



# NIGERIA

SUBMISSION TO THE UN COMMITTEE AGAINST TORTURE

72<sup>ND</sup> SESSION, 8 NOVEMBER-3 DECEMBER 2021

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# 1. INTRODUCTION

Amnesty International makes this submission to the UN Committee against Torture (the Committee) in advance of its review of Nigeria's initial report. The organization notes with disappointment that Nigeria has never submitted its initial report, now 21 years overdue and, therefore, welcome the Committee's decision to proceed with the review in absence of a report.

This submission focuses on Amnesty International's concerns regarding pervasive torture and other ill-treatment by the disbanded Special Anti-Robbery Squad (SARS) of the Nigerian Police and the Nigerian Military in the context of its counter-insurgency efforts in northeast Nigeria. It highlights torture and other-ill-treatment of children, older people and violence against women in the context of the armed conflict in the northeast. The submission also highlights torture and other ill-treatment committed in the context of forced evictions. It is not an exhaustive account of Amnesty International's concerns about torture and other ill-treatment in Nigeria

# 2. PERVASIVE TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT BY THE DISBANDED SPECIAL ANTI-ROBBERY SQUAD OF THE NIGERIA POLICE (ARTICLES 1, 4, 12, 15 AND 16)

The Nigerian Constitution and other domestic laws provide several safeguards for detainees and prohibits the use of statements obtained through torture or other ill-treatment.<sup>1</sup> Despite these provisions, however, Amnesty International's research indicates that torture and other ill-treatment remained routine practices in SARS detention centres, prior to SARS dissolution. Amnesty International received persistent reports of torture and other ill-treatment of detainees in SARS custody. In our 2020 report titled 'Time to End Impunity',<sup>2</sup> we documented cases of extortion, torture and ill-treatment perpetrated by SARS between January 2017 and May 2020 demonstrating a pattern of abuse of power by SARS officers and the consistent failure by the Nigerian authorities to bring those suspected of criminal responsibility to justice in fair trials before ordinary civilian courts. The report also highlighted the deficiencies in Nigerian police accountability that contribute to and exacerbate these violations. Amnesty international documented 82 cases of human rights violations by SARS between January 2017 and May 2020. Detainees in SARS custody were 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.

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<sup>1</sup> 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.

<sup>2</sup> *Time to End Impunity: Torture and other human rights violations by special anti-robbery squad* (Index: AFR 44/9505/2020), 26 June 2020, <https://www.amnesty.org/en/documents/AFR44/9505/2020/en/>. See also, 'You have signed your death warrant': Torture and other ill treatment in the Special Anti-Robbery Squad (Index: AFR 44/4868/2016), 21 September 2016, <https://www.amnesty.org/en/documents/AFR44/4868/2016/en/>; 'Welcome to hell fire': Torture and other ill-treatment in Nigeria (Index: AFR 44/011/2014), 18 September 2014, <https://www.amnesty.org/en/documents/AFR44/011/2014/en/>

The SARS was disbanded by the Nigerian authorities in October 2020. However, there is still no redress for victims of torture and other human rights violations committed by SARS while discharging their law enforcement duties.

## 2.1 LACK OF ACCOUNTABILITY

Amnesty International research shows that no SARS officer was brought to account for these human rights violations in all the cases documented in its 2020 report on SARS. 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 rights violations by this unit of the Nigeria Police, but received no response.

A senior police officer who was alleged by human rights organisations to be suspected of criminal responsibility for serious human rights violations at the SARS station at Awkuzu, in Anambra State, was merely transferred to another unit. Until October 2020, as a fallout of the #EndSARS protests, he remained 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 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 crimes under international law and 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”.<sup>3</sup>

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.”<sup>4</sup>

The Nigerian government repeatedly claims that it does not condone human rights violations by security forces, including the police. However, the authorities did not do enough to stop human rights violations by SARS and bring suspected perpetrators to justice. Many victims of SARS’ alleged violations faced unnecessary difficulties and, in some cases, concerted opposition from the police authorities while seeking justice, truth and reparation, including threats from SARS officers. Most victims were poor and unable to access quality legal representation. Even when victims approached the court, the legal process took time and required money. The chances of successfully instituting criminal prosecution against SARS officers were slim and remote, even for serious cases. The Police Service Commission (PSC) hardly initiated any prosecution of police officers. Rather, it referred 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.

