army's capability to counter the Boko Haram insurgency. In December 2017, state governors approved the withdrawal of USD 1 billion from the Excess Crude Account [a Nigerian government account that was created to save revenues — in excess of the budgetary benchmark price — that were generated from the sale of oil]<sup>155</sup> to combat the group through the purchase of equipment, training of military personnel and provision of logistical support. There have however been several cases of officials who siphoned off funds and resources meant for the affected region.<sup>156</sup>

Promotions have a political aspect at colonel level and above, and are completely within the purview of the Chief of Army Staff (COAS). According to Global Security, 'Command of the Ikeja Cantonment (Lagos) and of the 3rd Armoured Division (Jos) are key positions given to loyal officers, because of their significance in the event of a national emergency, particularly regime instability (Ikeja can control Lagos, and the Armoured Division has tanks that are reasonably close to Abuja).'<sup>157</sup>

The Nigerian Army has been accused of human rights violations several times in the past.<sup>158</sup> One particular incident was the way it operated against supporters of the Islamic Movement in Nigeria (IMN), a Shia Muslim minority group in predominately Sunni northern Nigeria. According to Amnesty International (AI), the army unlawfully killed more than 350 men, women and children supporters of IMN in Zaria, Kaduna State, in December 2015.<sup>159</sup>

An official inquiry into the Nigerian Army's response to the above-mentioned clashes between 12 and 14 December 2015 has concluded that the army's response was "disproportionate". The report of the Kaduna State Judicial Commission of Inquiry, released on 31 July 2016, found that '349 members of the Islamic Movement of [sic] Nigeria (IMN) were killed during the clashes'. Human Rights Watch writes that this confirms their earlier findings that 'more than 300 IMN members were killed by soldiers in a heavy-handed, unjustifiable use of lethal force.'<sup>160</sup>

According to the 2018 US DoS report on human trafficking, in more than 14 IDP camps, reports documented government officials, service providers, and security forces, including the Nigerian military and the non-governmental self-defence militia Civilian Joint Task Force (CJTF)<sup>161</sup> forcing IDPs to have sex in exchange for food and freedom of movement in and outside of the camps. There were continued reports of members of security forces, including some individual NAF personnel, using fraudulent or forced marriages to exploit girls in sex trafficking.<sup>162</sup>

Although the National Agency for the Prohibition of Trafficking in Persons (NAPTIP) received reports of individual military personnel involved in trafficking crimes, such as using child soldiers or sexually

<sup>154</sup> Global Security, Nigerian Army – Personnel, 14 December 2014, [url](#)

<sup>155</sup> Investopedia, Excess Crude Account, ECA, n.d., [url](#)

<sup>156</sup> Forbes, Boko Haram Continues to Drive Terrorism Threat in Northern Nigeria, 11 July 2018, [url](#)

<sup>157</sup> Global Security, Nigerian Army – Personnel, 14 December 2014, [url](#)

<sup>158</sup> AI, Nigeria: Stars on their shoulders: Blood on their hands, 3 June 2015, [url](#); The New York Times, 'They Told Us They Were Here to Help Us.' Then Came Slaughter, 28 February 2017, [url](#)

<sup>159</sup> AI, Nigeria: Unearthing the truth, 22 April 2016, [url](#), p. 5

<sup>160</sup> Human Rights Watch, Dispatches: Nigerian Military Used Excessive Force Against Shia Group, 1 August 2016, [url](#)

<sup>161</sup> For details regarding the CJTF, EASO COI report Nigeria, Security situation, November 2018, [url](#), Section 2.3.6 and EASO COI Targeting Individuals report, November 2018, [url](#), Section 2.5.4

<sup>162</sup> US DoS, 2018 Trafficking in Persons Report – Country Narratives – Nigeria, 28 June 2018, [url](#)



exploiting IDPs, the Nigerian Army categorically denied such practices on part of its personnel, thereby impeding investigation of such reports. The US DoS further mentions that the Nigerian military unlawfully used children as young as 12 years old in support roles such as messengers, porters, and guards, without providing evidence that these activities had ceased. The NAF interrogated children in detention in order to use them later as collaborators to identify Boko Haram members among newly arrested persons. The NAF also conducted on-the-ground coordination with the CJTF, that received state government funding and has been described as continuously recruiting and using children in support roles, such as manning checkpoints, conducting patrols, searching and arresting suspected insurgents, guarding IDP camps, and gathering intelligence.<sup>163</sup>

An AI report from May 2018 stated that in its fight against the Boko Haram insurgency in the North East region, the Nigerian military has committed ‘war crimes and possible crimes against humanity’, allegedly including torture, rape and killing of civilians.<sup>164</sup> In a response, the NAF dismissed the report as ‘propaganda’ and according to Reuters stated that AI’s findings are ‘a false report on fictitious rape incidents in IDP (internally displaced person) camps in the North East region of Nigeria.’<sup>165</sup> They also led some journalists to the IDP camps. During the visit, no cases of sexual harassment were discovered, although female IDPs were reportedly forced by soldiers to tell the media ‘everything is fine’.<sup>166</sup> The report was also criticised by Nigeria’s [National Human Rights Commission \(NHRC\)](#) as not being supported by facts reflecting the situation in the area.<sup>167</sup>

Sources usually assess that military personnel, just like police, have not been adequately investigated or held accountable for multiple reported or alleged human rights violations, nor are they being disciplined or prosecuted for them.<sup>168</sup>

In June 2018, the Chief of Army Staff, Lt-Gen. Tukur Buratai, said that ‘the army had measures in place to ensure that the rights of civilians were protected.’ These include the opening of a free toll line and the establishment of the Nigerian Army Human Rights Desk (HRD), where civilians whose rights have been infringed can file a complaint.<sup>169</sup> The HRD is composed of six legal officers from the Nigerian Bar Association and the legal section of the army, and its purpose is to investigate human rights abuses perpetrated by military personnel.<sup>170</sup>

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<sup>163</sup> US DoS, 2018 Trafficking in Persons Report – Country Narratives – Nigeria, 28 June 2018, [url](#)

<sup>164</sup> AI, ‘They Betrayed us’, 24 May 2018, [url](#), pp. 8-12

<sup>165</sup> CNN, Amnesty accuses Nigerian troops of raping women rescued from Boko Haram, 24 May 2018, [url](#); Reuters, Nigeria’s military committed war crimes, crimes against humanity: Amnesty, 24 May 2018, [url](#)

<sup>166</sup> Sahara Reporters, ‘Raped’ Female IDPs Narrate How Soldiers Forced Them To Tell The Media ‘Everything is Fine’, 5 June 2018, [url](#)

<sup>167</sup> Vanguard, NHRC criticizes Amnesty report on human rights abuses in North East, 10 March 2017, [url](#); see also: Premium Times, Amnesty International Report: Nigerian Army sets up committee to investigate rights violations, 8 March 2017, [url](#); Premium Times, Protesters want Amnesty International to leave Nigeria, 20 March 2017, [url](#)

<sup>168</sup> AI, Amnesty International Report 2017/18 - Nigeria, 22 February 2018, [url](#); Human Rights Watch, World Report 2018 – Nigeria, 18 January 2018, [url](#); US DoS, Country Report on Human Rights Practices 2016 – Nigeria, 3 March 2017, [url](#); US DoS, Country Report on Human Rights Practices 2017 – Nigeria, 20 April 2018, [url](#); US DoS, 2018 Trafficking in Persons Report – Country Narratives – Nigeria, 28 June 2018, [url](#)

<sup>169</sup> Premium Times, Nigerian Army releases call code for complaints about soldiers’ conduct, 15 August 2017, [url](#); Vanguard, Nigerian Army passionate about civilians’ rights – Buratai, 19 June 2018, [url](#)

<sup>170</sup> OHCHR, Nigeria creates a military Human Rights Desk, 14 March 2016, [url](#)

## 5. Department of Public Prosecution

### 5.1 General

There are a total of 37 Departments of Public Prosecution (DPP) in Nigeria: one at the Federal Ministry of Justice and one at each State Ministry of Justice.<sup>171</sup>

While federal offences are prosecuted by the Attorney General of the Federation (AGF), Director of Public Prosecutions of the Federation and Law Officers in the Office of the AGF, state offences are prosecuted by the Attorney General of the State and the Law Officers/Directors of Public Prosecutions.<sup>172</sup>

The DPP of the Federal Ministry of Justice is Nigeria's primary prosecuting body and constitutes one of the Ministry's twelve departments. Its functions include to:

- offer 'legal advice or opinion to the Nigerian Police and other law enforcement agencies, ministries and extra-ministerial departments on criminal matters and letters (repertories and extradition)';
- publicly prosecute accused persons 'in all court of competent jurisdiction including the High Court, Federal High Court, Court of Appeal and Supreme Court within and outside the Federal Capital Territory, Abuja';
- defend criminal action in courts of competent jurisdiction on behalf of the AGF, such as 'entering Nolle-prosequi authorised by the AGF, bail matters, human rights enforcement actions etc., trafficking in minors and young women from Nigeria for the purpose of sexual exploitation';
- on behalf of the AGF, 'institute, take over, continue or discontinue with matters in Nigerian courts' except military courts;
- handle 'petitions forwarded to the AGF for intervention as Chief Law officers of the Federation and Minister of Justice';
- provide legal advisory services to Ministries, Departments, and Agencies (MDAs) and 'supervise External Prosecutors who are prosecuting criminal cases in various courts in the country.'<sup>173</sup>

