



NIGERIA: TIME TO END IMPUNITY

**TORTURE AND OTHER VIOLATIONS BY SPECIAL
ANTI-ROBBERY SQUAD (SARS)**

**AMNESTY
INTERNATIONAL**



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GLOSSARY

WORD	DESCRIPTION
ACHPR	African Charter on Human and Peoples' Rights
ATM	Automated Teller Machine
CLO	Civil Liberties Organization.
CRU	Complaint Response Unit
DPO	Divisional Police Officer
FCT	Federal Capital Territory
FSARS	Federal Special Anti-Robbery Squad
ICCPR	International Covenant on Civil and Political Rights
IGP	Inspector General of Police
IREF	International Human Rights and Equity Foundation
IRT	Intelligence Response Team
NCAT	National Committee Against Torture
NHRC	National Human Rights Commission
NPF	Nigeria Police Force
OC	Officer in Charge
PSC	Police Service Commission
SARS	Special Anti-Robbery Squad
UDHR	Universal Declaration of Human Rights
UNCAT	UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment

1. EXECUTIVE SUMMARY

In late 2017, Nigerian human rights defenders and activists launched a massive campaign tagged #EndSARS. The campaign was aimed at drawing attention to human rights violations committed by the Special Anti-Robbery Squad (SARS), a unit of the Nigerian police tasked with fighting violent crimes such as robbery and kidnapping. Since 2014, Amnesty International has documented widespread human rights violations including extrajudicial executions, torture, and other ill-treatment, rape and extortion by officers of the SARS. Nigerians in their hundreds marched across major cities in the country, calling on the government to disband SARS, as well as to prosecute SARS officers who have perpetrated human rights violations. Through videos and photos on social media, others shared horrendous stories of SARS officers abusing their victims. The Nigerian police - after initially resorting to denial and threats towards the promoters of the campaign - finally admitted that SARS was involved in human rights violations and consequently promised reforms.

This report is based on five field research missions carried out by Amnesty International researchers in Rivers, Anambra, Enugu, Imo and Lagos States, as well as the Federal Capital Territory (FCT), between January 2017 and February 2019, and interviews carried out before and after the missions. Amnesty International researchers interviewed a total of 82 people, including victims, journalists, human rights defenders, witnesses of abuses, relatives of victims and lawyers. Most of the interviews were done in person, but some were conducted by telephone. Some names of victims and witnesses whose testimonies are included in this report have been withheld or changed, in order to protect their identities.

This report documents cases of extortion, torture and ill treatment by SARS between January 2017 and May 2020. It reveals a pattern of abuse of power by SARS officers and the consistent failure by the Nigerian authorities to bring perpetrators to justice. It highlights the deficiencies in Nigerian police accountability that contribute to, and exacerbate these violations. Amnesty international documented 82 cases between January 2017 and May 2020. Detainees in SARS custody have been subjected to a variety of methods of torture including hanging, mock execution, beating, punching and kicking, burning with cigarettes, waterboarding, near-asphyxiation with plastic bags, forcing detainees to assume stressful bodily positions and sexual violence.

Findings from our research indicate that few cases are investigated and hardly any officers are brought to justice on account of torture and other ill-treatment. In few instances where cases became public knowledge, the police authorities usually promised investigations. However, Amnesty International has found that no investigation or prosecution of perpetrators took place in any of the cases documented in this report.

The Federal Government of Nigeria has repeatedly promised to reform SARS. On 14 August 2018, the Nigerian Vice-President ordered an immediate reform of SARS, citing the widespread public outcry against their conduct, as the basis for the order. He also directed the National Human Rights Commission (NHRC) to set up a judicial panel to investigate SARS alleged unlawful activities. Hours later, the police authority announced a list of reform measures aimed at increasing SARS' public accountability for its actions. The measures include the change of name from Special Anti-Robbery Squad (SARS) to Federal Special Anti-Robbery Squad (FSARS), the appointment of high-ranking police officer to supervise the operation of FSARS and the restriction of FSARS operations to the prevention of armed robbery and kidnapping.

Despite these promises of reform and accountability for violations, this report shows that SARS officers continue to subject detainees in their custody to torture and other forms of ill-treatment with total impunity. Amnesty International believes that the ongoing impunity enjoyed by SARS officers for human rights violations points to deficiencies in policing practice and the absence of an effective police accountability system.

The Nigerian government adopted a law criminalizing torture in December 2017. However, to date, no SARS officer has been convicted of torture in a Nigerian court. Perpetrators of torture continue to act with impunity, as if they are above the law.

The report also examines the legal framework prohibiting torture and other ill-treatment in Nigeria.



Nigeria is a state party to various international treaties, including the International Covenant on Civil and Political Rights (ICCPR), the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) and the African Charter on Human and Peoples Rights. The country is obliged under these international treaties to take a wide array of measures against torture and other ill-treatment, including its prohibition in law, ensuring that complaints are investigated, bringing perpetrators to justice and providing reparations to victims.

On several occasions, Amnesty International has requested information from the Nigerian authorities concerning steps taken with regards to reported cases of torture and ill-treatment by SARS officers, but received no response.

Amnesty International is calling on the Nigerian authorities to ensure that measures are taken to immediately end the practice of torture and ill-treatment by the SARS; implement the Anti-Torture Act (2017), and ensure that all allegations of torture and other ill-treatment are promptly, thoroughly, independently and impartially investigated and, where sufficient admissible evidence exists, prosecute those suspected of criminal conduct in fair trials irrespective of their rank and status.

2. METHODOLOGY

This report is based on five field research missions carried out by Amnesty International researchers in Rivers, Anambra, Enugu, Imo and Lagos States, as well as the Federal Capital Territory (FCT), between January 2017 and February 2019, and interviews carried out before and after the missions. Amnesty International researchers interviewed a total of 82 people, including victims, journalists, human rights defenders, witnesses of abuses, relatives of victims and lawyers. Most of the interviews were done in person, but some were conducted by telephone. Some names of victims and witnesses whose testimonies are included in this report have been withheld or changed, in order to protect their identities.

Amnesty International researchers also monitored 12 days' proceedings before the Presidential Panel on SARS Reform held in Abuja, Owerri, Port Harcourt and Lagos, which lasted from September 2018 to January 2019. Amnesty International wrote to the Inspector General of Police (IGP) on three occasions between August 2018 and August 2019, requesting for a meeting to discuss our findings and to gain more insight into the ongoing reforms, but did not receive any response.

Amnesty International has managed to cross-check and verify information gathered from at least 50 photos and 20 videos it received from various sources with accounts of victims. Amnesty International wishes to thank all those who provided information for this report.

3. LEGAL FRAMEWORK

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

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

Notably, UNCAT has clarified that states' obligations include the duty to criminalise a separate offence of torture distinct from other ordinary offences, such as assault, in their domestic law.¹ Punishing acts of torture as ordinary offences tends not to reflect the gravity of the attack against fundamental values of the international community. International law is clear that an order of a superior or public authority can never be invoked as a justification for torture.² Furthermore, superior officials are guilty of complicity if they knew or ought to have known that torture was practiced by officers under their command and failed to act to prevent or stop it.³

Nigeria's Constitution, together with the Administration of Criminal Justice Act (ACJA) 2015, prohibit torture but do not criminalise it.

Section 34(1) of the Constitution states that: "Every individual is entitled to respect for the dignity of his person, and accordingly, (a) no person shall be subjected to torture or to inhuman or degrading treatment". Section 17(2) (b) adds that: "[...] human dignity shall be maintained and enhanced". The ACJA addresses some of the concerns about ill-treatment of detainees by police during detention and interview. For example, Section 8(1) provides that criminal suspects must be accorded humane treatment, having regard to the dignity of the person and that they must not be subjected to any form of torture, cruel, inhuman or degrading treatment. The ACJA also states that statements must be made in the presence of a legal practitioner of the suspect's choice. This echoes international law and standards.⁴ However, the ACJA must be adopted by the state legislature before it can take full effect in each of Nigeria's states. As at the time of writing this report, 25 out of Nigeria's 36 states have adopted the ACJA.⁵

On 27 July 2009, Nigeria launched the National Committee Against Torture (NCAT) as part of its obligation to set up national preventive mechanisms, after ratifying the UNCAT and OPCAT.⁶ However, NCAT was not created by legislation and therefore, is neither a legal body nor operationally independent, as it takes instruction from the Minister of Justice and its current members are all volunteers.⁷ The body also lacks the legal power to enforce its decisions. NCAT is currently under the Federal Ministry of Justice. The NCAT is under-resourced and has so far not been able to carry out its work effectively. A member of the committee told Amnesty International that NCAT's

1 Concluding Observations of CAT: Russian Federation, UN Doc. CAT/C/RUS/CO/5 (2012) §7; Bulgaria, UN Doc. CAT/C/BGR/CO/4-5 (2011) §8; Djibouti, UN Doc. CAT/C/DJI/CO/1 (2012) §8.

2 See Article 2(3) of the Convention against Torture; Rule 1 of the Mandela Rules; Guideline 10 of the Robben Island Guidelines; CAT General Comment 2, §26; HRC General Comment 20, §3.

3 See CAT General Comment 2, §26.

4 Human Rights Committee Concluding Observations: Ireland, UN Doc. CCPR/C/IRL/CO/3 (2008) §14, Republic of Korea, UN Doc. CCPR/C/KOR/CO/3 (2006) §14, Netherlands, UN Doc. CCPR/C/NL/CO/4 (2009) §11; See Committee Against Torture Concluding Observations: Turkey, UN Doc. CAT/C/TUR/CO/3 (2010) §11. Special Rapporteur on torture, UN Doc. E/CN.4/2003/68 (2002) §26(e).

5 See ACJA Tracker: <https://www.partnersnigeria.org/acjl-tracker/>

6 The mandate of the NCAT allows visits to places of detention in Nigeria and the investigation of complaints of torture. NCAT is composed of 19 members drawn from officials of the Federal Ministry of Justice, the Nigerian Bar Association, civil society and NGOs. The NCAT has no legal backing, but relies solely on the Federal Ministry of Justice for funding. See also Amnesty International, Nigeria: Torture in Nigeria. Stop Torture Country Profile (2014) <https://www.amnesty.org/download/Documents/4000/afr440052014en.pdf>.