The police authorities often use every opportunity to assure the public that torture is not acceptable within the police force. However, there is no evidence that any serious steps were taken to stop the use of torture or to ensure that SARS officers who allegedly perpetrated torture were brought to account. Many lawyers Amnesty international spoke to express their frustration with the way senior police officers tried to ensure that officers responsible for alleged torture escaped 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.

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 executions 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.

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<sup>3</sup> Principle 24 of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials

<sup>4</sup> Principle 19 of the UN Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions

## 2.2 RECOMMENDATIONS

Amnesty International calls on the Nigerian authorities to:

- Ensure that those with command responsibility and officers reasonably suspected of participation in extrajudicial executions, torture and ill-treatment are brought to justice in fair trials before ordinary civilian courts and without recourse to the death penalty;
- Ensure that complaints about the conduct of SARS officers are thoroughly investigated and those who file complaints must be protected against reprisals;
- Ensure access to full and adequate reparations for families and victims of crimes under international law and human rights violations committed by the SARS;
- Ensure that all police officers, including ex-SARS officers and senior officers, receive training based on human rights standards compliant practices.

# 3. TORTURE AND OTHER ILL-TREATMENT BY THE NIGERIAN MILITARY (ARTICLE 1 AND 16)

The conflict in north-east Nigeria began in 2009 when the insurgent movement Jama'atu Ahlis Sunna Lidda'awati wal-Jihad, popularly known as Boko Haram, started its violent campaign. Boko Haram was established in 2002 in north-east Nigeria as a religious movement committed to a society based on its interpretation of Islam. After clashes in 2009 between the Nigerian security forces and Boko Haram's members, and the extrajudicial execution of their leader Mohammed Yusuf, the group began revenge attacks against the police in 2010.

## 3.1 CHILDREN AFFECTED BY ARMED CONFLICT IN THE NORTHEAST

In its response to the armed conflict in the north-east, the Nigerian military has detained thousands of boys and girls during the conflict, most for months or years. The UN has reportedly documented more than 3,600 detentions of children, which likely well understates the real scale. Most such detentions are unlawful, with children never charged, much less prosecuted, for any crime—and denied rights to seek counsel, appear before a judge, or communicate with their families. The military's widespread unlawful detention may amount to the crime against humanity of imprisonment (Article 7(1)(e), Rome Statute). When children flee Boko Haram-controlled areas, they, like everyone else, are put through "screening" by the Nigerian military and Civilian Joint Task Force (CJTF), often in informal front-line detention facilities like Bama Prison and barracks in Monguno and Damboa. Over the years, the military has become slightly more discerning, with less frequent detention of young children, older people, and women arriving with husbands. But during interrogations at "screening," soldiers and CJTF members subject many boys and young men—and, at times, alleged Boko Haram "wives"—to beatings and other forms of physical torture, to extract "confessions" of involvement with Boko Haram. Several men and boys interviewed by Amnesty International said they "confessed" to stop the torture, even though they had not been affiliated with Boko Haram, much less committed a crime; they had only lived in a village controlled by the armed group. After conducting the

“screening,” the military transfers alleged Boko Haram members and supporters to longer-term military detention facilities, like Giwa Barracks in Maiduguri and the Kainji military base in Niger State, even if there is no evidence the individual ever committed violence against another person. In these facilities, children are regularly detained with adults, despite prohibitions on such mixing under Nigerian and international law. In several military detention facilities, Amnesty International documented rape and other sexual violence against children by other detainees, with the Nigerian authorities failing to respond appropriately, despite being made aware of the abuse in at least some instances.

In Giwa, Kainji, and other military detention facilities, children have lived in conditions that amount to widespread torture or other ill-treatment, likely constituting war crimes and crimes against humanity. Cells are so packed that children are forced to sleep while seated or must lie crammed together on their sides with more than 200 other children and adults. Children describe the cells as brutally hot, full of parasites, and often with only one toilet, forcing them to queue for an hour—with many children urinating or defecating on themselves while waiting, especially when sick. In previous years, detainees, including children, had grossly inadequate access to food and water—often a few cups a day, amid 38+ Celsius heat. Amnesty International estimates that around 10,000 people have died in detention during the conflict, including many children, though the scale of death in custody has decreased significantly in recent years.