The DPP of the Federal Ministry of Justice is headed by the Director of Public Prosecutions of the Federation. Since July 2016, the position of Director is held by Mohammed Umar Etsu who was appointed by the Attorney General of the Federation.<sup>174</sup>

### 5.2 Capacity

According to the website of the Ministry of Justice, the Director of Public Prosecutions of the Federal Ministry of Justice is supported by 'competent lawyers and effective support staff'. A Complex Case Group and Maritime National Prosecution Team have been established within the Department.<sup>175</sup>

<sup>171</sup> Lawyard, Directorate of Public Prosecution and You, 20 March 2017, [url](#); Nigeria, Constitution of the Federal Republic of Nigeria, 1999, n.d., [url](#)

<sup>172</sup> Lawyard, Directorate of Public Prosecution and You, 20 March 2017, [url](#); Nigeria, Constitution of the Federal Republic of Nigeria, 1999, n.d., [url](#)

<sup>173</sup> Nigeria, Federal Ministry of Justice, Public Prosecutions of the Federation, n.d., [url](#)

<sup>174</sup> Daily Trust, AGF appoints new DPP, 29 July 2016, [url](#)

<sup>175</sup> Nigeria, Federal Ministry of Justice, Public Prosecutions of the Federation, n.d., [url](#)

On the state level, the Lagos State DPP (referred to as Directorate of Public Prosecutions) has state counsel assigned to prosecute in the seven courts in the Criminal Division of the High Court of Lagos State (3 in Lagos and 4 in Ikeja) and in the magistrate courts within the state. The Directorate has five counsels assigned to the Environmental Sanitation and Kick Against Indiscipline Unit, and Special Offences Courts created by the Enforcement and Compliance Unit of the Ministry of Environment to try various environmental as well as certain other offences.<sup>176</sup> Apart from the Counsels (Project Officers), the Lagos State DPP contains a Legal Advisory Unit, Litigation Unit, Task Force, and other officers with special duties.<sup>177</sup>

No additional information could be found on this subject.

### 5.3 Integrity

An example of corruption in the Ministry of Justice involving the DPP from recent years is the 2016 investigation by the Federal Government – based on previous reporting by Sahara Reporters – which discovered that then-Director of Public Prosecutions, Mohammed Sa’idu Diri, colluded with other officials of the Ministry of Justice in collaborating with lawyers representing Senate President Bukola Saraki in an effort to obtain a controversial adjournment of his trial. The said officials did so by secretly filing a motion challenging the jurisdiction of the Code of Conduct Tribunal to try the senator without the awareness of the tribunal.<sup>178</sup>

In 2017, the UNODC report on corruption in Nigeria ranks judiciary officials (after police officers) as the second most affected group of officials in terms of bribery. The risk of bribery of judiciary officials is estimated at 33 %, while the risk for judges and magistrates is 31.5 %. The report adds: ‘although the prevalence rate of bribery in relation to prosecutors and judges is high, they are normally less frequently encountered by citizens than other types of public official and, accordingly, the frequency of bribe payments to them is relatively much lower than [sic] to other types of official [sic].’<sup>179</sup>

No additional information could be found on this subject.

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<sup>176</sup> Nigeria, Lagos State Ministry of Justice, Directorate of Public Prosecutions, n.d., [url](#)

<sup>177</sup> Nigeria, Lagos State Ministry of Justice, Officers in the Directorate of Public Prosecutions, n.d., [url](#)

<sup>178</sup> Sahara Reporters, Mr. President Fire Umar, Jacobs, Malami, Abidogun, Sa’idu, Diri, And Corrupt Judges Now!, 14 March 2016, [url](#); Sahara Reporters, Nigeria’s Solicitor General, Director Of Public Prosecutions Fingered In Plot To Scuttle Saraki’s Trial, 12 March 2016, [url](#)

<sup>179</sup> UNODC, Corruption in Nigeria, 31 July 2017, [url](#), pp. 7, 40

## 6. Courts

As mentioned earlier in this report, the Nigerian legal and judicial system is a mixed system based on English common law, Islamic law, and customary law, and as such is highly complex. For an overview of the sources of Nigerian Law, please refer to Section [2.1](#).

At a general level, access to the court system in Nigeria for many citizens is hindered by the high costs of taking a matter to court, next to a low level of trust in the functioning of the legal system.<sup>180</sup> High lawyer fees and the amount of time it takes to resolve a dispute at the court lead people into using the service of Citizens Mediation Centres (CMCs). While originally established ‘to provide free mediation and legal services for poor people, their performance, efficiency and rate of settlement has also endeared them to users with commercial disputes’ and ‘more commercial disputes are now being brought to the CMCs for resolution.’ CMCs offer free legal assistance and mediation services and aside from an increasing number of complainants, they have also spread geographically, thereby increasing their accessibility. The quality of their services has also been improving.<sup>181</sup>

Other places intended to fast-track the resolution of civil cases are Alternative Dispute Resolution (ADR) centres, known as Multi-Door Courthouses (MDCs), located in Lagos, Abuja and Kano States. One source indicates MDCs are independently run and managed, but attached to a specific court (in the case of Kano, Abuja and Lagos - the High Court of each respective state). Cases can be brought forward to an MDC either directly by the applicant, or referred to it by a judge of the high court (and occasionally magistrate courts).<sup>182</sup>

According to Al Jazeera, focusing on the Lagos MDC, ‘the average timeline of a court case is four to 10 years, and following the case through to the Supreme Court can take at least 20’, while ‘the average Lagos MDC case takes three to five months, and more than half of the cases that have been referred by magistrates take just a single morning to resolve’; faster also means cheaper, according to the source.<sup>183</sup>

Edo and Oyo states established MDCs for mediation and dispute resolution in 2017 and 2018, respectively.<sup>184</sup> No information was found on the practice of such institutions to date.

### 6.1. Federal courts

#### 6.1.1 General

The country’s highest court is the Supreme Court. Subordinate to it are the Court of Appeal, the Federal High Court (as well as the State High Courts), the High Court of the Federal Capital Territory, the Sharia Court of Appeal of the Federal Capital Territory, and the Customary Court of Appeal of the Federal Capital Territory.<sup>185</sup>

<sup>180</sup> UNODC, Corruption in Nigeria, 31 July 2017, [url](#), p. 68

<sup>181</sup> British Council, Justice For All: Access to Mediation and Legal Assistance Services, October 2015, [url](#)

<sup>182</sup> British Council, Department for International Development, Alternative Dispute Resolution: Multi-Door Courthouses, 2010, [url](#)

<sup>183</sup> Al Jazeera, A new type of justice for Nigeria, 8 October 2016, [url](#)

<sup>184</sup> Vanguard, Gov. Obaseki inaugurates Multi-Door Courthouse in Benin, 20 January 2017, [url](#); Nigeria, Oyo State, Ajimobi inaugurates Multi-Door courthouse, , March 2018, [url](#); Nigeria, Edo State Judiciary, Nigeria, Edo State Multidoor Court, Sensitization / Public Awareness Programme, [January 2018], [url](#)

<sup>185</sup> Australia, DFAT Country Information Report Nigeria, 9 March 2018, [url](#), p. 30; CIA, World Factbook – Nigeria, last updated 7 August, [url](#); Nigeria, Federal High Court, The Judiciary in Nigeria, n.d., [url](#)

As the country's highest court, the Supreme Court presents the last stop on all appeal matters over cases decided by other courts at federal and state levels and its decisions are final.<sup>186</sup> The Court has original jurisdiction where there is a dispute between the states, between the arms of government or between the federal and state governments.<sup>187</sup> The Supreme Court consists of the Chief Justice of Nigeria and such number of Justices of the Supreme Court as may be prescribed by an Act of the National Assembly, but not exceeding 21<sup>188</sup> (currently 15).<sup>189</sup>

The Court of Appeal consists of the President and the Justices of the Court of Appeal. At least three of these must be learned in Islamic law and three in customary law. The Court has exclusive jurisdiction to hear and determine appeals from the Federal High Court, the High Court of the Federal Capital Territory, State High Courts, the Sharia Court of Appeal, the Customary Court of Appeal, the National Industrial Court, a court martial or other tribunals prescribed by an Act of the National Assembly.<sup>190</sup>

The Federal High Court has exclusive jurisdiction in civil cases and matters relating to the revenue of the Government of the Federation. These include taxation, customs, and excise duties, banking, copyright, admiralty, citizenship, etc.<sup>191</sup> The FHC currently has buildings in 24 divisions: Abuja (HQ), Abakaliki, Abeokuta, Akure, Benin, Calabar, Enugu, Ibadan, Ilorin, Jos, Kaduna, Kano, Katsina, Lafia, Maiduguri, Minna, Oshogbo, Owerri, Port Hartcourt, Sokoto, Taraba, Uyo, and Yola.<sup>192</sup>

The High Court of the Federal Capital Territory consists of a chief judge and such number of judges as may be prescribed by an act of the National Assembly.<sup>193</sup> It has the same unlimited jurisdiction as the state high courts, i.e. has original jurisdiction to hear and determine civil and criminal proceedings under any law of the state.<sup>194</sup> The FCT also has the Sharia Court of Appeal and the Customary Court of Appeal. While the Sharia Court is presided over by the Grand Khadi and Khadis, the Customary Court of Appeal is presided over by the President of the Customary Court and other judges. The Sharia Court of Appeal exercises appellate and supervisory jurisdiction in civil proceedings on Islamic law, whereas the Customary Court of Appeal does so in civil proceedings on customary law.<sup>195</sup>

