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Nigeria: Police must immediately account for disappeared detainee

Amnesty International today urged the Nigeria Police to immediately comply with a court order to produce a man who disappeared in their custody 18 months ago.

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.

The 24 hour period takes effect immediately but the police officials named in the court order will still need to be served a copy of the order.

Amnesty International called on the Nigeria police to produce Chika Ibeku in court or bail him; or to admit that he is dead and produce his body.

Ibeku and the five people with whom he was arrested have been missing in detention since April 2009. Amnesty International fears that the young men, like many detainees who have disappeared in police custody, were extrajudicially executed.

Chika Ibeku, then aged 29, was arrested on 7 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 the six 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.

Chief Ibeku, Chika Ibeku's father, has told Amnesty International of being repeatedly rebuffed by the SOS police force, who would tell him that they had no knowledge of his son's case when he went to their offices.

An urgent habeas corpus application was filed in May 2009, requesting that the court order the police to produce Chika Ibeku, but the court did not rule on the application until 3 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.

Although Amnesty International welcomed the court order as an important victory in the fight against police impunity, it remained extremely concerned that people can disappear in police custody and that the Nigerian justice system can take 18 months to rule on such an urgent application.

The organisation called for the urgent intervention of the Inspector General of police to ensure the full observance of the rule of law in this case.

Extrajudicial executions and 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.

Amnesty International has urged the Federal Minister of Justice and Attorney General of the Federation, Mr Mohammed Bello Adoke to set up an independent commission of inquiry into all suspected cases of unlawful killings and enforced disappearances by the Nigeria Police Force in recent years.

Since his disappearance, Amnesty International and Nigerian NGOs have repeatedly asked the police authorities to reveal the whereabouts of Chika Ibeku and the five other men he disappeared with, and to bring them to court.

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. To date, the police have not responded.

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. 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.