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Nigeria: Police must comply with court order and immediately release detainee

Amnesty International today called on the Inspector General of the Nigeria Police Force to respect a Court Order issued by an Abuja High Court ordering the immediate release from police custody of Ibrahim Umar, who has been detained in a police station for almost seven months without charge or trial.

Ibrahim Umar was arrested with Ibrahim Mohammed on 26 January 2012. Since then they have been detained without charge or trial at the Special Anti Robbery Squad (SARS) headquarters, Abuja - commonly referred to as “the abattoir”.

On 2 August, High Court 16, Kuje, Abuja, declared the continued detention of Ibrahim Umar “unconstitutional” and “an infringement of his fundamental rights” and granted a Court Order for his immediate release. The Court Order was served on the police on 7 August. However, the police have refused to comply and Ibrahim Umar is still in detention.

The continued police detention of Ibrahim Umar and Ibrahim Mohammed is unlawful and a violation of their right to liberty. The refusal by the police to comply with a Court Order demonstrates a flagrant disregard for the rule of law.

Ibrahim Umar and Ibrahim Mohammed were first arrested on 13 January 2012 at the Borno State Government Lodge, Asokoro, Abuja when police raided the lodge to arrest Kabiru Sokoto who is alleged to be a member of Boko Haram and was wanted in connection with the **Christmas Day 2011 bombing of St. Theresa’s Catholic Church, Madalla, Niger State**.

Ibrahim Umar and Ibrahim Mohammed spent seven days in police detention before being arraigned before the Chief Magistrate Court, Wuse Zone 2, Abuja on 20 January 2012, charged with three counts: joint act, belonging to an unlawful society and culpable homicide not punishable with death. The case was adjourned to 28 March 2012 and the men were remanded in Kuje prison.

On 26 January 2012, prior to the adjournment date, on the application of the prosecution, all charges against the men were dropped and an order for their release was granted. However, when they were released from prison on 26 January 2012 they were immediately rearrested by the police and taken to the SARS. They have been in police detention ever since.

The detention of Ibrahim Umar and Muhammad Umar by the police is illegal. Under Section 35 of Nigeria’s Constitution anyone detained by the police must be arraigned before a court within a reasonable time - between 24 or 48 hours for non capital offences depending on the proximity of the court.

Background

- Over 100 people are believed to be detained at SARS in the Federal Capital Territory, accused of crimes related to *Boko Haram*. Hundreds more are currently detained by Nigeria’s security forces across the country.
- Many have been denied all access to the outside world, including lawyers, families and courts, and are held outside the protection of the law.

- Detainees are usually not informed of why they have been arrested, their families are not told where they are being held and they are often denied access to a lawyer. The majority of detainees have not been arraigned in court and have not had the opportunity to challenge the lawfulness of their detention. These serious human rights violations have left some people languishing in police, military and State Security Service detention for over a year without ever being taken to court or formally charged with a crime.
- The Nigeria Police Force has a history of ignoring court orders. 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 gave the police 24 hours to either charge him, or release him on bail. Nothing happened. For almost two years the police have ignored the court order. His family have now initiated contempt proceedings against the Inspector General of Police and other respondents in the case. If the police fail to comply, they could be committed to prison for contempt of court.