### 6.1.2 Capacity

Strict requirements for education and length of service for judges at the federal and state levels are implemented by the Ministry of Justice.<sup>196</sup> Judges of federal courts are appointed by the president based on recommendations of the National Judicial Council (NJC). The NJC is an independent body consisting of 24 federal and state judicial officials: 17 judicial members (the Chief Justice, the next most senior judge of the Supreme Court, the President of the Court of Appeal, five retired judges, the Chief Judge of the Federal Court, the President of the National Industrial Court, five Chief Judges of state courts, one Grand Khadi, and a President of the Customary Court of Appeal); five members of the Nigerian Bar Association (including one Senior Advocate of Nigeria); and two members appointed

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<sup>186</sup> Nigeria, Federal High Court, The Judiciary in Nigeria, n.d., [url](#); Australia, DFAT Country Information Report Nigeria, 9 March 2018, [url](#), p. 30

<sup>187</sup> Nigeria, Supreme Court, Additional Original Jurisdiction Act, n.d., [url](#)

<sup>188</sup> Nigeria, Federal High Court, The Judiciary in Nigeria, n.d., [url](#); Nigeria, Constitution of the Federal Republic of Nigeria, 1999, n.d., [url](#)

<sup>189</sup> CIA, World Factbook – Nigeria, last updated 7 August, [url](#)

<sup>190</sup> Nigeria, Federal High Court, The Judiciary in Nigeria, n.d., [url](#)

<sup>191</sup> Nigeria, Federal High Court, The Judiciary in Nigeria, n.d., [url](#)

<sup>192</sup> Nigeria, Federal High Court, Overview of Federal High Court Nigeria, [url](#)

<sup>193</sup> Nigeria, Constitution of the Federal Republic of Nigeria, 1999, n.d., [url](#)

<sup>194</sup> Australia, DFAT Country Information Report Nigeria, 9 March 2018, [url](#), p. 30; Nigeria, Federal High Court, The Judiciary in Nigeria, n.d., [url](#)

<sup>195</sup> Nigeria, Federal High Court, The Judiciary in Nigeria, n.d., [url](#)

<sup>196</sup> US DoS, Country Report on Human Rights Practices 2017 – Nigeria, 20 April 2018, [url](#)

by the President. The NJC is chaired by the Chief Justice.<sup>197</sup> Apart from appointments, the NJC also manages the remuneration and dismissal of judicial officials.<sup>198</sup>

One of the factors determining the appointment of judges is how many years they have been called to the Bar. This is true for all judicial appointments on both the federal and state level (including Sharia courts and customary courts). Different years apply for different judicial appointments.<sup>199</sup>

While the NJC is the ultimate advisory body, there is also a Federal Judicial Service Commission (FJSC), which advises the NJC on appointments to federal courts. The FJSC is composed of nine members: four judicial members (the Chief Justice of Nigeria, the President of the Court of Appeal, the Chief Judge of the Federal High Court and the President of the National Industrial Court); the Attorney General of the federation; two qualified persons recommended by the Nigerian Bar Association; and two members appointed by the president.<sup>200</sup>

The appointments of judges of the Supreme Court and the heads of the federal Court of Appeal and High Courts must be confirmed by the Senate. Judges of the Supreme Court and Court of Appeal serve until the age of 70, whereas judges of all other courts serve until the age of 65.<sup>201</sup>

Education and training of judicial officers are provided by the National Judicial Institute (NJI) located in Abuja.

Pursuant to Section 3(2) of the National Judicial Institute Act, the NJI is empowered to:

- ‘Conduct courses for all categories of judicial officers and their supporting staff with a view to expanding and improving their overall knowledge and performances in their different sections of service,
- Provide continuing education for all categories of judicial officers by undertaking, organizing, conducting and facilitating study courses, lectures, seminars, workshops, conferences and other programs related to judicial education;
- Organize once in two years a conference for all Nigerian Judges of Superior and Lower Courts respectively;
- Disseminate by way of publication of books, journals, records, reports or other means of information about any part of its activities to the extent deemed justified by the Board of Governors generally as a contribution towards knowledge, and;
- Promote or undertake any other activity which in the opinion of the Board is calculated to help achieve the purpose for which the Institute was established.’<sup>202</sup>

The NJI is headed by a board of governors of the Institute, which consists of the Chief Justice of Nigeria as its chairman and the following members: the Attorney-General of the Federation and Minister of Justice; the President of the Court of Appeal; the most senior of the justices of the Supreme Court Nigeria in order of precedence; the Chief Judge of the Federal High Court; the Chief Judge of each state of the Federation and of the Federal Capital Territory, Abuja; two Grand Khadis of a Sharia Court of Appeal appointed annually, in rotation, by the Chief Justice of Nigeria from the states having Customary Courts of Appeal and the FCT Abuja; and four other persons ‘of unquestionable character’ to be appointed by the Chief Justice of Nigeria.<sup>203</sup>

<sup>197</sup> CIA, World Factbook – Nigeria, last updated 7 August 2018, [url](#); van Zyl Smit, J., The Appointment, Tenure and Removal of Judges under Commonwealth Principles, 2015, [url](#), p. 175

<sup>198</sup> Australia, DFAT Country Information Report Nigeria, 9 March 2018, [url](#), p. 30

<sup>199</sup> Nigeria, Constitution of the Federal Republic of Nigeria, 1999, n.d., [url](#)

<sup>200</sup> van Zyl Smit, J., The Appointment, Tenure and Removal of Judges under Commonwealth Principles, 2015, [url](#), pp. 175-176

<sup>201</sup> CIA, World Factbook – Nigeria, last updated 7 August 2018, [url](#)

<sup>202</sup> Nigeria, NJI, National Judicial Institute, n.d., [url](#)

<sup>203</sup> Nigeria, NJI, Board of Governors, n.d., [url](#)

In January 2018, lawyers stressed that the judiciary in 2018 should focus on implementing the reforms introduced by the Chief Justice of Nigeria, expeditious determination of corruption-related cases and training of judges involved in corruption trials.<sup>204</sup>

According to the Australian DFAT, it is difficult for citizens to obtain legal redress through the Nigerian court system. A lack of funding and low human resource capacity lead to a significant backlog of cases, which produces, amongst other things, extremely long pre-trial detention periods.<sup>205</sup> However, it is not specified to what extent this relates to federal courts. In August 2015, there were reportedly over five million cases pending in Nigerian courts due to a ‘hugely cumbersome and overbunded legal system’.<sup>206</sup> In March 2018, the Chief Justice asked judges countrywide to expedite the hearing of their pending cases, and to always encourage litigants to explore alternative resolution methods, such as arbitration and mediation.<sup>207</sup>

### 6.1.3 Integrity

While the constitution and law provide for an independent judiciary, the US DoS reports that the judicial branch in 2017 remained ‘susceptible to pressure from the executive and legislative branches’, particularly at the state and local levels.<sup>208</sup> There is also reportedly a common lack of proper equipment, training and motivation on part of the court officials, mainly due to inadequate compensation.<sup>209</sup> The effectiveness of courts is further hampered by corruption, in particular of lower-level ones. Citizens have reported facing long delays and alleged requests from judicial officials for bribes in order to expedite cases or to obtain favourable rulings. Judges reportedly pursue other sources of income, and as such often fail to appear in court.<sup>210</sup> The UNODC reported in 2017 that judiciary officials represent the second most affected group of officials in terms of bribery risk, with 33 % in case of prosecutors and 31.5 % in case of judges and magistrates.<sup>211</sup> The NJC described the UNODC report as ‘speculative’.<sup>212</sup>

According to the Freedom House report 2018, ‘the judiciary has achieved some degree of independence and professionalism in practice, but political interference, corruption, and a lack of funding, equipment, and training remain important problems. In October 2017, the National Judicial Council, headed by the Chief Justice, announced that it was investigating 15 judges for alleged malfeasance.’<sup>213</sup>

It should be noted however that neither of these accounts specify whether and to what extent do these issues apply to federal courts, as only local level courts are usually mentioned in particular. A federal judge may be removed from office only ‘for his inability to discharge the functions of his office or appointment (whether arising from infirmity of mind or of body) or for misconduct or contravention of the Code of Conduct.’ The Code of Conduct for Public Officers is set out in the Fifth Schedule to the Constitution and restrains judges among other things from receiving improper gifts and loans, taking bribes, abusing their powers, operating foreign accounts or failure to make a declaration of assets as prescribed.<sup>214</sup>

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<sup>204</sup> Daily Trust, 2018: Implementation of reforms, training of judges should be judiciary’s focus, 9 January 2018, [url](#)

<sup>205</sup> Australia, DFAT Country Information Report Nigeria, 9 March 2018, [url](#), p. 30

<sup>206</sup> Daily Trust, 5 m cases pending in Nigerian courts, 18 August 2015, [url](#)

<sup>207</sup> Vanguard, Expedite hearing of all pending cases, CJN tells judges, 7 March 2018, [url](#)

<sup>208</sup> US DoS, Country Report on Human Rights Practices 2017 – Nigeria, 20 April 2018, [url](#)

<sup>209</sup> Australia, DFAT Country Information Report Nigeria, 9 March 2018, [url](#), p. 30

<sup>210</sup> Australia, DFAT Country Information Report Nigeria, 9 March 2018, [url](#), p. 30; US DoS, Country Report on Human Rights Practices 2017 – Nigeria, 20 April 2018, [url](#)

<sup>211</sup> UNODC, Corruption in Nigeria, 31 July 2017, [url](#), p. 7

<sup>212</sup> Premium Times, Nigerian judiciary not as corrupt as NBS report shows – NJC, 20 August 2017, [url](#)