7 Amnesty International Interview, Abuja 13 February 2018

yearly operational budget, which is regularly submitted to the government, has never been met.⁸

In December 2017, the Nigerian President signed into law the Anti-Torture Act. The law prohibits and criminalises the use of torture by law enforcement agencies and provides for penalties for violations. Despite continued use of torture by SARS officers, no one has been charged under the law.

Nigeria's Constitution and the Nigeria Police Force Order 237 (Rules for guidance in use of firearms by the police) provide much broader grounds for the use of lethal force than is permissible under international law and standards. The Force Order permits police officers to shoot suspects and detainees who attempt to escape or avoid arrest, "provided the offence is such that the accused may be punished with death or imprisonment for 7 years or more". Escaping custody or resisting arrest is punishable with seven years' imprisonment under Nigerian legislation⁹ which means that any person attempting to escape can be shot in Nigeria.

The United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials provides:

'Law enforcement officials shall not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.'¹⁰

Further, the Basic Principles require that superior officers are to be held responsible for the excessive use of force by their subordinate officers. Basic Principle 24 states that:

Governments and law enforcement agencies shall ensure that superior officers are held responsible if they know, or should have known, that law enforcement officials under their command are resorting, or have resorted, to the unlawful use of force and firearms, and they did not take all measures in their power to prevent, suppress or report such use.

The framework for holding officers to account is to include criminal, administrative and disciplinary sanctions.¹¹

Police Force Order 237 requires no threat of death or serious injury in order to justify the use of a firearm on a fleeing suspect. It lacks any requirement that use of a firearm is necessary to achieve the aim of apprehending the suspect, that no other less extreme measure could be used to capture them, and that the harm caused in using a firearm is proportionate. As such, Police Force Order 237 allows police officers to shoot with impunity anyone who flees, in clear contravention of international law and standards. The review process of Police Force Order 237 started in July 2015.¹² On 3 October 2019, the police IGP announced a revised version of Force Order 237, which he said was carried out in a bid to contain the misuse of firearms by policemen.

3.1 NIGERIAN ANTI-TORTURE LAW

Criminalisation of torture was only achieved on 29 December 2017, when the Anti-Torture Act came into force after the current Nigerian President, Muhammadu Buhari, finally signed the bill into law, following several years of sustained campaigning by Amnesty International and other local and international human rights organisations. Section 8 of that act states that:

Any person who commits the offence of torture as defined in Section 4 of this Act is guilty of an offence and is liable on conviction to imprisonment for a term not exceeding Twenty-Five (25) years.

The process started on 3 June 2015, when a bill intended to prohibit and criminalise the use of torture by law enforcement agencies was hurriedly passed by the 7th National Assembly, along with 45 other bills. However, in late 2015 the President returned the bill to the Senate for review. In 2016 the Nigerian Law Reform Commission redrafted the bill with inputs from Nigerian civil society organisations and it was subsequently passed by the National Assembly in early 2017.

8 Amnesty International Interview, Abuja 13 February 2018

9 Nigerian Criminal code 135(1)

10 United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Principle 9 [emphasis added]

11 Special Rapporteur on extrajudicial executions, UN Doc. A/HRC/26/36 (2014), Para 82

12 https://www.npf.gov.ng/information/pressdetails.php?news_id=388 Accessed 22 October 2019

The Act establishes far-reaching safeguards to avoid torture by law enforcement agents. The law also states that the Attorney General of the Federation and other law enforcement agencies should ensure effective implementation of the Act.¹³ This includes human rights training and education of personnel involved in the interview and treatment of any individual subjected to any form of arrest, detention or imprisonment.¹⁴

However, since the enactment of the Act, little has changed. Amnesty International research shows that SARS officers continue to use torture as a means of punishment, as well as a tool for extracting information from suspects and detainees.

13 Section 10, Anti-Torture Act, 2017

14 Section 11, Anti-Torture Act, 2017

4. PATTERN OF VIOLATIONS

Amnesty International, other human rights groups¹⁵ and UN bodies¹⁶ have, in the past, drawn attention to the pervasive use of torture and other abuses by SARS officers.¹⁷ In its report 'You have Signed Your Death Warrant' published in 2016,¹⁸ Amnesty International documented 58 cases of suspects who were tortured while in SARS custody.

Despite these reports, growing public outcry and many promises to reform SARS,¹⁹ violations by SARS officers continue. Since 2016, Amnesty International has documented at least 82 cases of torture, ill-treatment and extrajudicial executions by SARS. Most victims are young men between the ages of 18 and 35, poor and from vulnerable groups, and are tortured either to extract information and "confessions" or as punishment for their alleged offences. Amnesty International found that torture is a routine and systemic part of police investigation in SARS; that many SARS stations use designated 'torture chambers' - special interrogation rooms commonly used for torturing suspects. These are often known by different names such as "the temple" or "the theatre" and are in some cases in the charge of an officer known informally as "O/C Torture" (Officer in Charge of torture).

In numerous cases, Amnesty International saw scars, bruises, and dried blood on victims' bodies. Many of those subjected to beatings did not receive the medical care they required. In some of these cases, the violations were allegedly ordered by high-ranking officers. Despite verbal assurance from police authorities, the outfit continues to violate the rights of detainees.

4.1: PERVASIVE TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Torture and other forms of cruel, inhuman or degrading treatment or punishment are absolutely prohibited in all circumstances under international law. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture. Torture can be physical or mental.²⁰

It is not enough for states to simply prohibit and criminalise torture under national law; states must take a range of further measures to protect people and prevent these forms of violation. International human rights law and standards are a series of safeguards, which, if implemented, would reduce the isolation of detainees and maximise the opportunities for the actions of the authorities to be monitored, and to intervene, if torture is alleged. The Nigerian Constitution and other domestic laws also provide several similar safeguards for suspects.

Both international human rights law and Nigerian law also prohibit the use of statements obtained through torture or other ill-treatment.²¹

Despite these provisions, however, Amnesty International's research indicates that torture and ill-treatment remain routine practices in SARS detention centres. Amnesty International has received persistent reports of torture and other ill-treatment of detainees in SARS custody.

4.2 CASE OF MIRACLE ONWE

23-year-old Miracle was arrested in February 2017 and detained at SARS detention centres in Awkuzu and Neni in Anambra State, on the allegation of laptop theft. He told Amnesty International that he was tortured and hardly

15 See: Criminal Force: Torture, Abuse, and Extrajudicial Killings by the Nigeria Police Force: <https://www.justiceinitiative.org/publications/criminal-force-torture-abuse-and-extrajudicial-killings-nigeria-police-force>

16 See Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: <https://digitallibrary.un.org/record/613214?ln=en>

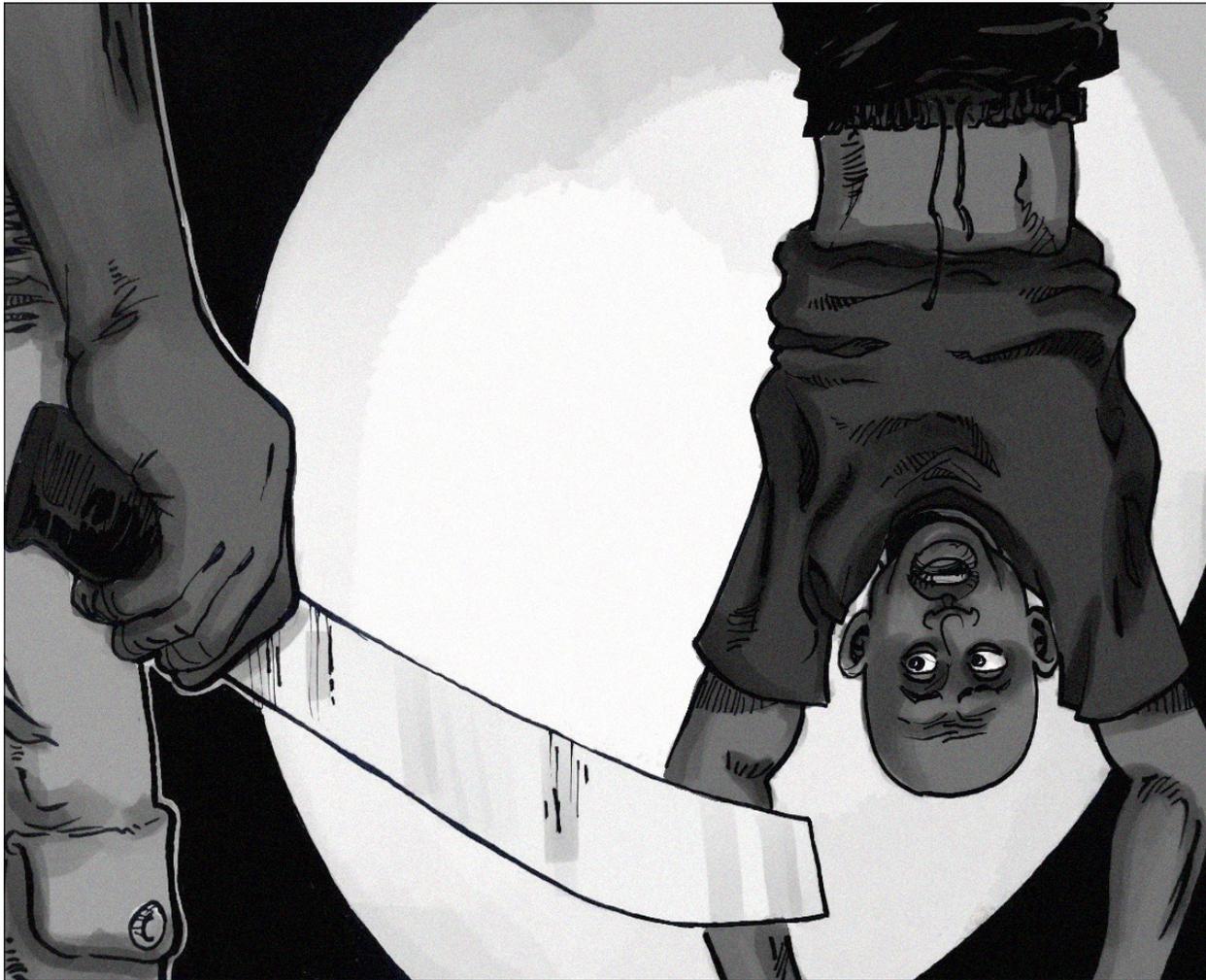
17 See Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G07/149/66/PDF/G0714966.pdf?OpenElement>

18 Nigeria: 'You have signed your death warrant' Torture and other ill treatment in the Special Anti-Robbery Squad 21 September 2016, (Index number: AFR 44/4868/2016)

19 SARS: No more human rights abuses, Police vow, The Nation 25 August, 2018, <http://thenationonlineng.net/were-giving-nigeria-an-improved-sars-say-police/>

20 UN Convention against Torture, Articles 1 and 2.

21 International human rights law including the UN Convention against Torture prohibit the use of statements obtained through torture or other ill-treatment as evidence in any proceedings. Section 28 of the Nigerian Evidence Act is similarly clear on the prohibition against using information gained from an accused person by means of inducement, threat or promise.



given any food during his 40 days in detention by SARS, before he was charged and brought before a court.