The military’s practice of mass unlawful detention is as ineffective as it is inhumane. Many of the children interviewed by Amnesty International, including those who said they had been recruited “voluntarily” by Boko Haram, described hearing messages on the radio that told them if they fled Boko Haram territory, they would find safety and support in government areas. Instead, they often suffered years of unlawful detention and torture or other ill-treatment, while never facing any charges. Many former child detainees said that, after their experience, they would not counsel others to come out from the bush; several former child soldiers said they would not advise those still in Boko Haram to surrender. Some expressed regret at having fled themselves. And women, men, and children who fled Boko Haram-controlled villages in late 2019, after never having any involvement with the group other than being forced to relinquish part of their harvest, told Amnesty International that there were many more people who want to flee, but are reluctant because they fear the military will detain them or their relatives in brutal conditions for an extended period.<sup>5</sup>

## 3.2 TORTURE AND ILL-TREATMENT OF OLDER PEOPLE AFFECTED BY THE CONFLICT IN THE NORTHEAST

Older people in Boko Haram-controlled areas also endure Nigerian military attacks. These operations are ostensibly against Boko Haram, but soldiers rarely make an effort, as provided by international law, to distinguish combatants from civilians— or to determine if fighters are even present. Many older people with limited mobility are unable to flee and have been shot and killed or seriously injured when soldiers spray bullets through houses. Others have burned to death inside their homes when the military torched villages perceived to support Boko Haram. In some operations, the Nigerian military strongly appears to have targeted civilians. A 75-year-old farmer from a village in Bama LGA described how, in 2019, soldiers came to his village one morning; most people fled at the sound of the military, but he, and several other older people and people with disabilities, were unable to run. “The soldiers came to my house,” the man recalled. “The door was open, and I was sitting there, and the soldier just fired... I’d just finished eating... I bled a lot, and I vomited [what I’d eaten].” He survived but named several other older people in the village who were shot and killed. The Nigerian military has repeatedly burned villages it perceives to support Boko Haram—even if most people in those villages loathed Boko Haram and suffered abuses by the group. Village burning causes harm to all civilians, but the consequences can be particularly pronounced for older people, who often lose, in addition to their home, the wealth and possessions they had acquired over a lifetime. Older people can also face greater challenges in rebuilding, due to the limited livelihood options available to them in displacement. Many of the Nigerian military’s actions during such operations amount to war crimes, including intentional attacks against the civilian population; murder; and ordering the displacement of a civilian population. For older people who can flee Boko Haram territory for government-controlled areas, further risks await. Older people are among the tens of thousands whom the military has unlawfully detained during the conflict. Older men are detained more frequently than older women, but at least several hundred older women have also been held for several months or years; the military has held some older women simply because they have sons who are alleged Boko Haram members. Consistent with Amnesty International’s past reporting, none of the formerly detained older people interviewed during this research

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<sup>5</sup> “We dried our tears”: Addressing the toll on children of Northeast Nigeria’s conflict (Index: AFR 44/2322/2020), 27 May 2020, <https://www.amnesty.org/en/documents/AFR44/2322/2020/en/>



had been charged with any crime, much less prosecuted or convicted for one. They had been held for between four months and more than five years, primarily in Giwa Barracks, the most notorious detention facility in Northeast Nigeria. Soldiers have flogged older people in detention and, in one case documented by Amnesty International, hung two older men from ropes while beating them to extract “confessions”.

In general, however, torture through physical violence is less common against older detainees than against younger detainees. But everyone in military detention, including older women and men, suffer grossly inhuman conditions: severe overcrowding, extreme heat, inadequate food and water, lack of access to health services, and appalling sanitation conditions—with several hundred people generally held in cells with one toilet. Older people with chronic illness, including diabetes and hypertension, said soldiers denied them medication and food that fit their dietary needs, during months of detention; one older woman, who was detained in Giwa Barracks in 2020, said she still had severe health effects several months later.

The lack of access to a toilet is a particular problem for older men—one that violates their right to dignity. A 69-year-old man released from Giwa in January 2020 described a problem many others have faced: “For the toilet, you’d wait for 30 minutes to an hour. So many times, I urinated on myself, because I couldn’t wait.” The grossly inhuman conditions have led to thousands of deaths in custody, as Amnesty International has reported previously.