<sup>213</sup> Freedom House, Freedom in the World 2018: Nigeria, January 2018, [url](#)

<sup>214</sup> van Zyl Smit, J., The Appointment, Tenure and Removal of Judges under Commonwealth Principles, 2015, [url](#), p. 175

As hinted above, the principal removal process is initiated by the NJC. Upon receiving a complaint against a judge, the NJC undertakes initial investigation and, should the complaint be of ‘sufficient seriousness’, a Committee or Panel of Inquiry is established to investigate the allegations. Full legal representation is afforded to both the complainant and the accused. Aside from the NJC process, a separate one exists for violating the Code of Conduct for Public Officers, where a Code of Conduct Tribunal is established to investigate. The Tribunal has three members: a judge, who chairs it, and two other members appointed by the president on the NJC’s recommendation. The judge who breaches the Code may be removed from office, but has the right of appeal to the federal court of appeal. Judges who are heads of a federal court are removed by the president acting on an address supported by a two thirds majority of the Senate. Other federal court judges are removed also by the president, but on the recommendation of the NJC.<sup>215</sup>

## 6.2 State courts

### 6.2.1 General

The state court system is similar in structure to the federal system.<sup>216</sup> Every state has its own high court, election tribunals and an election appeal tribunal, as well as magistrate courts.<sup>217</sup> The high court has unlimited jurisdiction when it comes to hearing and determining any civil and criminal proceedings under any law of the state in question.<sup>218</sup>

Inter-state prosecution is possible, according to Sections 31 and 32 of the Criminal Procedure Act:

‘Where a warrant of arrest is executed in the State outside the division or district of the court by which it was issued, the person arrested shall, unless security is taken under section 30 of this Act, be taken before the court within the division or district in which the arrest was made. [...] If a person in lawful custody escapes or is rescued, the person from whose custody he escapes or is rescued may pursue and arrest him in any place in Nigeria.’<sup>219</sup>

#### 6.2.1.1 Sharia courts and customary courts

The Nigerian Constitution provides that states may establish courts based on Sharia or customary (traditional) law, in addition to common law courts. Sharia courts function in the 12 northern states which apply [Islamic law](#) and the FCT, whereas customary courts function in most of the 36 states.<sup>220</sup> As such, a Sharia court of appeal and a customary court of appeal are present in any state which requires either of them.<sup>221</sup>

The impetus to establish such courts may have stemmed at least partially from the inefficiencies, expenses, and corruption associated with the Nigerian civil court system. Jurisdiction is usually determined by the nature of a case and the consent of the parties. While the constitution specifically recognises Sharia courts for civil proceedings, the courts do not have the authority to compel participation by non-Muslims, and although non-Muslims are not required to have their cases heard by Sharia courts, they may choose to do so, if the dispute involves a Muslim. Some non-Muslims opt to have their cases heard in Sharia courts, as they are generally considered cheaper and quicker than civil courts. While the constitution does not specify the role of Sharia courts with regard to criminal

<sup>215</sup> van Zyl Smit, J., *The Appointment, Tenure and Removal of Judges under Commonwealth Principles*, 2015, [url](#), pp. 176-177

<sup>216</sup> CIA, *World Factbook – Nigeria*, n.d., [url](#)

<sup>217</sup> Nigeria, *Constitution of the Federal Republic of Nigeria*, 1999, n.d., [url](#)

<sup>218</sup> Australia, *DFAT Country Information Report Nigeria*, 9 March 2018, [url](#), p. 30; Nigeria, *Federal High Court, The Judiciary in Nigeria*, n.d., [url](#)

<sup>219</sup> Nigeria, *Criminal Procedure Act*, 1 June 1945, [url](#), s. 32

<sup>220</sup> US DoS, *Country Report on Human Rights Practices 2017 – Nigeria*, 20 April 2018, [url](#)

<sup>221</sup> Australia, *DFAT Country Information Report Nigeria*, 9 March 2018, [url](#), p. 30; Nigeria, *Federal High Court, The Judiciary in Nigeria*, n.d., [url](#)



proceedings, Sharia courts hear criminal proceedings in all 12 states where Islamic law applies, and a Zamfara State law specifically requires a Sharia court to hear all criminal cases involving Muslims.<sup>222</sup>

State-level Sharia courts generally apply Islamic law in accordance with their rules of procedure. Defendants have the right to challenge the constitutionality of Sharia criminal statutes through civil-law appellate courts. Federal appellate courts, particularly the Supreme Court, have not ruled on whether punishments prescribed by Sharia such as amputation and stoning violate the constitution, because no relevant cases reached the federal level.<sup>223</sup> While the highest appellate court for Sharia-based decisions is the Supreme Court, the common-law judges who form its staff are not required to have any formal training in the Sharia penal code and as such, experts on Islamic law often advise them.<sup>224</sup>

### 6.2.2 Capacity

Judges of state courts are appointed by state governors and, as with federal courts, the NJC is the prime advisory body in this regard. Whereas on the federal level it is advised by the FJSC, on the state level it is advised by a state Judicial Service Commission (JSC) in each state. A state JSC has eight members: three judicial members (the Chief Judge of the state and two other judges); the Attorney-General of the state; two qualified legal practitioners; and two members appointed by the Governor. The appointment of a chief judge of a state must be confirmed by the House of Assembly of that state.<sup>225</sup>

As with federal court judges, the number of years a judge has been called to the Bar is a determining factor in his appointment at state level (including Sharia courts and customary courts). Different years apply for different judicial appointments.<sup>226</sup>

The disciplinary and removal processes are consistent in every way with those on a federal level (see previous chapter). The only difference is that judges who are heads of a state court are removed by the president acting on an address supported by a two thirds majority of the relevant state House of Assembly.<sup>227</sup>

As with federal court judges, the training of state court judges is provided primarily by the NJI (see Sections [6.1](#) and [6.1.2](#)).

Specific accounts however mention over 22 000 cases pending in courts in Cross River State in late 2017, including motions, civil and criminal cases<sup>228</sup>, and over 500 cases of financial crime pending before the high court of Lagos State in early 2018.<sup>229</sup> As of 16 July 2018, of the total prison population (73 631), 68.1 % were pre-trial detainees.<sup>230</sup>

### 6.2.3 Integrity

As mentioned in the previous chapter on federal courts, the Nigerian judiciary is described by sources as suffering from corruption, political interference and lack of training, amongst other things. Again,

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<sup>222</sup> Australia, DFAT Country Information Report Nigeria, 9 March 2018, [url](#), p. 30; US DoS, 2017 Report on International Religious Freedom – Nigeria, 29 May 2018, [url](#); US DoS, Country Report on Human Rights Practices 2017 – Nigeria, 20 April 2018, [url](#)

<sup>223</sup> Australia, DFAT Country Information Report Nigeria, 9 March 2018, [url](#), p. 30; Yemisi Dina, et al., UPDATE: Guide to Nigerian Legal Information, November/December 2015, [url](#)

<sup>224</sup> US DoS, Country Report on Human Rights Practices 2017 – Nigeria, 20 April 2018, [url](#)

<sup>225</sup> van Zyl Smit, J., The Appointment, Tenure and Removal of Judges under Commonwealth Principles, 2015, [url](#), p. 176

<sup>226</sup> Nigeria, Constitution of the Federal Republic of Nigeria, 1999, n.d., [url](#)

<sup>227</sup> van Zyl Smit, J., The Appointment, Tenure and Removal of Judges under Commonwealth Principles, 2015, [url](#), p. 176-177

<sup>228</sup> Daily Post, Over 22,000 cases pending in Cross River courts, 22 September 2017, [url](#)

<sup>229</sup> Sahara Reporters, 500 Financial Crimes Cases Pending In Lagos Courts, Says Lagos State Chief Judge, 1 February 2018, [url](#)

<sup>230</sup> WBF, Nigeria, n.d., [url](#)

lower level (i.e. local) courts are usually specified as the most affected, and it is not mentioned whether and to what extent these issues apply to state courts and their officials.<sup>231</sup>

State judges can be removed from office in the same manner and under the same circumstances as federal judges.<sup>232</sup> See Section [6.1.3](#).