“At SARS Awkuzu ...their leader directed them to hang me. They took me to the back of the hall and tied me up with ropes. They tied my hands behind me, tied my two legs together and then tied the rope binding my hands with that around my legs behind me, causing my chest to protrude. They had two, already prepared iron stands where they hang people. They passed an iron rod through the ropes and then lifted me up by the rod and hung me from the iron stand. Then they started to use all manner of items to beat me, including machetes, sticks, inflicting me with all manner of injuries... When the first officer came to check and saw that I was almost unconscious, he went to call their team leader, who then asked them to bring me down. They dumped me inside the interrogation hall...²²

Miracle told Amnesty International that the next day, he was taken from Awkuzu to a SARS detention centre in Neni, where he was detained for 40 days. He said he was denied food and water by SARS during the course of his detention, and only managed to stay alive with the help of inmates who smuggled sachets of water into his cell at midnight. He alleged that eight of his co-detainees died of starvation during the period of his detention. Miracle was taken to court on 25 March 2017 and charged for armed robbery, but was discharged for lack of evidence. A lawyer who took up the case of Miracle told Amnesty International that he wrote the Inspector General of Police (IGP) in May 2017 asking for an investigation, but failed to get any response from the IGP.²³

²² Amnesty International interview, Onitsha, 10 October 2017

²³ Amnesty International Interview, Onitsha, 10 October 2017

4.3 CASE OF SUNDAY BANG

Sunday Bang, a 24-year-old amateur boxer, described how he was arrested at home in Abuja in October 2018, by three SARS officers and accused of robbery. He was arrested, because he had visited his girlfriend a few hours before her house was raided by armed robbers. Sunday Bang told Amnesty International that during his five weeks' detention by SARS, he was not allowed access to his relatives or a lawyer. He described his experience at SARS office in Abuja to Amnesty International:

They took me to the torture chambers the second day after my arrest. One policeman, in charge of torture, came with a bicycle/car tyre tube and a hard piece of wood. He tied my left arm with the tube. It was very painful and my arm went numb. He tied me from my palm to the end of my upper arm. They beat me with a stick and rod on my arms, knees and legs. They broke my two legs... I couldn't stand... I was bleeding from my legs and body. My blood was flowing all over the floor. I kept telling them that I was innocent of the accusation. The police officer was threatening he would shoot me, if I didn't admit that I participated in the robbery. I was very weak, because I had not eaten any food since my arrest. ²⁴

Bang told Amnesty International that his arms were specifically targeted during his torture, to ensure that he would no longer be able to use them to box. Three weeks after his arrest, the police arrested the robbers who robbed Sunday Bang's girlfriend's house, but said they would not release him until his injuries were healed, to prevent him from being able to lodge any complaint against the police. He was kept in detention for a further two weeks without access to medication. He was eventually released after his relatives paid N20, 000 (\$55).

4.4 CASE OF KOFI BARTELS

Kofi Bartels (34) is a broadcast journalist with a radio station in Port Harcourt, Rivers State. He was arrested on 4 June 2019 in Port Harcourt, when he attempted to record on his mobile phone, the beating of a young man by three SARS officers. The SARS officers took Kofi to the station, where he was detained. He described his experience at SARS office to Amnesty International:

"I was taken to a room, it looked like a detention room. It was not like a cell, but a room. My phones were confiscated. Two of the four policemen engaged in slapping me, one after the other and beating me. Another two joined in beating me up when they heard I had been filming what they had been doing. For about forty-five minutes, I was slapped. I suffered hearing loss at a point; I couldn't hear. At a point they took my shoes from me. It was quite unfortunate. I was beaten black and blue. I was not allowed to sit on a chair, I was on the floor on one leg. After a while, I was told I was going to be thrown into jail, that the beating was just the beginning. They told me they would hand me over to a male inmate who was going to have anal sex with me."

Kofi was released after news of his arrest went viral on social media. The police apologised and promised to punish the officers responsible for his torture. Kofi told Amnesty International that he was invited during an in-house trial of the policemen and asked to identify the officers who had tortured him. He is not sure if anyone was ever punished for his ordeal.²⁵

In most of the cases documented by Amnesty International, the victims were unable to report their experiences to the police authorities, because they were afraid the perpetrators might come back to victimise them. In some cases, victims of torture were expressly warned not to disclose their experiences to anyone, or they would be killed. A 27-year-old trader who was tortured at SARS Awkuzu office, told Amnesty International: "The OC²⁶ SARS told me that I should ensure that nobody hears about what happened. That if he gets information that I discussed my ordeal with anybody, they would come back and execute me."

At least 30 former detainees interviewed in the course of this research by Amnesty International said that they were held for long periods of time, sometimes for up to ten months, without being taken to court and without access to their lawyers, a doctor or family members. These are direct contraventions of the principles of a fair hearing and presumption of innocence, as guaranteed by Section 36 of the Nigerian Constitution as

²⁴ Amnesty international interview, Abuja 30 September 2018

²⁵ Amnesty International telephone interview 10 July 2019

²⁶ Officer in Charge

well as international law and standards.

SARS authorities often publicly parade some of their victims in the media, in what appears to be an effort to showcase their achievements in ‘crime fighting’. In about 80 cases documented by Amnesty International between January 2018 and May 2020, young men between the ages of 18 and 30, often seen in handcuffs with visible signs of torture, including lacerated bodies and gunshot wounds, were paraded alongside weapons allegedly recovered from them. Several local human rights organisations in Nigeria, including the Civil Liberties Organisation (CLO), Access to Justice (AJ) and International Human Rights and Equity Defence Foundation (I-REF), have protested to the police about publicly displaying suspected criminals who are yet to be convicted. This is despite the fact that there is a court ruling condemning the practice.²⁷

4.5: TARGETING MONEY AND PROPERTY

Amnesty International’s research suggests that financial gain - rather than curbing armed robbery and other forms of criminal activity - appears to be one of the motivating factors of the SARS, as they constantly raid public places frequented by young people, in order to extort money from them. Evidence collected indicates that SARS officers regularly demand bribes, steal and extort money from criminal suspects and their families. Additionally, SARS officers act outside of their legal ambit by investigating civil matters and in some cases torturing detainees involved in contractual, business and even non-criminal disputes.

Most victims of ill-treatment by the SARS are usually poor. Many are arrested by the SARS officers during large dragnet operations involving mass arrests, including raids on bars and television viewing centres, and ordered to pay a bribe to be released. Those who are unable to pay are often tortured, either as punishment or to coerce them to find the money. The alternative is to risk being labelled as an armed robber. In most cases, this occurs with the full knowledge and acquiescence of superior police officers.

Since 2016, Amnesty International has documented 15 cases where SARS officers arbitrarily confiscated the property of suspects of crime, in clear contravention of the Nigerian constitution.²⁸

Gift Ezenwa, a 32-year-old woman, told Amnesty International that her husband, Collins Ezenwa was executed by SARS on 27 January 2017 in Owerri, Imo State, after being accused of kidnapping. Her husband, a 35-year-old ex-police officer, was accused of armed robbery and kidnapping by the police. On 27 January 2018, the police paraded his dead body and the bodies of three of his associates. The police announced that they were killed during a gunfire fight with SARS officers at Owerri. Gift’s lawyer however told Amnesty international that the photo released by SARS Imo State Command suggested that the deceased persons were arrested at a police checkpoint and taken to the SARS station in Owerri, where they were executed.²⁹

Two months after the death of Collins Ezenwa, the police arrested four of his relatives and extorted various sums of money from them. One of the relatives, a 48-year-old trader, told Amnesty International that he was arrested in his village in Imo State and taken to Lagos, where he was detained for two weeks. He paid N1 million (\$2,777) to the police before he was released.³⁰

Gift also told Amnesty International how another police unit, the Intelligence Response Unit (IRT),³¹ made elaborate plans to illegally confiscate family assets, including cash, buildings and business assets.

All our vehicles have been unlawfully confiscated by the police and converted to their personal use... I saw one policeman using my car and... was driving the Sienna my husband gave his cousin... Our hotel has been taken over by the police. I was informed that our Prado jeep is being used by SARS for patrols. Our hotel is currently managed by someone appointed by the police and he renders account to the police. The hotel makes a cash turnover of about N12m every month. To ensure that I have nothing, the police went to a furniture shop at New Haven where my husband made a cash deposit of N2, 200,000. 00 for a set of house furniture and retrieved the money from them... One of my brothers was arrested and everything of value

27 Ottoh Obono v. Inspector General of Police, Suit No. FHC/CA/CS/91/2009

28 Section 44 provides that ‘No moveable property or any interest in an immovable property shall be taken possession of compulsorily and no right over or interest in any such property shall be acquired compulsorily in any part of Nigeria except in the manner and for the purposes prescribed by a law.’

29 Amnesty International Interview, 28 October 2018

30 Amnesty International Interview, Abuja 25 January 2019

31 A specialized unit within the Nigerian police charged with the responsibility of investigating high profile criminal cases.

he had, including money was taken by the police... The police have also stopped our tenants from paying rent to me. I have absolutely nothing.