Older people appear to have died at disproportionately high rates, compared to their likely percentage of the detained population in Northeast Nigeria. People involved in receiving and burying bodies from two detention sites in Maiduguri estimated that, from 2013 through 2020, older men accounted for 15 to 25% of the deaths in custody at those detention sites, with deaths among all age groups declining over that period. By comparison, older men are estimated to comprise around 4% of the population in Northeast Nigeria. Former detainees similarly described older men dying in particularly large numbers, mostly before 2018, the year that some conditions improved at Giwa Barracks. A 65-year-old man, whose brother was killed by Boko Haram, was detained unlawfully by the military for four years, before being released in early 2020. He said, “When we first came [to Giwa], many people died... I fled [my village] and tried to come to a place that would be safer. But when I came, the military arrested me, mistreated me, and took me away for something I didn’t do... It’s very painful. The injustice is too much.” Even when not detained unlawfully themselves, older people have had to deal with the enforced disappearance or incommunicado detention of their children and grandchildren. At least 29 of the older people interviewed for this report had children or grandchildren whom the military had unlawfully detained. These older people overwhelmingly did not know where their relatives were detained or even if those relatives were alive or dead unless they, or someone with whom they shared a cell, had been released. A 63-year-old man from a village in Bama LGA told Amnesty International: “I arrived with six children. I will never forget, they flogged my children, tied them, and took [three of] them to Giwa. Until now, I don’t know where they are. I cry, asking myself, why did I come here? I regret leaving my village. So much regret.” The Nigerian military’s detention-related violations against older people, among others, amount to the war crimes of “cruel treatment and torture” and potentially, for deaths in custody, of murder; they may also amount to the crimes against humanity of murder, imprisonment, torture, and enforced disappearance.<sup>6</sup>

### **3.3 RAPE AND SEXUAL VIOLENCE AGAINST WOMEN IN THE CONTEXT OF THE CONFLICT IN THE NORTHEAST**

Amnesty International has documented patterns of rape and sexual exploitation of women in the context of conflict in the northeast.<sup>7</sup> Scores of women (and some men) described how soldiers and Civilian JTF members commonly used force and threats to rape women and girls and took advantage of the conditions to coerce women into becoming their “girlfriends”, which involved being available for sex on an ongoing basis. Nine women reported cases of rape to Amnesty International. This included five women who told Amnesty International that they had been raped by soldiers or Civilian JTF members while they had been starving or near starving in Bama Hospital camp in late 2015 or early 2016. Amnesty International also received recent reports of rape or attempted rape in the camp. Ten additional women reported that they had been coerced to become the “girlfriend” to a soldier or the Civilian JTF in Bama Hospital/Secondary school camp. They said that they were pressured to do this simply in order to access basic goods needed for survival or to overcome hunger, and because it was impossible to say “no” to the demands of the security forces. The

<sup>6</sup> “My heart is in pain” – Older people’s experience of conflict, displacement, and detention in northeast Nigeria (Index: AFR 44/3376/2020), 8 December 2020, <https://www.amnesty.org/en/documents/AFR44/3376/2020/en/>

<sup>7</sup> “They betrayed us” – Women who survived boko haram raped, starved and detained in Nigeria (Index: AFR 44/8415/2018, 24 May 2018, <https://www.amnesty.org/en/documents/AFR44/8415/2018/en/>

coercive environment that was created and taken advantage of by the soldiers and Civilian JTF meant that free and genuine consent to sex was not possible. Women interviewed have also described how soldiers and Civilian JTF created an organized system to inflict sexual violence in Bama Hospital and Secondary School camps. The Civilian JTF members select women in the camp and take them to soldiers for sex. Four women said that the layout of Bama Secondary School camp was designed to make sexual exploitation easier, by separating young women from their in-laws and other people in the camp. Women have said that if they complained, they would risk being called a “Boko Haram wife” and face reprisals. The Soldiers and Civilian JTF members who used force, or created or took advantage of a coercive circumstances, to have sex with women in the camps have committed the crime of rape. Because of the circumstances in which these crimes of sexual violence/rape were committed, they amount to war crimes and crimes against humanity.