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<sup>231</sup> Australia, DFAT Country Information Report Nigeria, 9 March 2018, [url](#), p. 30; UNODC, Corruption in Nigeria, 31 July 2017, [url](#), p. 7; US DoS, Country Report on Human Rights Practices 2017 – Nigeria, 20 April 2018, [url](#)

<sup>232</sup> van Zyl Smit, J., The Appointment, Tenure and Removal of Judges under Commonwealth Principles, 2015, [url](#), pp. 176-177

# 7. National Human Rights Commission (NHRC)

## 7.1 General

The NHRC was established by the National Human Rights Commission (Amendment) Act of 1995, as amended by the NHRC Act of 2010. Pursuant to this law, it is an independent extrajudicial mechanism, the purpose of which is to promote, protect, and enforce human rights in Nigeria. As such, the NHRC's mandate covers investigating allegations of human rights abuses and publishing periodic reports detailing its findings, including torture and poor prison conditions. It also conducts campaigns to raise the awareness on human rights issues.<sup>233</sup>

The commission states that 'there has been a high level of compliance with the decisions of the commission by alleged violators of human rights since its establishment in 1995.' The NHRC (Amendment) Act, 2010 provides that 'decisions of the commission's Governing Council are registrable as decisions of the High Court.'<sup>234</sup> The US DoS 2017 report notes: 'In practice, however, the commission served more of an advisory, training, and advocacy role. During the reporting period, there were no reports its investigations led to accountability.'<sup>235</sup>

The activities of the NHRC are summarised on its website as follows:

'Since its establishment the Commission has demonstrated an expansive capacity to tackle issues of human rights through various activities, ranging from public enlightenment and education, investigation of complaints, mediation and conciliation, conflict resolution, peace building, research advocacy and training programmes on contemporary issues in the field of human rights. These were given effect through an effective complaint treatment mechanism, regular hosting of enlightenment seminars, workshops, rallies and continuous reengineering of strategies which culminated in the National Action Plan (NAP) for the promotion and protection of human rights.'<sup>236</sup>

The NHRC is headed by the Executive Secretary, who is the chief executive officer and a member/secretary of the governing council of the commission. The Executive Secretary coordinates and implements the decisions of the council through the council secretariat, and also coordinates the activities of the departments, units, zonal and state offices.<sup>237</sup> The Executive Secretary is nominated by the president, confirmed by the Senate, and subsequently appointed by the president. The current Executive Secretary is Anthony Okechukwu Ojukwu, who was appointed to office in late April 2018 for an initial five-year term.<sup>238</sup> From December 2016 until Ojukwu's appointment, the NHRC was without an executive secretary, which, according to the US State Department, significantly hampered its effectiveness.<sup>239</sup>

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<sup>233</sup> ACCESS Facility, National Human Rights Commission of Nigeria, last edited July 2015, [url](#); US DoS, Country Report on Human Rights Practices 2017 – Nigeria, 20 April 2018, [url](#), p. 9

<sup>234</sup> Nigeria, NHRC, Activities of the Commission, n.d. [url](#)

<sup>235</sup> US DoS, Country Report on Human Rights Practices 2017 – Nigeria, 20 April 2018, [url](#), p. 9

<sup>236</sup> Nigeria, NHRC, Activities of the Commission, n.d. [url](#)

<sup>237</sup> Nigeria, NHRC, Annual Report 2017, 6 August 2018, [url](#), p. 6

<sup>238</sup> Daily Trust, Ojukwu resumes at NHRC, promises speedy investigation of human rights cases, 3 May 2018, [url](#); Vanguard, Buhari approves appointments into NERC, NHRC, others, 26 April 2018, [url](#); Vanguard, Senate confirms NHRC boss, NERC chairman, 17 April 2018, [url](#)

<sup>239</sup> US DoS, Country Report on Human Rights Practices 2017 – Nigeria, 20 April 2018, [url](#)

Administratively, the commission consists of the Office of the Executive Secretary, 13 departments and four units. The units are Protocol and Media Relations, Information and Communication Technology, Audit, and Budget. The departments are<sup>240</sup>:

- Human Resource Management;
- Human Rights Institute;
- Conflict Prevention, Ethics and Good Governance;
- Legal Services and Enforcement;
- Protection and Investigation;
- Monitoring Department;
- Finance and Accounts;
- Human Rights Education and Promotion;
- Planning, Statistics and Documentation;
- Reform Co-ordination and Service Improvement;
- Corporate Affairs and External Linkages;
- Field Offices;
- Procurement.

The NHRC has six zonal offices and 24 state offices. Zonal offices represent Nigeria's six geopolitical zones, i.e. North West, North East, North Central, South West, South East and South South, and are headed by zonal coordinators. State offices are located in the states of Adamawa, Akwa Ibom, Anambra, Benue, Cross River, Edo, Ekiti, Gombe, Imo, Kaduna, Katsina, Kwara, Nassarawa, Niger, Ondo, Osun, Sokoto, Enugu, Kano, Lagos, Maiduguri, Port Harcourt, Jos and Abuja, FCT (Metropolitan Office). Offices in the remaining 12 states are to be established in due course.<sup>241</sup> The NHRC's 2018 budget proposal states the need to construct seven new state offices suitable for its operations.<sup>242</sup>

A complaint at the NHRC can be filed by 'any and all people in Nigeria whose human rights have been violated, or by their agents.' A claim can be submitted in writing, electronically, or orally. A written claim is to be addressed to the NHRC's Executive Secretary and sent to any of the 24 NHRC offices located across the country (see list below). An electronic complaint can be either forwarded by email or submitted electronically online via the NHRC website. Oral complaints can be submitted to a representative of the commission at one of its offices, and the officer/representative in question must transfer it into writing. The complaint must then be signed or thumb-printed by the victim or his agent. To be admissible, the complaint must contain the full names and contact address of the complainant and the body of persons against whom it is made, full particulars and the facts in its support, as well as the relief sought.<sup>243</sup>

Complaints of police misconducts can be reported to the NHRC's Public Complaint Rapid Response Unit, which is available 24/7 via telephonic and electronic channels.<sup>244</sup>

## 7.2 Capacity

According to the NHRC's budget proposal for 2018, the commission annually receives a minimum of one million complaints of human rights violations, and a total of not less than five billion Naira would be needed to investigate and treat these. For 2018, the NHRC has been appropriated with 3 billion

<sup>240</sup> Nigeria, NHRC, Annual Report 2017, 6 August 2018, [url](#), pp. viii-ix

<sup>241</sup> Nigeria, NHRC, The Commission, n.d., [url](#)

<sup>242</sup> Nigeria, NHRC, 2018 Budget Proposals, 24 July 2018, [url](#), p. 6

<sup>243</sup> ACCESS Facility, National Human Rights Commission of Nigeria, last edited July 2015, [url](#)

<sup>244</sup> Vanguard, NHRC begins audit of police detention cells in Nigeria, 14 June 2018, [url](#)

Naira, in contrast to 1.2 billion Naira in 2017. The commission's justification for a proposed budget increase suggests a severe lack of capacity and resources to effectively address the high amount of complaints received annually. It notes: 'The capacity and resources required to monitor, investigate and provide redress for victims on this volume of complaints, timely and efficiently can only be imagined.'<sup>245</sup>

The aforementioned lack of finances affects, amongst other things, the NHRC's facilities. The South South Zonal Office in Port Hartcourt was demolished for structural deflection and is being reconstructed, the Lagos Zonal Office is at the risk of collapse due to dilapidated condition, and the South West Zonal Office operates from a rented property for the same reasons. The remaining four zonal offices are in urgent need of rehabilitation due to their age. NHRC facilities also reportedly lack appropriate information and communications technology infrastructure.<sup>246</sup>

According to its annual report, in 2017 the NHRC successfully investigated and concluded 576 742 complaints out of a total number of 1 081 126 admissible complaints received within that year, while being unable to conclude 504 384 complaints by the year's end. These were carried over to 2018.<sup>247</sup> The US DoS 2017 human rights report states that in practice, despite its mandate, 'the commission served more of an advisory, training, and advocacy role' and 'there were no reports its investigations led to accountability.'<sup>248</sup>

As visible from the table below, most complaints in 2017 concerned women/gender rights, rights of the child, civil and political rights, and economic, social, and cultural rights. The highest numbers of complaints were registered by the Abuja office (124 522), followed by offices in Lagos (86 716), Kano (85 081), and Enugu State (74 698). More than 60 000 complaints were also registered in Rivers (69 816), Borno (62 836), and Plateau State (60 551).<sup>249</sup>

Women/Gender Rights	Rights of the Child	Civil and Political Rights	Economic, Social, and Cultural Rights	Discrimination
258 078	225 830	165 543	165 471	59 492
Environmental Rights	Ethnic/Religious/Communal Clashes	Protection of IDPs	Others	Total
43 356	65 595	57 166	40 595	1 081 126

### 7.3 Integrity

According to DFAT, the NHRC has not been an effective mechanism for investigating police misconduct, and instances of police abuse are rarely investigated and perpetrators are infrequently held to account in Nigeria.<sup>250</sup>

While the NHRC can and does conduct prison audits, according to the 2017 human rights report published by the US DoS, despite expressing 'willingness and ability to investigate credible allegations of inhuman conditions', the commission has not publicly released an audit report since 2012<sup>251</sup>, a fact

<sup>245</sup> Nigeria, NHRC, 2018 Budget Proposals, 24 July 2018, [url](#), p. 1

<sup>246</sup> Nigeria, NHRC, 2018 Budget Proposals, 24 July 2018, [url](#), pp. 6-7

<sup>247</sup> Nigeria, NHRC, Annual Report 2017, 6 August 2018, [url](#), p. 169

<sup>248</sup> US DoS, Country Report on Human Rights Practices 2017 – Nigeria, 20 April 2018, [url](#)

<sup>249</sup> Nigeria, NHRC, Annual Report 2017, 6 August 2018, [url](#), pp. 173-174

<sup>250</sup> Australia, DFAT Country Information Report Nigeria, 9 March 2018, [url](#), p. 30

<sup>251</sup> US DoS, Country Report on Human Rights Practices 2017 – Nigeria, 20 April 2018, [url](#)

that is explained by the NHRC as a consequence of the aforementioned insufficient funding.<sup>252</sup> In June 2018, the NHRC received the permission to commence an audit of detention cells in all police commands and formations in Nigeria, including those of the SARS.<sup>253</sup>

Throughout 2017, it was unclear whether the NHCR was allowed to monitor hearings with terror suspects detained by the military.<sup>254</sup> In July 2018, NHRC stated it will investigate 'all genuine cases of sharp [sic] practices' - meaning fraudulent activities in the provision of food and other relief items to IDPs - in Nigerian IDP camps.<sup>255</sup>

