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Nigeria: Abia State police kill 16 'armed robbers'

Amnesty International, the Nigerian Civil Liberties Organization (CLO) and Access to Justice are alarmed at reports indicating that 12 suspected "armed robbers" who were held in police custody in the Abia State police headquarters may have been extrajudicially executed by the police in Abia State on 10 or 11 August.

The above organizations understand that the 12 victims were arrested in the raid in which four other suspects were killed earlier in the week. The 12 victims, including a 13-year old boy, were brought out into the grounds of the Abia State police headquarters by police around 9am on Thursday morning and made to sit on the ground in full view of journalists and other spectators. An eyewitness told Amnesty International that some of the suspects were displaying gun shot wounds.

The next day, Friday, 11 August, the dead bodies of the twelve suspected armed robbers were seen dumped outside the morgue at a government hospital, as reported to Amnesty International by an eyewitness. Sources have reported that the bodies were brought in by the police.

The victims' right to life was breached as the men were extrajudicially executed. The police actions constitute a violation of the right to life, as found in Article 6 of the International Covenant on Civil and Political Rights and Article 4 of the African Charter on Human and Peoples' Rights, both of which Nigeria is a state party to.

Of great concern is that one of the victims is alleged to have been a 13-year-old boy. International law unconditionally prohibits the execution of juveniles. Four other victims were apparently killed by the police during their arrest and were of the same group as the 12 killed in police custody. The police claim that the four were killed in a shoot-out with the police.

According to media reports, the police public relations officer in charge of the Abia State Police Command allegedly said that he was not aware of the deaths and that he thought the suspects were still being interrogated. Amnesty International, CLO and Access to Justice are very concerned that neither autopsies nor an investigation have yet been initiated one week after the incident.

The Nigerian police routinely commit human rights violations with impunity and the police often claim that victims of police killings, who are often labelled "armed robbers", were trying to escape.

Amnesty International, CLO and Access to Justice urge the Nigerian Government to urgently ensure that all legislation on the use of force is brought into conformity with the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. The organizations stress that the emphasis should be on proportionality, on the use of lethal force as an absolute last resort, and only when strictly unavoidable in order to protect life.

Amnesty International, CLO and Access to Justice also call on the Nigerian Government to:

- urgently initiate a prompt and impartial inquiry into the suspected extrajudicial killings of the 12 men in Umuhaia on 10 or 11 of August, including establishing the cause of death, the name and age of the victims;
- establish the circumstances of the killing of the four suspected armed robbers whom the police claim were killed in a shoot-out with the police;
- ensure that the results are made public and accessible;
- ensure that those reasonably suspected of involvement are brought to justice in trials which comply with international standards on fair trial and without resort to the death penalty;
- ensure that the families of the victims are guaranteed the right to an effective remedy and full reparations, including compensation, rehabilitation, restitution, satisfaction and guarantees of non-repetition;
- urgently reform all legislation on the use of force in order that it complies with the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;
- make public its action plan on how to address the concerns raised in the report by the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions after his visit to Nigeria in 2005.

Background

Amnesty International, CLO and Access to Justice are very concerned about the above case, which shows a strong similarity with another case of extrajudicial killings by the police that took place in January 2005 in Enugu State. In this case, six students were reportedly killed by the police when, as the police say, they were allegedly attempting to escape from custody. These victims had also been paraded in front of journalists only days before, which CLO feared would be a prelude to extrajudicial killings. After their execution they were allegedly hastily buried in a mass grave and no forensic examination was performed.

In another case from 2005, the so-called "Apo 6" -- five young Igbo male traders and a female student -- were arrested on suspicion of armed robbery and executed while in custody in Abuja. In this case, their dead bodies were paraded as armed robbers killed in a shoot-out with the police, as reported by CLO. After an international and national public outcry, an investigation was carried out and eight officers were prosecuted on murder charges. However, on Monday 14 August 2006, a judge of the Abuja High Court granted bail to two of the accused, a Deputy Commissioner of Police and a constable. This is despite a statement by President Obasanjo, during mid 2005, saying that "the administration has zero tolerance for corruption, any member of the Force found to be dishonouring his uniform by engaging in despicable acts would not only be dismissed but prosecuted" He also stated that "the Nigerian Police Force has a sacred obligation to ensure that its officers and men perform their duties within the limits prescribed by law. It becomes mandatory that the performance of such duties as arrest, detention, search and seizure, and the use of force are strictly regulated and monitored to ensure compliance with internationally accepted standards."

Nigerian law authorizes the police to use firearms to stop attempted flight. The current legislation considers armed robbery as a capital offence, and rules on the use of firearms by the police, found in Police Order No. 237, authorize the use of firearms if a police officer cannot by any other means arrest or re-arrest any person who is suspected of a capital offence.

Civil Liberties Organization and Access to Justice are non-profit organizations engaged in the legal protection and promotion of human rights and good governance in Nigeria.

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