The police IPO warned me to cooperate with them and comply with their instructions and not to involve lawyers in my discussions with them. He said that he knew that I was innocent, but my husband made billions within two months, that I married him for his money. That my husband must have been a kidnapper or stumbled on money, but that men who stumble on money do not display wealth like he (my husband) had done... One policeman advised me to cooperate and work with the police, so that the police would give me “something” (a token) from my late husband’s estate; that when police kill men like my husband “they must collect” (make money) or make sure that everything is wasted.³²

Amnesty International confirmed that there was no judicial order authorising the police to confiscate Ezenwa’s property until 22 September 2019, much later than the date on which the police had illegally confiscated it. Amnesty International saw a court document where the police made application for authorisation to confiscate the late Ezenwa’s assets.³³ The application was dated 10 December 2018, several months after the properties were seized. Amnesty International also saw another court order rejecting the request of the police to freeze the bank account of Collins Ezenwa. The police had approached a magistrate court, requesting an order to freeze a bank account jointly owned by the late Collins Ezenwa and his wife. The police, however, proceeded to freeze the bank account. On 14 January 2019, a police officer attached to the Intelligence Response Unit (IRT) told the presidential investigation panel on the Special Anti-Robbery Squad (SARS) that he had supervised the confiscation of Ezenwa’s property in Enugu.³⁴ He, however, failed to produce any court documents authorising the police action.³⁵ Amnesty International wrote to the Inspector General of Police in November 2018, asking for an investigation, but did not get a response. A senior police officer later informed Amnesty International that the police had started investigating the case.³⁶ Further inquiry by Amnesty International in May 2020 indicated that the investigation was still ongoing. However, none of the SARS officers involved in the killing of Ezenwa have been removed from their duties and none have been prosecuted.

Ugochukwu, a 32-year-old trader in Anambra State, told Amnesty International that SARS officers extorted N6, 000,000 (\$16,666) from him, after detaining him for six days and subjecting him to different forms of torture and other ill-treatment, including a mock execution. He disclosed to Amnesty International that SARS officers arrested him without a warrant on 30 April 2018, at his shop along Ugwunwasike in Ogidi, Anambra State. The police accused him of paying money to a criminal gang that was blackmailing him. He was taken to SARS station at Awkuzu, where SARS officers demanded from him the sum of N20, 000,000 (\$55,325) in exchange for his freedom. He recounted his experience to Amnesty International:

“...On the 5th day, they brought me out and told me that my life would end on that day, since I was refusing to cooperate with them... Four policemen blindfolded me and handcuffed me and pushed me into their car. They drove for about two hours and stopped at a particular spot. They removed my blindfold. I saw that I was beside a borrow pit inside the bush. I had no idea where we were...

They told me that my life had come to an end, as I would be executed shortly. Their leader told them that they should shoot me as soon as he gave the signal. I was crying and pleading, but they refused to listen. They all pointed their guns at me.

I heard the command to shoot and heard the sound of rapid gunshots. I passed out. When I regained consciousness, I saw that I was inside their vehicle, blindfolded. They took me back to the cell... They said I would not be so lucky the next time. I had no option but to agree to their terms.

I transferred the money using my mobile phone application and they allowed me to go. One of the officers told me that they would kill me if I revealed my ordeal at SARS to anyone, including my family members.³⁷

32 Amnesty International Telephone Interview, Abuja 29 October 2018

33 Suit Number FHC/OW/CS/180/18

34 Proceedings at the Presidential Panel on SARS, Abuja 14 January 2019

35 The police on 22 September 2019 secured a court order in SUIT No: FHC/OW/CS/180/2018 for an interim forfeiture of late Ezenwa's property,

36 Amnesty International interview, 26 January 2019

37 Amnesty international interview, Abuja. 24 July 2018

International Human Rights and Equity Foundation (IREF), a human rights organisation based in Anambra State, petitioned the Inspector General of Police on 5 July 2018, asking for an investigation. On 17 October 2018, the police investigative team summoned Ugochukwu and his lawyer to Abuja and returned the entire amount of money extorted from Ugochukwu to him. He was told that the money was recovered from the policemen who had arrested and detained him³⁸. His lawyer told Amnesty International that no disciplinary measures were taken against the SARS officers. The head of the SARS team responsible for the torture and extortion of money from Ugochukwu retired from the police force in December 2018, while the rest of the team remain at their duty posts.³⁹

Samuel Eke, a 25-year-old trader, told Amnesty International that he was arrested by SARS officers at a bar in the Okpoko area of Onitsha on 14 May, 2018 at about 7pm and detained for three days at a police station in Onitsha. He said that the same officers also arrested 35 other young men, who were detained with him.

“They accused us of being cultists (gang members) and demanded that everyone pay the sum of N10, 000. Most of the detainees’ relatives paid and they were granted bail. I was released on the third day, when a human rights activist intervened on my behalf.”⁴⁰ The human rights defender who effected Samuel Eke’s release told Amnesty International that between January 2018 and October 2018, he had intervened in the arrest of at least 70 young men between the ages of 16 and 30. He said most of the victims were picked up on the street, from a football viewing centre or a bar. They were often accused of being gang members and asked to pay money for bail.⁴¹

On 23 May 2018, Tope Bass, a 29-year-old musician, was arrested by SARS officers in the Alagbado area of Lagos, after a woman claimed she recognised him as one of the people who had robbed her a few days earlier.

“The husband (of the robbed woman) invited the SARS officers by phone. When they came, they cuffed my legs and hands and used my clothes to cover my face. They took me away with the young girl working at the shop where I was arrested. The girl was accused of hiding my loot. They took us to SARS, Ikeja. One SARS officer used a cutlass to flog me on my back. I was given about 20 blows. SARS officers collected N50, 000 (\$139) from the girl’s relatives and allowed her to go.

On the third day, they brought me out of the cell and started to torture me again. They beat me with sticks, their hands and a cutlass, and kept asking me where I kept my guns. I told them I didn’t have a gun.

When my family members came to the station, they were told that the woman who had accused me of stealing wanted me to pay her the sum of N350, 000. They also asked [my family] to pay the sum of N80, 000 to enable them to track the woman’s missing phones. SARS demanded a total of N580, 000 (\$1611) from my family. My family refused to pay. I was detained for four days before I was taken to court and charged for armed robbery. My lawyer was not informed when I was taken to court and the magistrate remanded me in prison.⁴²

Tope spent three months in prison and was released after the court struck out his case on 24 August 2018. Betty Abbah, a human rights activist who played an active part in advocating for his release, told Amnesty International that the police and the woman who accused Tope of robbery failed to attend the trial. The activist and her organisation have documented occurrences where SARS officers and collaborating members of the public had, together, framed people for the purpose of extorting money from them. The activist’s suspicion is that Tope was the victim of such a ploy.⁴³

A 58-year-old taxi driver told Amnesty International that SARS officers on a highway in Kogi State in November 2017, arrested him and his passengers, and forced them to pay N30, 000.

“We were driving from Okene to Abuja. I had four passengers with me. Before we got to Lokoja we were stopped by five armed men in a Hilux vehicle. They said they were from SARS. They said they had caught some robbers in the same type of car as ours the previous day. They searched our bodies and the car, but found nothing incriminating. They asked me to go to

38 Amnesty International Interview, 18 October 2019

39 Amnesty International Interview, Abuja 15 August 2019

40 Amnesty International Interview, Abuja 15 August 2019

41 Amnesty International Interview, Onitsha 18 October 2019

42 Amnesty International Interview, Lagos, 25 September 2018

43 Amnesty International interview with Betty Abbah, Executive Director CEE Hope, Lagos 25 September 2018

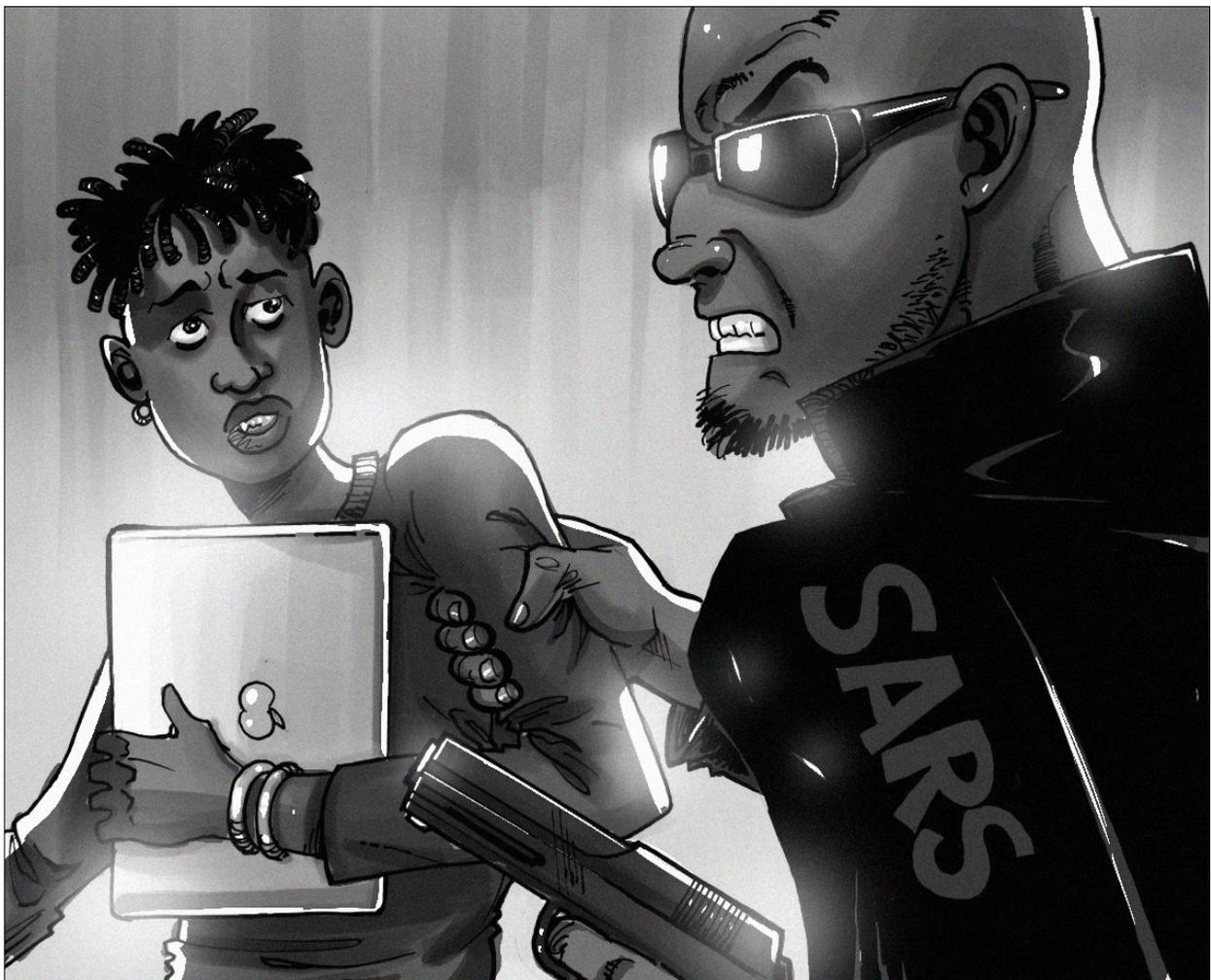
the back and sit with the other passengers, while one of them drove my vehicle. The rest of the policemen drove in their Hilux car behind us. They drove for about two hours, deep into Kogi State. Eventually, they stopped at a lonely place and asked us to come out of the car. They demanded for N50, 000 to release us. One of them said we should not waste their time, else he would execute all of us. We pleaded with them that we did not have money. When we realised that they were bent on executing us if we failed to give them the money, we all contributed all the money on us and gave [it to] them. We gave them about N30, 000. They drove us back to the Lokoja highway and asked us to go.”⁴⁴