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<sup>252</sup> Nigeria, NHRC, 2018 Budget Proposals, 24 July 2018, [url](#), p. 12

<sup>253</sup> Nigerian Tribune, NHRC to carry out nationwide audit of detention centres, 21 June 2018, [url](#); Vanguard, NHRC begins audit of police detention cells in Nigeria, 14 June 2018, [url](#)

<sup>254</sup> US DoS, Country Report on Human Rights Practices 2017 – Nigeria, 20 April 2018, [url](#)

<sup>255</sup> Premium Times, Nigeria: NHRC to Investigate Alleged Fraudulent Activities in IDP Camps, 26 July 2018, [url](#)

## 8. Public Complaints Commission – The Nigerian Ombudsman

### 8.1 General

The Public Complaints Commission (PCC), Nigeria’s ombudsman, was created to address complaints by the public (i.e. citizens or residents in Nigeria) against administrative injustice, arising from administrative bureaucratic errors, omission or abuse by government officials, or limited liability companies in the country. Established by the Public Complaints Commission Act in 2004, the commission’s self-stated primary function is to provide impartial investigation on behalf of the aggrieved complainants.<sup>256</sup> Complaints may deal with a variety of issues, such as unjust and indefinite suspension and interdiction, loss of postal documents or parcel by courier companies, or difficulty in getting insurance companies to pay claims.<sup>257</sup>

The PCC is independent of government bureaucracy, yet has ‘extensive powers regarding confidentiality and access to all government information, which includes the production of documents that can aid the ombudsman’s investigation.’ The PCC can enforce compliance in order to obtain the necessary information.<sup>258</sup> The PCC’s mandate covers the investigation of MDAs, private companies, their officials, and court procedures.<sup>259</sup> Investigations can be carried out by each of the PCC’s commissioners (see below) not only based on a lodged complaint, but also on their own initiative, and can deal with any administrative action taken by any federal or state level institutions, local government authorities, government-affiliated company/public institution, and their officers or servants. Certain matters cannot be investigated.<sup>260</sup>

Complaints investigations are provided at no cost to both the complainant and respondent (i.e. citizen and non-citizen resident in the country), and are treated with confidentiality.<sup>261</sup> Complaints can be lodged in writing (which must be signed by the complainant before a duplicate is submitted to the PCC), but also by post, email, via an online form or the PCC’s Facebook and Twitter accounts.<sup>262</sup> For proximity reasons, the complaints are forwarded to the nearest state or area office where the action took place. The information provided in a complaint should include names and contact information of the parties involved, details of the complaint and relevant evidence.<sup>263</sup>

The PCC is headed by a chief commissioner and has offices in each of the 36 states of Nigeria and the FCT, as well as five area offices in each state. Each state has its own commissioner (state commissioner) representing the PCC.<sup>264</sup> The PCC’s current Chief Commissioner, Chile Igbawua, was inaugurated in May 2018 along with the other commissioners.<sup>265</sup>

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<sup>256</sup> Public Complaints Commission, The Nigerian Ombudsman, About, n.d., [url](#); Premium Times, Nigeria’s Ombudsman shuts down, unable to pay salaries, 20 October 2016, [url](#)

<sup>257</sup> Public Complaints Commission, The Nigerian Ombudsman, Types of complaints, n.d., [url](#)

<sup>258</sup> Public Complaints Commission, The Nigerian Ombudsman, About, n.d., [url](#)

<sup>259</sup> Public Complaints Commission, The Nigerian Ombudsman, PCC Mandate, n.d., [url](#)

<sup>260</sup> Public Complaints Commission, The Nigerian Ombudsman, PCC Act, n.d., [url](#)

<sup>261</sup> Public Complaints Commission, The Nigerian Ombudsman, About, n.d., [url](#)

<sup>262</sup> Public Complaints Commission, The Nigerian Ombudsman, FAQ about Public Complaints Commission, n.d., [url](#); Public Complaints Commission, The Nigerian Ombudsman, Procedures for lodging complaint, n.d., [url](#)

<sup>263</sup> Public Complaints Commission, The Nigerian Ombudsman, Procedures for lodging complaint, n.d., [url](#)

<sup>264</sup> Public Complaints Commission, The Nigerian Ombudsman, PCC Commissioners, n.d., [url](#)

<sup>265</sup> Vanguard, Ombudsman: PCC gets new commissioners, 24 May 2018, [url](#)

Commissioners are appointed by the National Assembly for an initial period of three years, and are eligible for re-appointment for another three-year period. After the expiration of a six-year period, the commissioner must vacate his/her position. At the same time, the National Assembly can remove a commissioner from office at any time. While holding office, commissioners are not allowed to hold another office, be it in the public sphere or elsewhere. All commissioners are responsible to the National Assembly and the Chief Commissioner coordinates the work of all the other commissioners.<sup>266</sup>

The PCC's structure includes a Public Investigation Department and a Private Investigation Department, which however operate as a single one. In August 2018, it was decided that both departments would now operate separately.<sup>267</sup>

## 8.2 Capacity

A 2017 study which focuses on the efficiency of the Nigerian Ombudsman in the 2010-2015 period, particularly in Anambra State, concluded that the PCC has failed to effectively address cases of violation of fundamental human rights of public servants, and that the Ombudsman is hampered in his/her activity by undue government interference.<sup>268</sup> In October 2016, the PCC's offices nationwide were closed because of its inability to pay full salaries to its workers, after struggling with neglect on part of the government for nearly a year.<sup>269</sup>

In June 2018, the PCC agreed to cooperate on the dissemination of its activities with the Federal Radio Corporation of Nigeria.<sup>270</sup> The new PCC Commissioner of Anambra State, Prince Sam Nwosu, met with the Director of the Department of State Services – Nigeria's primary intelligence agency – Yusuf Ishaku and the Speaker of the Anambra State House of Assembly, Rita Maduwagu, in order to 'facilitate a strategic partnership that would help the commission discharge its functions smoothly', receiving assurances from their side in this regard.<sup>271</sup>

On 9 August 2018, the PCC Chief Commissioner stated that due to the lack of funds, investigation and resolution of cases in 2018 is being hindered, and that a lack of vehicles causes issues with mobility.<sup>272</sup> A day later, the 36 immediate past state commissioners of the PCC promised to support the ombudsman 'with their expertise to ensure its development'.<sup>273</sup> The same month, the Niger State PCC announced that since its beginning in 1999, it has received 23 425 cases, of which it had been able to treat 23 146. About 277 were ongoing.<sup>274</sup>

## 8.3 Integrity

In February 2018, the PCC was queried by the House of Representatives Public Accounts Committee over expenses incurred in 2013 and 2014 totalling 27.3 million Naira. The panel called the spent amount 'unjustifiable' as 'two companies hired to carry out separate contracts by the commission were paid 22 million Naira, although there was no evidence to prove that the contracts were done.'<sup>275</sup>

<sup>266</sup> Nigeria, Public Complaints Commission Act, 16 October 1975, [url](#),

<sup>267</sup> Premium Times, We've no money to work – Public Complaints Commission, 9 August 2018, [url](#)

<sup>268</sup> Osegbue, C. and Madubueze, M., 'The Ombudsman And Administration Of Justice In Nigeria; A Study Of Anambra State - 2010-2015', April 2017, [url](#)

<sup>269</sup> Premium Times, Nigeria's Ombudsman shuts down, unable to pay salaries, 20 October 2016, [url](#)

<sup>270</sup> Vanguard, PCC to collaborate with FRCN on information dissemination, 27 June 2018, [url](#)

<sup>271</sup> This Day, We Fight Corruption in Peculiar Way, Says Anambra Commissioner, 7 June 2018, [url](#)

<sup>272</sup> Premium Times, We've no money to work – Public Complaints Commission, 9 August 2018, [url](#)

<sup>273</sup> Today, Ex-commissioners to support public complaints commission, 10 August 2018, [url](#)

<sup>274</sup> Daily Trust, Public Complaints Commission resolves 23, 146 cases in Niger, 1 August 2018, [url](#)

<sup>275</sup> Daily Trust, Reps query complaints commission over N27m expenses, 2 February 2018, [url](#)



The companies in question were Ore-Ayo Global Services Limited and Yabri Njem Enterprises, which were contracted to evaluate investigation cases in the sum of 12 million Naira and 10 million Naira respectively. According to the PCC's Executive Secretary, the contracts were done. As the PCC failed to justify its expenditures, it was ultimately directed to refund the 22 million Naira and also remove officers who allegedly 'played roles in a certain foreign training exercise during which bogus amounts were claimed as expenses.'<sup>276</sup>

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<sup>276</sup> Premium Times, Financial irregularity: Reps direct PCC to refund N22 million, 2 February 2018, [url](#)

# 9. National Agency for the Prohibition of Trafficking in Persons (NAPTIP)

## 9.1 General

As implied by its name, NAPTIP is Nigeria's principal agency to combat human trafficking. It was created on 14 July 2003 by the Trafficking in Persons (Prohibition) Enforcement and Administration Act 2003, which was amended in 2005 and repealed in 2015, substituted by the Trafficking in Persons (Prohibition), Enforcement and Administration Act<sup>277</sup> (hereinafter referred to as the 2015 Act).