## **3.4 RECOMMENDATIONS**

### **3.4.1 PROMOTE AND PROTECT THE RIGHTS OF CHILDREN IN DETENTION**

- Immediately release all children held in Giwa, Kainji, Maiduguri Maximum Prison, Safe Corridor, and other detention facilities, unless they have reached the minimum age of criminal responsibility as recognized under international law; are reasonably suspected of having committed an internationally recognizable offence; are remanded by an independent, civilian court that has given primary consideration to the best interests of the child; and are held in humane conditions in a civilian facility;
- Ensure all detainees are promptly brought before an independent, civilian court where they are represented by counsel and have the opportunity to challenge their detention;
- Take immediate steps to ensure children are only detained as a very last resort and where all alternatives have been considered and found inapplicable, in line with Nigerian and international human rights law;
- Ensure that conditions of detention in all places where people, and especially children, are deprived of liberty are humane, and in strict adherence with international law and standards;
- Ensure anyone detained can exercise rights to health care, adequate food and water, and all other necessities, as well as the right to have access to the outside world, including their families, also taking into account children’s distinct needs, including the distinct needs of girls;

### **3.4.2 PROMOTE AND PROTECT THE RIGHTS OF OLDER PERSONS IN DETENTION**

- Immediately release those, including all older persons, held in Giwa Barracks, Maiduguri Maximum Prison, Safe Corridor, and other detention facilities, unless they are reasonably suspected of having committed an internationally recognizable offence and charged accordingly; are remanded by an independent, civilian court; and are held in humane conditions in a civilian facility;
- Ensure that an up-to-date, centralized register is maintained of all people arrested and detained in relation to the conflict and is made accessible to detainees’ relatives and lawyers. The register must include detainees’ personal details; the names and places of detention; the names of individuals responsible for the detention; the basis of the detention; and the date of arrest, detention, and transfers. Include, for those who died in custody, the date, location, and cause of death;
- Immediately close all unofficial and secret places of detention, including ungazetted military detention centres, and other facilities where there is a pattern of inhumane conditions and/or failures to ensure procedural protections against arbitrary detention and torture and other ill-treatment. Either release such detainees or promptly bring them before an independent, civilian court;
- Ensure all places of detention without exception can be visited regularly and through unannounced visits by the National Human Rights Commission, the UN and other relevant international and Nigerian organizations; that detainees can speak in confidence with such observers; and that no detainee who so speaks is intimidated or punished.

### 3.4.3 RESPECT, PROTECT AND FULFIL THE RIGHTS OF WOMEN AND GIRLS AFFECTED BY THE CONFLICT IN THE NORTHEAST

- Ensure that members of the military and Civilian JTF potentially responsible for serious violations of human rights law, war crimes and crimes against humanity are investigated, and where there is sufficient evidence of criminal responsibility, brought to justice in fair trials not subject to the death penalty.
- Issue orders to all security forces that are present in camps or places of displacement setting out the limits to lawful freedom of movement restrictions, the prohibition on torture and ill treatment during screenings and interrogations, and the prohibition of violence, including sexual violence and sexual exploitation.
- Set up effective reporting mechanisms so IDPs in the satellite camps can report issues of human rights concern, especially in relation to sexual violence

## 4. FORCED EVICTIONS IN NIGERIA (ARTICLE 1 AND 16)

Forced evictions continue unabated in Nigeria. These evictions are often carried out by the authorities through heavily armed law enforcement agents such as the Nigeria police, Nigerian army and the Nigeria Security and Civil Defence Corps. Bulldozers are used to demolish structures, and in some cases, houses are set on fire. Law enforcement agents sometimes shoot live ammunitions and teargas to chase residents away. Residents could also be subjected to physical assault, battery, and unlawful arrest. In some instances, excessive use of force and violent attacks on communities by law enforcement agents have resulted in the loss of lives, disappearances, and injuries to residents

Over 20 communities were forcibly evicted in Lagos State in late 2019, and further forced evictions have taken place in 2020, such as the those carried out by the Nigerian Navy in Tarkwa Bay. Amnesty International has also documented forced evictions in the Federal Capital Territory, Lagos State and Rivers State.<sup>8</sup>

On 10 and 13 July 2021, staff of the Federal Capital Development Authority, personnel from security agencies including the Nigeria Police, Nigerian army, Nigeria Security and Civil Defence Corps, demolished over 400 homes in Iddo Sarki community. Residents were tear-gassed by security agents. University of Abuja students who had rented apartments in the community returned from classes to see their accommodation and property in ruins. The houses were demolished without genuine consultation with affected communities, adequate written notice, nor provision of alternative accommodation. Over a thousand residents were rendered homeless as a result of this eviction.