4.6: TARGETING YOUNG PERSONS

Amnesty International research shows that young persons between the ages of 17 and 30 are at the most risk of arrest, torture or extortion by SARS. Amnesty International spoke to 20 young men during this research. They were arrested during street raids, at television viewing centres and pubs, in 2017 and 2018. According to them, SARS officers often look out for well-dressed young men, especially those in new cars. Often, these young men are accosted at roadblocks or on the streets and accused of being internet fraudsters, known as ‘Yahoo boys’ in local parlance. The young men are taken to the station and are threatened with being charged for robbery, unless they agree to pay large sums of money for bail.

Adetokunbo, a 22-year-old university student, spoke to Amnesty International about an experience he had, when he was physically attacked by four SARS officers in the Okota area of Lagos in May 2017. The attack took place after SARS officers saw him with an iPhone and consequently accused him of being a Yahoo boy (Internet fraudster).

“They held me by the trousers and when I protested and asked what my offence was, they all descended on me and started to hit me. My shorts were torn as they were trying to search my



back pocket, where I kept my wallet. They put me in handcuffs and threw me inside their car. They were beating and slapping me from different sides. I told them to check my ID card or allow me to make a call. They didn't listen to me or even check my phone. They asked who my father was that I could use an iPhone, which they could not afford. They pointed a gun at my head and said they could 'waste' me and nothing would happen... There were two other men in the car who were arrested, because the policemen saw a valid visa with them. They were making plans to travel abroad when they were arrested. The two men, who were also accused of being Internet fraudsters, were searched by the policemen and their ATM⁴⁵ cards seized. They took N70, 000 from me and took the other two men to an ATM to withdraw money... They released the two men at Oworonsoki. They took me to the 3rd Mainland Bridge and asked me to go.⁴⁶

Out of the 20 young men interviewed by Amnesty International, 15 were between the ages of 18 and 25. They told Amnesty international how they were accused of fraud and arrested by SARS officers, mostly along the street, at public viewing centres or in their homes. Amnesty International documented at least 25 cases where SARS officers raided public places, including pubs, which are frequented by young men. In many of these cases, the victims were arbitrarily arrested and detained in a cell, upon failure to pay money requested by police officers.

A 25-year-old man told Amnesty International:

"I was accosted by four SARS officers at Olu Obasanjo Way, Port Harcourt, on 2 December 2017. They took me in their vehicle and drove to the nearby police station, where the Divisional Police Officer (DPO) openly told me that if I had no cash, I should take them to the ATM to withdraw money for them. I took them to the ATM along Olu Obasanjo Way to prove that I had no money. When they saw that I had no money, I was let go."⁴⁷

4.7: TARGETING JOURNALISTS

The police authorities have often announced that SARS officers are mandated to investigate serious criminal cases involving armed robbery and kidnapping.⁴⁸ However, Amnesty International research shows that SARS officers involve themselves in other matters, including civil cases. In the cases documented by Amnesty International, senior police officers, including an Inspector General of Police (IGP), were responsible for ordering the arrest of citizens for offences that were not related to armed robbery or kidnapping.

For instance, on 1 January 2018, Tim Elombah, an online journalist and six of his family members, were arrested by 15 armed SARS officers at about 4:00am at his home in Nnewi, Anambra State. Elombah said he was detained for 25 days and subjected to several forms of ill-treatment, after he was accused of publishing a defamatory article against the IGP on a website.⁴⁹ Tim Elombah was released on 28 January, after a high court declared his detention illegal and ordered his release. The police, however, charged him for cybercrimes; cyberstalking, cyber-intimidation and terrorism-related offences. In May 2018, a high court awarded the cost of N5 million (\$13,870) against the police, for infringing on the fundamental rights of Tim Elombah and his brothers. The judgement remains unenforced as at the time of this report.

On 14 August 2018, SARS officers arrested journalists Samuel Ogundipe, Musikilu Mojeed and Azeezat Adedigba, all of the Premium Times, a Nigerian online newspaper, after they visited the police station on invitation by the police in Abuja. While Musikilu Mojeed and Azeezat Adedigba were released after several hours of interrogation, Samuel Ogundipe was detained for three days and charged to court after he refused to reveal the source for an article⁵⁰ he wrote, which allegedly embarrassed the IGP.⁵¹ While at the police headquarters, Samuel was told that he had written several articles in the past, which the IGP had found

45 Automated Teller Machine that dispenses cash.

46 Amnesty International telephone interview 15 May 2017.

47 Amnesty International interview, Port Harcourt 19 May 2017

48 See Premium times 5 September 2018. <https://www.premiumtimesng.com/news/headlines/282645-igp-idris-restates-ban-on-sars-operatives-from-conducting-stop-and-search-raids.html>

49 Telephone interview with Daniel Elombah 4 February 2018; Amnesty International, Nigeria: Endangered voices: Attack on freedom of expression in Nigeria, (October 2019) p.26-28 <https://www.amnesty.org/en/documents/afr44/9504/2019/en/>

50 See IGP Idris submits report on SSS National Assembly siege to Osinbajo, Premium Times 9 August 2018 <https://www.premiumtimesng.com/news/headlines/279603-just-in-igp-idris-submits-report-on-sss-national-assembly-siege-to-osinbajo.html>; Amnesty International, Nigeria: Endangered voices: Attack on freedom of expression in Nigeria, (October 2019) p.17-19 <https://www.amnesty.org/en/documents/afr44/9504/2019/en/>

51 Amnesty International Telephone Interview with Musikilu Mojeed, Editor, Premium Times, 16 August 2018

embarrassing. Samuel was arraigned secretly at a magistrate court, without the knowledge of his lawyers and charged for criminal trespass and theft of police documents. He was released after a magistrate court granted him bail on 16 August 2018. Incidentally, the arrests occurred the same day the IGP announced plans to reform SARS.

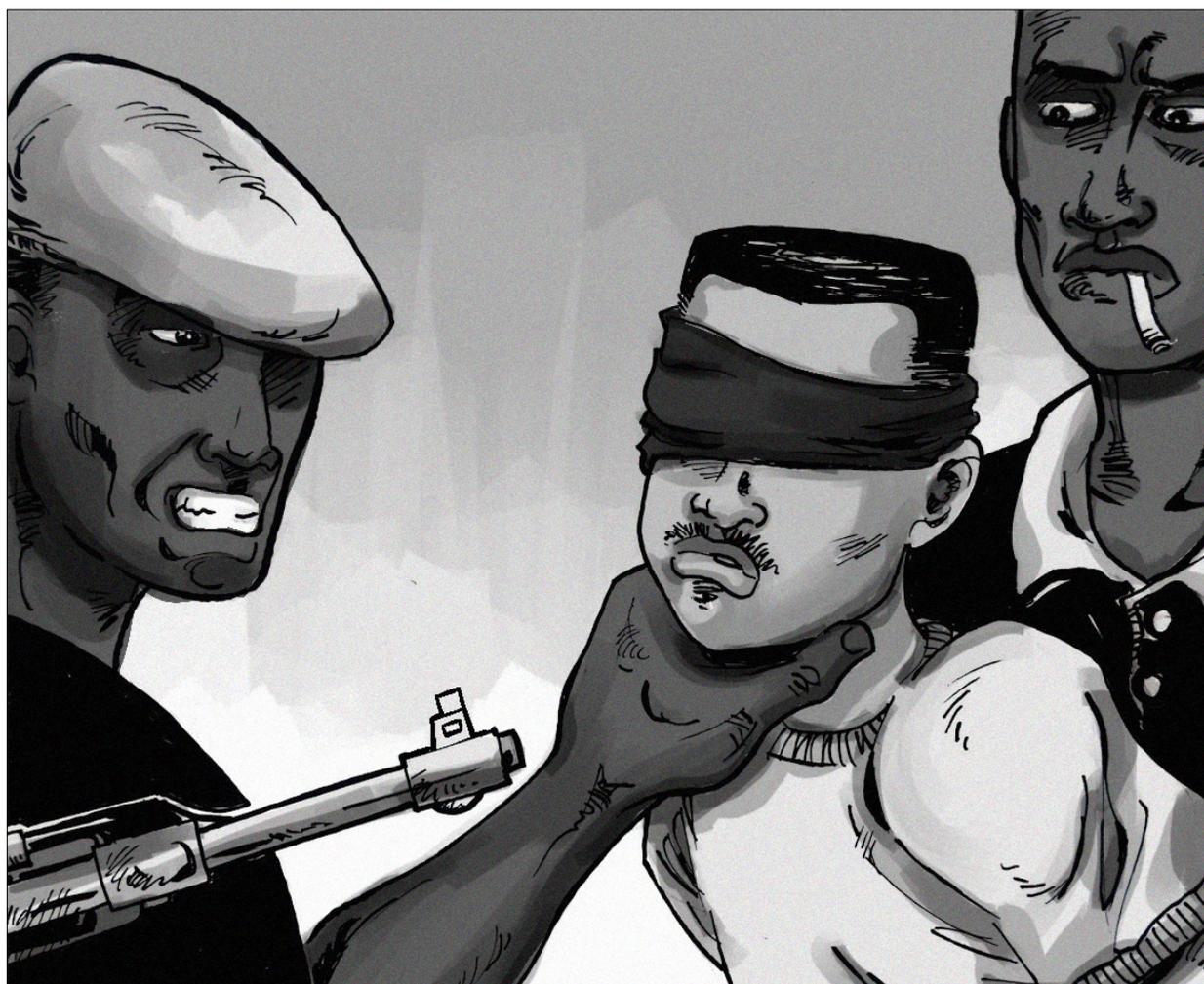
The editor of an online newspaper based in Port Harcourt told Amnesty International that on several occasions, he had been arrested and intimidated by SARS officers, over his criticism of SARS.

