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NIGERIA: POLICE MUST COMPLY WITH COURT ORDER AND IMMEDIATELY ACCOUNT FOR DISAPPEARED DETAINEE

Amnesty International and Human Rights Social Development and Environmental Foundation (HURSDEF) today urged the Inspector General of the Nigeria Police to explain what happened to Chika Ibeku, who disappeared from police custody three years ago and comply with an almost two year old court order to produce him.

Chika Ibeku, at the time aged 29, was arrested on 6 April 2009, after police stopped the car he and four others were travelling in. On 9 April, the owner of the car was also arrested. Police officers confirmed that Chika Ibeku and the five others, Precious Oduah, Gabriel Ejoor, Owoicho Ochomma, Candle Nwagbara and Johnson Nnaemeka were detained by the Swift Operation Squad (SOS) in Port Harcourt. On 11 April, police officers at SOS claimed the men had been transferred to Special Anti-Robbery Squad (SARS), although officers at SARS denied this. None of the six have been heard from since.

An application for the enforcement of his fundamental human rights was filed in July 2009, requesting that the court to order the police to produce Chika Ibeku but the court did not rule on the application until August 2010. It took a further three months for the court to issue copies of the order and to begin serving the police officials named in the application.

The police, in their counter affidavit, claimed that Chika Ibeku was "yet to be charged to court because their investigation into the matter was yet to be concluded and that the applicant was helping the police in their effort to arrest other suspects who are on the run."

In August 2010, the Nigerian Federal High Court in Port Harcourt ordered the Nigerian Police Force to produce Chika Ibeku, declaring that his detention without charge or bail was unlawful. The court also gave the police 24 hours to either charge him, or release him on bail. Nothing happened.

For almost 2 years the police have ignored the court order. The family have now initiated contempt proceedings against the Inspector General of Police and other respondents in the case. If they fail to comply, they could be committed to prison for contempt of court.

Amnesty International and HURSDEF fear that the young men, like many detainees who have disappeared in police custody, were extrajudicially executed.

Chief Ibeku, Chika Ibeku's father, said "I'm pleading – asking the police to produce them. Based on the court order, wherever they keep them they should produce them. I want to see my son."

Although Amnesty International and HURSDEF welcomed the court order as an important victory in the fight against police impunity, they remain extremely concerned that people can disappear in police custody and that the police can ignore a court.

The organisations call for the urgent intervention of the Inspector General of police to ensure the full observance of the rule of law by the Nigeria Police Force.

Background

Extrajudicial executions and enforced disappearances from police custody usually remain uninvestigated and the police officers responsible go unpunished.

The Amnesty International report *Killing at will: Extrajudicial executions and other unlawful killings in Nigeria* found that hundreds each year are killed by Nigeria's police force, or disappear while in police custody. In the first days or weeks following arrest, families are usually allowed to visit their relatives in detention. Later on, the police tell them their loved ones have been "transferred to Abuja" – a euphemism for being killed by the police while in custody.

On other occasions the police simply deny any knowledge of their whereabouts. The families of the victims usually get no justice or redress. Most never even find out what happened to their relatives.

Few police officers are held accountable. In most cases there is no investigation into deaths in custody, extrajudicial executions or enforced disappearances.

Amnesty International repeatedly called on the Nigeria police to produce Chika Ibeku and the five others in court or bail them; or to admit that they are dead and produce their bodies.

On 9 April 2009, Amnesty International wrote to the Commander of SOS to ask about their whereabouts, copying the Commissioner of Police of Rivers State. On 17 April 2009, Amnesty International and Nigerian NGOs published a joint statement asking the Nigeria Police Force to reveal their whereabouts.

On 14 September 2009, Amnesty International wrote again to the Commissioner of Police of Rivers State requesting more information on this case and several other cases of enforced disappearances and extrajudicial executions. A copy of the letter was sent to the Inspector General of Police. A reminder was sent to the IGP in October 2010, February 2011 and in person in October 2011. To date, the police have not responded.

Amnesty International also wrote to the Minister of Justice and Attorney General, the Minister of Police Affairs, the Minister of Foreign Affairs and the Chairman of the Police Service Commission.

Enforced disappearances are serious violations of human rights and facilitate a range of other violations, including torture and extrajudicial executions. Enforced disappearances are prohibited under the International Convention for the Protection of all persons from enforced disappearance, which has not yet entered into force, but was ratified by Nigeria on 27 July 2009.