NAPTIP's main tasks are to suppress human trafficking, investigate and prosecute its perpetrators and offer a range of protection services to victims of the crime, including temporary sheltering, counselling, rehabilitation, reintegration and access to justice.<sup>278</sup> Foreign victims have access to the same services as domestic victims.<sup>279</sup> NAPTIP is present in nine zonal commands<sup>280</sup>, which are in turn responsible for all 36 states of the country (see below: Structure and staff) and the Federal Capital Territory.<sup>281</sup> Specifically, the Agency has the power to<sup>282</sup>:

- 'Investigate whether any person, body or entity has committed an offence under this [2015] Act or the offence of trafficking under any other law.
- Enter into any premises, property or conveyance for the purpose of conducting searches in furtherance of its functions under this Act or under any other law.
- Arrest, detain and prosecute offenders under this Act or any other law on trafficking in persons in Nigeria.
- Trace, seize, detain or retain the custody, for the purpose of investigation and prosecution, of any property which the Agency reasonably believes to have been involved in or used in the commission of offences under this Act or any other law.
- Seal up premises upon reasonable suspicion of such premises being involved with or used in connection with offences under this Act.
- Seek and receive information from any person, authority, corporation or company without hindrance in respect of the enforcement of any of the provisions of this Act.'

### 9.1.1 Appointment of the governing board

The 2015 Act establishes a part-time governing board consisting of a board chairman, two representatives of civil society organisations involved in matters relating to trafficking in persons, and a representative from each of the seven following institutions or agencies: the Federal Ministry of Justice, Federal Ministry of Women Affairs, Federal Ministry of Labour and Productivity, Nigeria Police Force, National Intelligence Agency, Nigeria Immigration Service, and the National Planning Commission. The Director General is also the Chief Executive Officer and Chief Accounting Officer of NAPTIP and serves as the Secretary to the Board.<sup>283</sup>

<sup>277</sup> Nigeria, NAPTIP, About Us, n.d., [url](#)

<sup>278</sup> Nigeria, NAPTIP, About Us, n.d., [url](#); NAPTIP, Counselling and Rehabilitation, n.d., [url](#)

<sup>279</sup> US DoS, 2018 Trafficking in Persons Report – Country Narratives – Nigeria, 28 June 2018, [url](#)

<sup>280</sup> Nigeria, NAPTIP, Organizational Structure, n.d., [url](#)

<sup>281</sup> Nigeria, NAPTIP, Zonal Commands, n.d., [url](#)

<sup>282</sup> Nigeria, NAPTIP, About Us, n.d., [url](#)

<sup>283</sup> Nigeria, NAPTIP, Organizational Structure, n.d., [url](#)

According to the 2015 Act, the chairman and other members of the board are appointed by the president on the recommendation of the minister of justice. Members of the board, including the chairman, serve a four-year term in office and may be re-elected for another term of four years and no more.<sup>284</sup>

### 9.1.2 Structure and staff

NAPTIP is supervised by the Federal Ministry of Justice. According to its website, it consists of eight specialised departments (Investigation and Monitoring, Legal and Prosecution, Counselling and Rehabilitation, Public Enlightenment, Research and Programmes Development, Training and Manpower Development, Administration, Finance and Accounts), five units (Procurement, Press and Public Relations, Intelligence and International Cooperation, Audit, Reforms), and has nine zonal commands covering the country's geopolitical zones.<sup>285</sup>

The zonal commands are located in Lagos, Benin, Enugu, Uyo, Sokoto, Kano, Maiduguri, Osogbo and Makurdi, and the Agency also has a liaison office in Port Hartcourt.<sup>286</sup> Lagos Command covers Lagos, Ogun and Oyo States<sup>287</sup>; Benin Command covers Edo and Delta States<sup>288</sup>; Enugu Command covers Abia, Anambra, Ebony, Imo and Enugu States<sup>289</sup>; Uyo Command covers Akwa Ibom, Bayelsa, Cross River and Rivers States<sup>290</sup>; Sokoto Command covers Sokoto, Kebbi and Zamfara States<sup>291</sup>; Kano Command covers Kano, Kaduna, Katsina, Jigawa and Bauchi States<sup>292</sup>; Maiduguri Command covers Adamawa, Borno, Gombe, Taraba and Yobe States<sup>293</sup>; Osogbo Command covers Osun, Ondo and Ekiti States<sup>294</sup>; and Makurdi Command covers the states of Benue, Kogi, Nassarawa, Plateau, Taraba and Kwara.<sup>295</sup>

Among NAPTIP's departments, the arguably most relevant ones in relation to protection are the Counselling and Rehabilitation department and the Investigation and Monitoring department. The Counselling and Rehabilitation department collaborates with relevant government ministries, agencies, NGOs and development partners. It is divided into four sections and two units: the Programme Development Section (programme development, policy formulation and mainstreaming gender in NAPTIP's activities); Rehabilitation Section (direct assistance to trafficked persons, including counselling and rehabilitation); Shelter Management Section (day-to-day operation of the shelter facilities); NGO Section (coordination of relationship between NAPTIP and relevant NGOs); Medical Unit (medical care for the victims and coordination of relationship with other healthcare service providers); and Coordination Unit (coordinates and documents all the activities of the department).<sup>296</sup>

The Investigation and Monitoring Department handles the investigations of cases of human trafficking for sexual or labour exploitation and violence against persons. Aside from its director and regular officers, its personnel include seconded officers from the National Police Force, the Nigeria Immigration Service, Defence Intelligence Agency and Nigeria Security and Civil Defence Corps. NAPTIP's zonal commands each have a functional investigation unit and are manned by an investigation officer (Head of Operation) supervised by the zonal commander, who in turn reports to

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<sup>284</sup> Nigeria, Trafficking in Persons, (Prohibition) Enforcement and Administration Act, 2015, 30 March 2015, [url](#), Art. 3 (3)

<sup>285</sup> Nigeria, NAPTIP, Organizational Structure, n.d., [url](#)

<sup>286</sup> Nigeria, NAPTIP, Organizational Structure, n.d., [url](#)

<sup>287</sup> Nigeria, NAPTIP, Lagos Command, n.d., [url](#)

<sup>288</sup> Nigeria, NAPTIP, Benin Command, n.d., [url](#)

<sup>289</sup> Nigeria, NAPTIP, Enugu Command, n.d., [url](#)

<sup>290</sup> Nigeria, NAPTIP, Uyo Command, n.d., [url](#)

<sup>291</sup> Nigeria, NAPTIP, Sokoto Command, n.d., [url](#)

<sup>292</sup> Nigeria, NAPTIP, Kano Command, n.d., [url](#)

<sup>293</sup> Nigeria, NAPTIP, Maiduguri Command, n.d., [url](#)

<sup>294</sup> Nigeria, NAPTIP, Osogbo Command, n.d., [url](#)

<sup>295</sup> Nigeria, NAPTIP, Makurdi Command, n.d., [url](#)

<sup>296</sup> Nigeria, NAPTIP, Counselling and Rehabilitation, n.d., [url](#)

the Director General. The Department has other units and sub-units, namely the National Monitoring Centre responsible for Call Centre and Data Processing, Asset and Financial Investigation, Surveillance, Forensics, Detention and Release, Exhibits, Security and Squads.<sup>297</sup>

## 9.2 Capacity

NAPTIP employs various methods for its investigations, such as proactive investigation, reactive investigation, disruptive operations, surveillance and joint operations and other intelligence cooperation mechanisms.<sup>298</sup>

The US DoS 2018 report on human trafficking mentions that during its reporting period (April 2017 to March 2018), NAPTIP received significantly more funding from the government, its budget raised by 86 % over the previous year.<sup>299</sup> Despite this increase, the report states that the agency did not have sufficient resources given the scale of the problem. For example, NAPTIP did not have resources to carry out sufficient proactive anti-trafficking operations, and its officers were often concentrated in state capitals, thereby hindering identification and investigation of trafficking in rural areas.<sup>300</sup>

In 2017, the government allocated approximately 3.14 billion Naira (approximately EUR 7.5 million) to NAPTIP. This represented a significant increase from the 1.69 billion Naira (approximately 4.0 million EUR) allocated in 2016. Although NAPTIP is mandated to care solely for victims of crimes under the 2015 anti-trafficking law, the government often referred victims of other crimes to NAPTIP as well, thereby reducing its capacity to care for trafficking victims.<sup>301</sup>

NAPTIP's headquarters in Abuja and all the zonal commands have transit shelters for the purpose of 'catering to the physical and psychological well-being of victims of trafficking.'<sup>302</sup> While NAPTIP's website only lists eight such shelters<sup>303</sup>, the US DoS 2018 trafficking report states that NAPTIP operates ten shelters (i.e. corresponding to the number of zonal commands plus Abuja) which have a total capacity of 315 people.<sup>304</sup> The maximum length of stay in shelters is six weeks. If a longer stay is required, the person is referred to the shelters owned by collaborating NGOs.<sup>305</sup>

Continued reports of sexual exploitation of IDPs in the north-east in 2017 led NAPTIP to partner with an international organisation to create and implement a screening and sensitization campaign to identify sex trafficking victims.' Although NAPTIP prosecutors regularly sought restitution in trafficking cases, the Agency did report that it would not successfully receive restitution for victims in any cases. This was reportedly mainly because judges were 'unfamiliar with that provision of the anti-trafficking law'.<sup>306</sup>

A new Director General of NAPTIP, Barrister Julie Okah-Donli, was appointed in April 2017 and NAPTIP continued to lead government efforts to combat trafficking, as well as drafting a 2018-2023 national action plan and awareness campaigns at schools, churches, and transit centres. It also 'significantly expanded' media outreach via television and radio to educate the public on the issue of human trafficking.<sup>307</sup> To tackle the rise of trafficking of Nigerian women and girls to Europe in 2017, NAPTIP