“On one occasion, early in June 2018, I was arrested by SARS personnel (about five of them) at GRA Port Harcourt, on my way from an interview at about 6pm. They accused me of writing nonsense about their Commander. I asked them who their Commander (was) and they responded by hitting me with the butt of their gun. I was equally accused of being Gov (Governor) Wike’s lackey. I don’t even know who the Governor is, never seen him before. I was bundled inside the boot of their vehicle and taken to their station. They asked me to write a statement, but I refused. They took me to the cell and detained me with suspected robbers for about four hours, until a lawyer friend intervened and effected my release.”⁵²

Amnesty International has documented at least twelve other instances since 2016, when journalists and bloggers were either arbitrarily arrested or intimidated by SARS officers.

52 Amnesty International interview, Port Harcourt. 14 October 2018

5. IMPUNITY AND LACK OF REFORM



Amnesty International's 2016 report repeatedly highlighted the failure of the State to ensure prompt, effective, independent and impartial investigations into allegations of torture by policemen.⁵³ Such failure has created a climate of impunity, in which those who commit such violations can continue to do so without the fear of being held accountable. In all the cases documented by Amnesty International, there was not a single instance in which a SARS officer was punished for their alleged role in perpetrating torture. Furthermore, the report noted that the Nigerian police authorities were unable to provide a single instance when SARS officers were punished for torture. In every case investigated by Amnesty International, the perpetrators acted with impunity.

5.1: NO ACCOUNTABILITY

Shortly after Amnesty International launched its report on SARS in 2016, the police authorities promised to investigate all the cases detailed by Amnesty International and bring to justice the SARS officers responsible for torture and other inhuman and degrading treatment. On 12 October 2016, a coalition of 23 human rights organisations and lawyers called for the investigation of a senior police officer and the head of SARS Awkuzu, for human rights violations allegedly committed by officers of SARS, Awkuzu.⁵⁴ This followed previous calls to

⁵³ Nigeria: 'You have signed your death warrant' : Torture And other ill treatment In the Special Anti-Robbery Squad 21 September 2016, (Index number: AFR 44/4868/2016)

⁵⁴ A Call For Prompt, Impartial and Exhaustive Investigation of CSP James Nwafor and His Tenure as Officer in Charge of Special Anti-Robbery Squad (SARS) Awkuzu, Anambra state. Text of press release on 10 October 2016 signed by NOPRIN and 23 human rights organizations and Lawyers.

the IGP by the same coalition.⁵⁵

Amnesty International research shows that no SARS officer was brought to account for these human rights violations in all the cases documented in this report. Amnesty International wrote to the Inspector General of Police (IGP) on three occasions between November 2018 and August 2019, asking for steps the police took to investigate the cases, but received no response. Amnesty International also requested to meet with the IGP to discuss the reforms in SARS, but received no response. The senior police officer who was alleged by human rights organisations to be responsible for serious human rights violations at the SARS station at Awkuzu was merely transferred to another unit. He is currently an adviser to a state government on security matters. Another senior police officer who allegedly ordered the torture of a trader and allegedly extorted N6 million (\$16,666) from him (discussed in 4.4 above) was allowed to retire in December 2018, after he returned the money to the victim. He was not prosecuted for the alleged crime.

Under international law and standards,, governments are obliged to bring to justice people who have been identified as having participated in grievous human rights violations such as torture, extrajudicial executions and other unlawful killings. This also applies to superior officers who knew or should have known that their subordinates “are resorting or have resorted to the unlawful use of force and firearms, and they did not take measures in their power to prevent, suppress or report such use”.⁵⁶ Similarly, Principle 19 of the UN Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions states: “Superiors, officers or other public officials may be held responsible for acts committed by officials under their authority if they had a reasonable opportunity to prevent such acts.”⁵⁷ The Nigerian government repeatedly claims that it does not condone human rights violations by security forces, including the police. However, the authorities are not doing enough to stop human rights violations by SARS and bring suspected perpetrators to justice.

As documented in this report, many victims of SARS’ alleged violations face unnecessary difficulties and in some cases, concerted opposition from the police authorities while seeking justice, including threats from SARS officers and their friends, if they report their case to the authorities. Most victims are poor and unable to access quality legal representation. Even when they approach the court, the legal process takes time and requires money.

The chances of successfully instituting criminal prosecution against SARS officers are slim and remote, even for serious cases. The Police Service Commission (PSC) hardly initiates any prosecution of police officers. Rather, it refers complaints by the public back to the police authorities. In several complaints against SARS reviewed by Amnesty International, there were serious flaws in the way such complaints were treated by the PSC and the police authorities. Some of the complaints to the police authorities were referred to the X-Squad, a unit of the police tasked with investigating police misconduct, for investigation. A lawyer told Amnesty International that dealing with the X-Squad is usually difficult and often intimidating. Victims are asked to fund the investigation by providing money for travel and accommodation costs during the investigation.⁵⁸ In many cases, officers demand for a percentage of money recovered from SARS officers who were accused of extortion. A lawyer told Amnesty International:

The Team Leader at the X-Squad called to inform me that the money extorted from my client by SARS officers had been recovered. I requested that the money be paid into my client’s bank account, but he insisted that we come to Abuja to collect the money. Consequently, we went to the police headquarters... to receive the recovered sum. However, when we were filling the bond for the release of the money, we found that the amount written on the bond was N5 million, instead of the actual sum, N6 million extorted from my client by SARS officers. One officer told me that they were entitled to some part of the money they recovered for my client.⁵⁹

The police authorities often use every opportunity to assure the public that torture is not acceptable within the police force.⁶⁰ However, there is no evidence that any serious steps have been taken to stop the use of torture

55 See for example ‘NOPRIN Calls on the IGP to Investigate the Activities of CSP James Nwafor and Check Impunity at Special Anti-Robbery Squad in Awkuzu’ at <http://saharareporters.com/2015/01/18/noprin-calls-igp-investigate-activities-csp-james-nwafor-and-check-impunity-special-anti>.

56 Principle 24 of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials

57 Principle 19 of the UN Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions

58 Amnesty International Interview, October 5, 2018

59 Amnesty International interview, Abuja 4 November 2018.

60 Lockdown: IGP cautions police personnel against human rights abuse. <https://www.premiumtimesng.com/news/more-news/385665-lockdown-igp-cautions-police-personnel-against-human-rights-abuse.html> Accessed 10 May 2020.

or to ensure that SARS officers who allegedly perpetrate torture are brought to account. Many lawyers Amnesty international spoke to in the course of this research expressed their frustration with the way senior police officers try to ensure that officers responsible for alleged torture escape punishment. Some of the measures employed by senior police officers include the transfer of police officers accused of torture to other states and the intimidation of victims and their lawyers.⁶¹

The Rivers State Civil Society Coalition, a human rights group based in Port Harcourt, said it had brought at least 20 cases of torture and extrajudicial execution by SARS officers to the notice of the police authorities between January 2018 and February 2020. The group noted that no SARS officer has been prosecuted as a result of these cases, but rather, many of the officers responsible for the alleged torture were transferred to other states, to avoid prosecution.⁶²

John Eze, a 22-year-old student, was arrested with four of his friends near his school's lodge by a team of SARS officers on 2 February 2020 and detained at Inland Town police station Onitsha in Anambra State. They were all accused of belonging to a cult group (a campus-based gang), a charge they denied.

John told Amnesty International that while in detention, he and his friends were repeatedly subjected to various types of torture in a bid to make them admit to the offence they were being accused of.⁶³ He said that on several occasions while his hands and legs were cuffed, he was beaten with rods and sticks or bent over backwards and then hung from a ceiling hook suspending him in the air. When he could no longer bear the pain, he had to choose from the list of cult groups presented to him by his torturers and 'confessed' that he belonged to the Buccaneers cult group.

The officers then demanded for N200, 000 (\$555) from his relatives for his bail. They also demanded the same amount from the relatives of each of his friends, as well as from other detainees they were forced to mention as members of 'their gang'. John told Amnesty International that while his friends, as well as other people who were detained with him paid the sum of N200, 000 (\$555) to the police officers, he was told by a human rights activist not to pay. Without informing his family and lawyer, the police took him to court on 4 February 2020 and charged him for belonging to an unlawful association. He was granted bail by the court.

Angry that he was not remanded in prison, the investigative police officer told John that if he had known that a good lawyer was going to appear for him, "he would have shot me in the leg and used that as evidence."

In a petition by his lawyer dated 5 February 2020 and addressed to the Commissioner of Police, Anambra State, his lawyer asked for a prompt investigation into the alleged torture of John Eze and four others. However, the police merely responded that the X-Squad would investigate the matter.⁶⁴ Another petition by a coalition of civil society groups dated 10 February 2020 and addressed to the Commissioner of Police, Anambra State Command, asking for the officers responsible for the torture of John Eze and his colleagues to be brought to book was equally not responded to.⁶⁵

As of May 2020, there was no evidence that the police investigated the incident and no police officer had been brought to account.

5.2: ABSENCE OF EFFECTIVE OVERSIGHT MECHANISMS

Internally, the Nigeria Police created several mechanisms to regulate the conduct of their officers and men. The public can report misconduct by the police to the Police Complaints Bureau, an internal investigation unit established in 2003. The Bureau is supposed to have an office in each police station. Complaints against the police are reviewed by the 'Orderly Room Trial', an additional and separate mechanism. The orderly room trial is an internal police review mechanism mandated to recommend disciplinary action against an erring police officer, if there is evidence of professional misconduct. However, being an internal body based on peer review by colleagues, it lacks the independence and impartiality required to be an effective oversight measure.

The Nigeria Police also set up a human rights desk in police commands across the country. However, several

61 Amnesty International interview Abuja, May 6 2018

62 Amnesty International Telephone Interview, Abuja 24 January 2020

63 Amnesty International telephone interview, Abuja 2 March 2020

64 Amnesty International is in possession of a copy of a petition by International Human Rights and Equity Defence Foundation (I-REF) and addressed to the CP Anambra state

65 Amnesty International is in possession of a petition by Anambra state Police Stakeholders Partnership Forum (PSPF) addressed to the CP Anambra state

people told Amnesty International that they were unable to access the services of the human rights desks and it is unclear if the human rights desks have had any impact on reducing human rights violations by the security forces.⁶⁶

In November 2015, the police authorities launched the Complaint Response Unit (CRU) to process complaints from the public. However, the Unit has not been able to follow through with prosecution against a single SARS officer for torture. Many human rights defenders revealed to Amnesty International that the Unit is reluctant to investigate cases against SARS. In an interview with Amnesty International, a human rights defender described the Unit as a mere public relations gimmick by the police.⁶⁷ When Amnesty International met the head of the CRU in September 2018 and requested for the number of complaints received about SARS that the Unit had handled, he merely directed Amnesty International to a police website, which did not, in fact, contain the information requested.⁶⁸

Human rights groups in Nigeria report little knowledge of, or interaction with the CRU and describe how ordinary complainants often feel intimidated and deterred from approaching the CRU to lodge or follow up on complaints against police officers. Civil society groups and relatives of alleged victims of police abuse also describe how they have rarely received formal responses to numerous complaints about police behaviour sent to the CRU. While researching this issue, Amnesty International spoke to at least ten human rights defenders, who expressed dissatisfaction with perceived police “inaction”, often relating to police failure to properly receive, record and act on reports lodged against SARS officers, followed by a lack of feedback and transparency concerning the progress of any investigation.

The Police Service Commission (PSC) was set up by the Federal Government and is empowered to “appoint, promote, discipline and dismiss all officers of the Nigeria Police Force (NPF) except the Inspector-General of Police (IGP)”. In addition, it has the power to formulate policies and guidelines concerning appointment, promotion and discipline of officers in the NPF. The PSC, however, cannot refer cases to the courts for prosecution. Complaints made to the PSC are referred back to the police for further investigation.

On 13 June 2018, the National Human Rights Commission (NHRC) announced that it had been given approval to audit the detention facilities of the police, including SARS. The Commission said the audit would help them oversee the human rights situation in the country. The Commission was yet to make its findings public as at the end of May 2020.⁶⁹

These mechanisms, in theory, could potentially regulate the conduct of police officers and ensure that officers accused of misconduct including torture are brought to book. However, the reality is that perpetrators are rarely held to account.

5.3: FAILED REFORM PROMISES

“A leopard cannot change its spots.”

Nigerian Human Rights Defender

Those who Amnesty spoke to welcomed the plan by the Nigerian government to reform SARS, albeit with mixed feelings. There was cynicism from many quarters, following similar past efforts to reform SARS by the police authorities.⁷⁰

Previous administrations have made attempts to reform the police.⁷¹ In 2006 and 2008, two Presidential Committees proposed recommendations on how to reform the Nigeria Police. The 2008 Presidential Committee concluded that “various efforts made by successive governments to find out the causes of the inefficiencies of the Force have not been successful, because the same governments failed to implement the

66 Amnesty International Interviewed 35 human rights defenders in Anambra, Lagos and Rivers States. All of them said they have not seen any human rights desk in any police station in their state.

67 Amnesty International Interview Abuja, 15 October 2018

68 Amnesty International meeting with Abayomi Shogunle, Abuja 4 October 2018

69 Amnesty International interview with NHRC staff. Abuja, 22 October 2019

70 On 13 November 2015, the Former Inspector General of Police Solomon Arase announced the launching of the “rebranded SARS”. See <https://m.facebook.com/ngpolice/photos/a.998193106889415.1073741857.127243240651077/994502440591815/>

71 The Presidential Committee on Police Reform published its report (Danmadami Committee’s Report) in 2006; the Presidential Committee on Reforms of the Nigeria Police Force published its report, the Yusuf Report, in 2008, following which the government issued a White Paper

recommendations of their own panels and committees.”⁷² The Federal Government adopted a White Paper in 2008 in which it accepted the recommendation to set up an Implementation Task Force, to implement all recommendations and prioritise and allocate the funds needed.

In October 2010, former Nigerian President, Goodluck Jonathan announced that the government had earmarked N71 billion (\$196 million) for police reforms. He asked the NPF to double its efforts “by demonstrating a high level of integrity and commitment in the discharge of their duties.”

A review of the Police Act (1990) began in 2004; a draft bill has been pending before the National Assembly since October 2006. On 18 March 2020, the Nigerian Senate, held a public hearing to receive memoranda on the Police Act (Repeal and Re-Enactment) Bill 2020 (SB181), which would repeal the existing Police Act. Amnesty International Nigeria submitted a memorandum raising serious concerns about the Bill, with regards to excessive powers of the police in policing assemblies, accountability mechanisms for violations, among other things. Furthermore, the Police Force has not enforced effectively, laws, regulations and codes of conduct to protect human rights.

In 2009, the Minister of Justice and the Attorney General of the Federation established a National Committee on Torture “to investigate allegations of torture, extrajudicial executions and other unlawful killings.” However, the Committee is grossly underfunded.

In the past, police authorities have also introduced measures to address human rights violations by SARS and other police units. However, there has been a disappointing lack of progress.

On 20 September 2017, the police launched the Force Order 20, which created Police Duty Solicitors, who are to be available at every police station throughout the country. These solicitors are responsible for providing arrested and detained persons with legal advice and other legal services. The Force Order also sets out the mode of operation of the solicitors. In theory, the Force Order 20 makes it possible for suspects to access legal assistance for free, at the point of first contact with law enforcement. However, two and half years after the launch of the scheme, there is no information about how SARS stations are operating the scheme.

On 14 August 2018, the Inspector General of Police announced what he called “immediate overhauling of the Special Anti-Robbery Squad (SARS)”, to address complaints and allegations of human rights violations levelled against SARS officers by members of the public. Among the measures announced by the police chief are the creation of a human rights desk in police state commands, the restriction of SARS officers to the investigation of robbery and kidnapping cases. Also, in the new arrangement, a Commissioner of Police is now the overall head of the Anti-Robbery Squad nationwide, under the Department of Operations, Force Headquarters, Abuja.⁷³

On 15 August 2018, the Federal Government mandated the National Human Rights Commission to constitute a panel on the reform of SARS.⁷⁴ This followed widespread public outcry against human rights violations by SARS officers. The eight-person Special Investigative Panel received 113 complaints and 22 memoranda from the public and was able to identify several forms of violation, among which are arbitrary detention, extortion, torture and inhuman treatment. The panel also recommended the dismissal of 37 SARS officers and the prosecution of 24 officers.⁷⁵ While receiving the report, the Nigerian President directed the Inspector-General of Police, the Ministry of Justice and the National Human Rights Commission (NHRC) to work out modalities for the implementation of the report within three months. As at May 2020, Amnesty International had not seen any evidence that any of the panel’s recommendations had been implemented. All the officers recommended for disciplinary measures remain in their positions and none of the victims of human rights violations by SARS have been compensated, as recommended by the panel.

72 See motion Without Movement, Reports of Presidential Committees on Police Reform in Nigeria (Page 10) <http://new.cleen.org/Report%20of%20Presidential%20Committee%20on%20Police%20Reform.pdf>

73 <https://www.channelstv.com/2018/08/14/presidential-order-igp-renames-sars-appoints-new-commanders/> Accessed on 25 July 2019

74 <https://www.premiumtimesng.com/news/headlines/280111-endsars-osinbajo-orders-immediate-review-of-sars-operations.html> Accessed 15 September 2019

75 Executive Summary of the Presidential Panel on The Reform Of The Anti –Robbery Squad (SARS) Of The Nigerian Police (2018-2019); Statement of Executive Secretary NHRC and Chairman Presidential Panel on SARS Reform, Tony Ojukwu , during the Submission of Report held At Presidential Villa On 3 June 2019

6. CONCLUSION

As this report has shown, hundreds of young men are subjected to torture and other forms of ill-treatment by SARS officers across Nigeria. In the great majority of cases, there are no investigations into these crimes and no one is prosecuted for them. Torture is committed with impunity.

Impunity sends to the torturers the message that they can get away with rights violations. Impunity denies the victims and their relatives the right to have the truth established, the right to see justice served and the right to reparations.

This report highlights the shameful fact that most SARS officers commit their crimes in the knowledge that they will never face arrest, prosecution or punishment. However, the tide is turning. The recent #EndSARS protests across major cities in Nigeria show that public awareness is greater than ever before. More and more people are willing to speak out and demand that SARS officers responsible for torture and other inhuman and degrading treatment be brought to justice.