<sup>297</sup> Nigeria, NAPTIP, Investigation and Monitoring, n.d., [url](#)

<sup>298</sup> Nigeria, NAPTIP, Investigation and Monitoring, n.d., [url](#)

<sup>299</sup> US DoS, 2018 Trafficking in Persons Report – Country Narratives – Nigeria, 28 June 2018, [url](#)

<sup>300</sup> US DoS, 2018 Trafficking in Persons Report – Country Narratives – Nigeria, 28 June 2018, [url](#)

<sup>301</sup> US DoS, 2018 Trafficking in Persons Report – Country Narratives – Nigeria, 28 June 2018, [url](#)

<sup>302</sup> Nigeria, NAPTIP, Organizational Structure, n.d., [url](#)

<sup>303</sup> Nigeria, NAPTIP, Counselling and Rehabilitation, n.d., [url](#)

<sup>304</sup> US DoS, 2018 Trafficking in Persons Report – Country Narratives – Nigeria, 28 June 2018, [url](#)

<sup>305</sup> Nigeria, NAPTIP, Counselling and Rehabilitation, n.d., [url](#)

<sup>306</sup> US DoS, 2018 Trafficking in Persons Report – Country Narratives – Nigeria, 28 June 2018, [url](#)

<sup>307</sup> Nigeria, NAPTIP, New NAPTIP Boss Assumes Office, 5 August 2017, [url](#); US DoS, 2018 Trafficking in Persons Report – Country Narratives – Nigeria, 28 June 2018, [url](#)

began stepping up efforts in October 2017 (being backed with a 7 million pound aid package from the UK's foreign aid department in December), mainly via more aggressive awareness campaigns and by rewarding whistleblowers with shares of traffickers' gains.<sup>308</sup>

The summary report for 2017 states that NAPTIP received in total 876 cases that year, 148 of which (16.9 %) were fully investigated. Most received cases concerned foreign travel promoting prostitution (217), child domestic labour employment (161) and procurement of persons for sexual exploitation (120).<sup>309</sup> According to the US DoS, during the period from April 2017 to March 2018, NAPTIP received 662 cases for investigation, completed 116 investigations, prosecuted at least 43 suspects in 43 cases, and convicted 26 traffickers, compared with 654 cases for investigation, 24 prosecutions, and 23 convictions the previous 12 months. Although NAPTIP reportedly investigated two cases of sexual exploitation of IDPs, which were identified through NAPTIP's sensitisation and screening campaign, NAPTIP was unable to investigate or prosecute accusations of trafficking perpetrated by military or law enforcement personnel. Both NAPTIP and the police reported addressing the crime of using child soldiers was not within their mandates.<sup>310</sup>

The total number of received cases since the Agency's inception<sup>311</sup> till the end of 2017 reached 5 496. Moreover, during that period, 1 890 victims, predominantly females, were rescued (raising the total to 12 360), 1 799 of which originated from Nigeria, mainly from Edo State (353 – 19.6 %), Delta State (189) and Benue State (118).<sup>312</sup>

According to a July 2018 statement by NAPTIP, at least 41 persons countrywide have been convicted in the past one year for various forms of human trafficking and 359 people have been convicted over NAPTIP's 15 years of operation. More than 3 500 Nigerians were rescued from Libya over the same period. Despite making 'thousands of arrests' in the last 15 years, many investigations and prosecutions are still ongoing.<sup>313</sup> NAPTIP also stated that since its inception, it has rescued about 5 000 victims of human trafficking, with some 500 in 2018 alone in the Benin Zonal Command covering Edo and Delta States. Around 3 500 human trafficking victims were rescued during covert operations in this zonal command between 2003 till December 2017.<sup>314</sup>

In 2017, NAPTIP penalised and referred three exploiters for prosecution, despite identifying 606 child labour violations that year.<sup>315</sup>

### 9.3 Integrity

In November 2017, NAPTIP inaugurated the five-member Anti-Corruption and Transparency Unit (ACTU), which has existed in the agency since 2009 and is part of the Reforms Unit.<sup>316</sup> The ACTU's mandate it 'to among other responsibilities ensure zero tolerance to corruption practices by the officers of the agency, monitor reports on and proper advice with respect to compliance with the prohibitions covering corrupt behaviour.'<sup>317</sup>

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<sup>308</sup> VOA, Nigeria Ramps Up Crusade Against Human Trafficking, 5 December 2017, [url](#)

<sup>309</sup> Nigeria, NAPTIP, 2017 Data Analysis Final, June 2018, [url](#), p. 2

<sup>310</sup> US DoS, 2018 Trafficking in Persons Report – Country Narratives – Nigeria, 28 June 2018, [url](#)

<sup>311</sup> NAPTIP was created in 2003.

<sup>312</sup> Nigeria, NAPTIP, 2017 Data Analysis Final, June 2018, [url](#), p. 2

<sup>313</sup> Guardian, The, 41 persons convicted for human trafficking offences – NAPTIP, 30 July 2018, [url](#); Guardian, The, 'NAPTIP convicted 359 human traffickers in 15 years, rescued 3,500 from Libya, 31 July 2018 [url](#)

<sup>314</sup> Vanguard, 3, 500 victims of human trafficking rescued by Naptip, 11 April 2018, [url](#); Vanguard, We've rescued over 500 human trafficking victims in Edo – NAPTIP, 31 July 2018, [url](#)

<sup>315</sup> US DoS, 2018 Trafficking in Persons Report – Country Narratives – Nigeria, 28 June 2018, [url](#)

<sup>316</sup> Leadership, NAPTIP Inaugurates 5man Anti-Corruption Unit, 29 November 2017, [url](#); NAPTIP, Reforms Unit, n.d., [url](#)

<sup>317</sup> Leadership, NAPTIP Inaugurates 5man Anti-Corruption Unit, 29 November 2017, [url](#)

On 21 September 2018, NAPTIP announced that the Attorney-General of Justice had approved the agency's proposal to fire six officers, oblige one other officer to retire, and sanction two others for 'various offences that were inimical to the operations of the Agency'.<sup>318</sup>

According to the US DoS 2018 trafficking report, 'a foreign government reported to NAPTIP a Nigerian diplomat who attempted to secure a visa for their domestic employee by posing as a family member— an indicator of trafficking; neither NAPTIP nor the Ministry of Foreign Affairs reported conducting an investigation or taking disciplinary action against the suspect', and 'NAPTIP authorities sometimes deemed adults in prostitution, who claimed to be working voluntarily, trafficking victims and detained them in shelter facilities against their will.'<sup>319</sup>

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<sup>318</sup> Nigeria, NAPTIP, Six, 6 NAPTIP Officers Sacked For Corruption, Unprofessional Conducts, 21 September 2018, [url](#),

<sup>319</sup> US DoS, 2018 Trafficking in Persons Report – Country Narratives – Nigeria, 28 June 2018, [url](#)

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# Annex 2: Terms of Reference

## 1. Overview

- A. Constitution and state structure
- B. Sources of Nigerian law
  - a. English common law
  - b. Islamic law
  - c. Customary law
- C. Legislative reform

## 2. Nigeria Police Force

### A. General

Current legal framework, structure and authority

### B. Police capacity

Resources

Training and recruitment

Performance evaluation system (Efficiency)

Crime statistics (general criminality)

### C. Police integrity

Access to the NPF

Performance evaluation system (Integrity)

Corruption

Abuse of power, ill treatment and use of excessive force

Oversight and legal safeguards against police abuse

## 3. Nigerian Armed Forces

### A. General

Legal framework, structure and authority (specify mandate - protection of civilians)

### B. Capacity

Resources

Training and recruitment

Performance evaluation system (Efficiency)

### C. Integrity

Access to NAF

Performance evaluation system (Integrity)

Corruption

Abuse of power, ill treatment and use of excessive force

Oversight and legal safeguards against abuse

## 4. Department of Public Prosecution

### A. General

Mandate

Structure

### B. Capacity

Resources

Qualification and training

## C. Integrity

- Access to the Department of Public Prosecution
- Political independence / appointment
- Possibility to complain against a prosecutor's action
- Corruption
- Confidence / trust

## 5. Courts

### 5.1 Federal courts

#### A. General

- Structure (including levels of appeal)

#### B. Capacity

- Resources
- Appointment procedure and tenure of judges
- Training of judges
- Caseload, case allocation and backlogs

#### C. Integrity

- Independence of the judiciary
- Access to courts
- Fair trial
- Corruption
- Disciplinary system for judges
- Confidence / trust in the judiciary
- Implementation of court rulings

### 5.2. State courts

#### A. General

- Structure

#### B. Capacity

- Resources
- Appointment procedure and tenure of judges
- Training of judges
- Caseload, case allocation and backlogs

#### C. Integrity

- Access to courts
- Fair trial
- Independence of the judiciary
- Corruption
- Disciplinary system for judges
- Confidence / trust in the judiciary
- Implementation of court rulings

## 6. National Human Rights Commission (NHRC) of Nigeria

### A. General

- Mandate
- Appointment of the Executive Secretary
- Structure and staff – federal and state level

B. Capacity

Resources

Actual impact

C. Integrity

7. Public Complaints Commission – The Nigerian Ombudsman

A. General

Mandate

Appointment of the Chief Commissioner

Structure and staff – federal and state level

B. Capacity

Actual impact

C. Integrity

8. National Agency for the Prohibition of Trafficking in Persons (NAPTIP)

A. General

Mandate

Appointment of the Governing Board (including the Board Chairperson)

Structure and staff – federal and state level

B. Capacity

Actual impact

C. Integrity





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