Following the widespread complaints by the public about the activities of SARS officers, in August 2018 the Nigerian Government ordered the immediate reorganisation of SARS, as well as a public inquiry into their activities.⁷⁶

It is clear from the government's action that the growing outcry over the brutality of SARS has finally gotten the attention of the country's leaders and policy makers. Amnesty International regards the plan by the Nigerian government to reform SARS as a positive development. However, it is crucial that any overhaul of SARS is far-reaching and immediately effective. Restructuring SARS is not enough, unless the government also takes concrete steps to protect vulnerable Nigerians from police abuses. The reform ordered by the government must translate into ending torture, unlawful detention, extortion, extrajudicial executions and other serious human rights violations that SARS officers have been committing for years across Nigeria. That includes bringing to justice SARS officers found to have committed atrocities. Some of the measures taken to address human rights abuses by SARS officers in recent times are far too cosmetic to have any effect on the work of SARS officers.⁷⁷ For instance, one of the directives includes the order that SARS officers revert to regular police uniform. The black uniform currently worn by SARS officers was introduced in January 2016.⁷⁸ The directives were also silent on accountability for past and ongoing abuses. It is necessary that reforms must address the issue of bringing SARS officers responsible for serious human rights violations, such as torture and extrajudicial execution, to justice, as well as the issue of paying compensation to the victims.

It is high time the Nigerian government took a solid stand against impunity by SARS, by ensuring that all police officers are made accountable for their actions.

76 Osinbajo Orders Immediate Overhaul Of SARS, Channels TV. 14 August 2018. <https://www.channelstv.com/2018/08/14/breaking-acting-president-osinbajo-orders-immediate-overhaul-of-sars/>

77 PRESS RELEASE RE: #ENDSARSNOW CAMPAIGN - IGP ORDERS IMMEDIATE RE-ORGANIZATION OF SPECIAL ANTI-ROBBERY SQUAD (SARS) ACROSS THE COUNTRY. http://www.npf.gov.ng/more_news.php?id=287

78 <http://www.thescoopng.com/2016/01/23/sars-gets-official-uniform>, accessed 10 September 2018

7. RECOMMENDATIONS

In order to bring about genuine reform and improve police services with a view to bringing an end to human rights violations by SARS, Amnesty International calls for the following comprehensive measures:

TO THE FEDERAL GOVERNMENT OF NIGERIA

1. Bring perpetrators of human rights violations to justice

- Identified cases of extrajudicial executions, torture and ill-treatment that have caused death or severe injury must be the subject of independent, prompt, impartial and thorough investigations, and officers reasonably suspected of criminal responsibility must be brought to justice. This must include superior officers who knew or should have known of officials under their command resorting to the unlawful use of force and firearms, if they did not take all measures in their power to prevent, suppress or report such use.
- Complaints about the conduct of SARS officers - whether they come from members of the public, from supervisors or from colleagues - should be investigated thoroughly. Those who file complaints should be confident that they will be supported and if necessary, protected against reprisals. Members of the public should have the assurance that their complaints will be taken seriously and that they will not suffer for having lodged them.
- Ensure that investigations concerning cases of human rights violations mentioned in this report are concluded and the suspected perpetrators are brought to justice.
- Families and victims of human rights violations must have access to justice, effective remedy and reparations, including adequate compensation.

2. Ensure that all police officers, including SARS officers, receive training based on human rights standards compliant practices

- All police officers should receive training and re-training (where applicable) on human rights compliant practices. They must fully understand that acts such as arbitrary arrests and detention, deaths in custody, torture and other cruel, inhuman or degrading treatment, as well as excessive use of force, are violations of human rights and strictly prohibited. Senior officers should also receive this training. Such a move would be in accord with the aim of the Modernisation and Development Plan to increase the level of professional and personal training of the police.
- The authorities should continue to provide on-the-job training and ensure that such training is coupled with careful supervision, through which officers are given clear instructions concerning the use of force and firearms, and are closely monitored. Officers must understand that the use of firearms is limited to defence against an imminent threat to life or of serious injury, and only when less extreme means are insufficient to achieve this objective.
- Senior officers should be provided with training on how to monitor the use of force and firearms by those under their supervision. Such training must be backed by a policy of thorough investigation of alleged human rights violations.

3. Reform codes and regulations concerning the functioning of the police to bring them in line with international standards

- The Disciplinary Regulations should be reformed to ensure that they comply with international human rights laws and standards. A provision allowing an officer to disobey orders where those orders would require them to commit a criminal offence should be included.

- The recently reviewed codes, including FORCE ORDER 237 should be made publicly available, in order to enhance public understanding of the work of the police and assist in the protection of human rights.
- Reporting procedures should be included in the codes with a sample of the report forms to be completed after carrying out functions such as making an arrest, carrying out a search or using force or firearms. A separate form should be completed to report a serious injury or death as a result of force or firearms. A third form should be produced for reporting deaths in custody.

4 Enforce the Anti-Torture Act

- Ensure that the provisions of the Anti-Torture Act 2017 are enforced and all complaints of torture by SARS must be the subject of independent, prompt, impartial and thorough investigation, and those reasonably suspected of criminal responsibility must be brought to justice, in line with the provisions of the Act.
- All training of law enforcement officials should fully take into account the provisions of the Anti-Torture Act. All officers, including commanding officers, must be made fully aware of their responsibility to protect detainees and understand that acts of torture or other cruel, inhuman or degrading treatment or punishment are criminal offences in national law and international treaties to which Nigeria is a party. They must understand that contraventions of these provisions may result in their own prosecution.

5 Empower the Police Service Commission (PSC) to carry out its oversight function of the police, including SARS

- Serious consideration should be given to the creation of a specialised department within the PSC, for oversight of SARS. The Police Service Commission (PSC) should have enough independence to develop its own processes and procedures and should have its own investigators. It should not have to rely on the police to investigate allegations of human rights violations. Additionally, the specialised investigation unit must have:
 - Expertise in law enforcement practice and legitimacy in the eyes of the public
 - Powers to initiate inquiries or investigations, even if no specific complaint has been received
 - Powers to insist on co-operation from police departments, including by providing access to all police records
 - Powers to require witnesses to appear before the commission
 - Powers to require police agencies to provide information on action taken on individual cases, with reasons for inaction

6 Ensure that the police co-operate with NGOs that monitor the police

- The Nigeria Police authorities should ensure that they respond to allegations of violations and police misconduct that are brought to them by NGOs investigating credible accusations and bringing suspected perpetrators to justice.

TO THE POLICE SERVICE COMMISSION (PSC)

Amnesty International calls on the Police Service Commission (PSC) to:

- Ensure that all allegations of serious violations of human rights by SARS officers, including extrajudicial executions and torture, and all instances where there are reasonable grounds to believe, even without a complaint from the public, that such violations have taken place, are investigated thoroughly, in accordance with the powers contained in the Police Service Commission Act.

TO THE NIGERIA POLICE FORCE

- Open up SARS facilities for inspection and monitoring by relevant agencies such as the NHRC, PSC, National Committee Against Torture (NCAT) and NGOs, and ensure that they have unhindered access.
- Ensure that all police interviews are recorded, preferably by audio and video, and must be conducted in

the presence of lawyers for the suspect, in line with the provision of the Administration of Criminal Justice Act (ACJA).

- Ensure that SARS officers are instructed that arrests and detention must be carried out in strict accordance with approved practices. Approved practices must be designed in conformity with international law and standards.
- Lawyers and doctors should have prompt and regular access to detainees. Ensure that police stations record the name of the suspect, the time of arrest, the reasons for arrest, precise information identifying the place of custody and the identity of the law enforcement officials concerned. Any complaints of torture or other ill-treatment must be registered. Ensure that newly arrested persons are examined by a medical practitioner, including examinations for any signs of torture or other ill-treatment.
- Make clear to police officers attached to SARS that they must not follow unlawful orders to torture or ill-treat anyone in their custody, and that they will not be subject to criminal or disciplinary proceedings for refusing to carry out an unlawful order or for reporting such an order.

Make clear to SARS officers in all positions of command that they may be investigated and will be prosecuted for acts of torture and other ill-treatment committed by staff over whom they have command responsibility, if they knew or should have known about the violations.

- Ensure that anyone arrested by SARS officers is brought before a judge within the Constitutional period of 24 or 48 hours.
- Take immediate disciplinary measures against all SARS officers who are involved in torture or other ill-treatment and remove them from any position of control or power over complainants and suspend them from active duty during the investigation and pending criminal prosecution. Disciplinary measures must not replace criminal investigations and prosecution.

Train and educate SARS officers on human rights compliant practices.

TO THE INTERNATIONAL COMMUNITY

- Promote the recommendations in this briefing report during bilateral and multilateral forums and dialogues with the Nigerian government.
- Provide technical support to the Nigeria Police, with a view to improving their investigative procedures and related practices, and the conditions of detention in SARS facilities.
- Use all available channels to intercede with the Nigerian government and ensure that transfers of equipment, know-how and training for the police do not contribute to human rights violations.

**AMNESTY INTERNATIONAL
IS A GLOBAL MOVEMENT
FOR HUMAN RIGHTS.
WHEN INJUSTICE HAPPENS
TO ONE PERSON, IT
MATTERS TO US ALL.**

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NIGERIA: TIME TO END IMPUNITY

TORTURE AND OTHER HUMAN RIGHTS VIOLATIONS BY SPECIAL ANTI-ROBBERY SQUAD (SARS)

The Special Anti-Robbery Squad (SARS), a unit of the Nigeria police tasked with fighting violent crimes such as robbery and kidnapping, continues to commit torture and other human rights violations while discharging their law enforcement duties. Since 2014, Amnesty International has documented widespread human rights violations including extrajudicial executions, torture, inhumane and degrading treatment, rape and extortion by officers of the SARS.

This report is based on five field research missions carried out by Amnesty International researchers in Rivers, Anambra, Enugu, Imo and Lagos States, as well as the Federal Capital Territory (FCT), between January 2017 and February 2019, and interviews carried out before and after the missions. Amnesty International researchers interviewed a total of 82 people, including victims, journalists, human rights defenders, witnesses of abuses, relatives of victims and lawyers.

The report documents cases of extortion, torture and ill treatment by SARS between January 2017 and May 2020. It reveals a pattern of abuse of power by SARS officers and the consistent failure by the Nigerian authorities to bring perpetrators to justice. It highlights the deficiencies in Nigerian police accountability that contribute to, and exacerbate, these violations.

Amnesty International is calling on the Nigerian authorities to ensure that measures are taken to immediately end the practice of torture and ill-treatment by the SARS; implement the Anti-Torture Act (2017), and ensure that all allegations of torture and ill-treatment are promptly, thoroughly, independently and impartially investigated and, where sufficient admissible evidence exists, prosecute those suspected of criminal conduct in fair trials irrespective of their rank and status.