On 11 and 12 of August 2021, staff of the Federal Capital Territory Ministerial Committee on City Sanitation, personnel from security agencies including the Nigeria Police, Nigerian Army, Nigeria Security and Civil Defence Corps, demolished hundreds of houses in Mpape community without following human rights and procedural safeguards against forced evictions. The demolitions not only violated people's right to adequate

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<sup>8</sup> *The Human Cost of a Megacity: Forced Evictions of the Urban Poor in Lagos, Nigeria* (Index: AFR 44/7389/2017), 14 November 2017, <https://www.amnesty.org/en/documents/AFR44/7389/2017/en/>, "If You Love Your Life, Move Out!" *Forced Evictions in Badia East, Lagos State, Nigeria* (AFR 44/006/2013), 12 August 2013, <https://www.amnesty.org/en/documents/AFR44/006/2013/en/>, *Nigeria: Making the destitute homeless – forced evictions in Makoko, Lagos State* (AFR 44/001/2006), 24 January 2006, <https://www.amnesty.org/en/documents/AFR44/001/2006/en/>, *Nigeria: Forced Eviction of Abonnema Wharf Waterfront: "Pack and Go!"* (AFR 44/034/2012), 9 July 2012, <https://www.amnesty.org/en/documents/AFR44/034/2012/en/>, *Nigeria: High Court ruling saves Mpape residents from mass demolitions*, <https://www.amnesty.org/en/latest/news/2017/02/nigeria-high-court-ruling-saves-mpape-residents-from-mass-demolitions/>, *'Just Move Them': Forced Evictions in Port Harcourt Nigeria* (AFR 44/017/2010), 28 October 2010, <https://www.amnesty.org/en/documents/AFR44/017/2010/en/>

housing but also negatively impacted their livelihoods. More than 1500 residents were evicted as a result of these demolitions. Threats of further forced evictions by the authorities linger on in different communities across the country.

In 2017, Amnesty's research found that Lagos State authorities have forcibly evicted at least 50,000 people since 2013, including over 30,000 people forcibly evicted from Ilubirin and Otodo-Gbame waterfront communities. The forced evictions in Otodo-Gbame and Ilubirin followed the state Governor's 9 October 2016 announcement that authorities would demolish all structures in informal settlements along the state's waterfronts and creeks, to address security concerns. There are at least 40 such settlements, home to at least 300,000 people. In 2013 the State Ministry of Economic Planning and Budget, estimated that over 70% of Lagos' population lived in informal settlements. In 2014, the Lagos State Bureau of Statistics estimated that Lagos had a population of 23.3 million with an annual growth rate of 3.2%. The agency further estimated that about 67% of this population lived below the poverty line of US\$1 a day. Informal settlements are prone to evictions because they occupy land which is increasingly becoming targeted for high-value property development projects by state and non-state actors. While evictions can be lawful when conducted in accordance with international human rights laws and standards, forced evictions occur when states fail to comply with these standards. Amnesty International has documented seven forced evictions of more than 30,000 residents of Ilubirin and Otodo-Gbame communities between 19 March 2016 and 22 April 2017. These were carried out by the authorities in disregard of their obligations under international and domestic laws, and, in some cases, in direct violation of court orders. The forced evictions and related attacks resulted in at least 11 deaths, some or all of which may amount to unlawful killings, Amnesty International also documented 17 reports of people who disappeared during the forced evictions, massive destruction of property, homelessness, loss of livelihoods, separation of families, and children deprived of access to education.

Article 7 of the ICCPR prohibits the "cruel inhuman and degrading treatment or punishment" of anyone. Similarly, Section 34 of the 1999 Constitution of Nigeria provides that no one should be subjected to "inhuman or degrading treatment". Both international, and domestic courts, including this Committee, have recognized that forced evictions can amount to cruel, inhuman or degrading treatment or punishment.<sup>9</sup> In the Nigerian case of *Akapo Agemo & Ors v Attorney General of Lagos State & Ors*, (instituted by Otodo-Gbame evictees and the residents of threatened waterfront communities), the Lagos State High Court held that "The Respondents' failure to adequately notify or provide alternative settlements for Applicants relocation before embarking on forcibly evicting or attempting to forcibly evict the Applicants from their respective locations... is declared unconstitutional being an infringement of Applicant's Fundamental Right to protection from Cruel and Degrading Treatment."<sup>10</sup>

## 4.1 RECOMMENDATIONS

Amnesty International recommends that the Nigerian authorities:

- Publicly condemn all forced evictions taking place across the country;
- Ensure that all victims of eviction have access to effective remedy;
- Investigate actions of security forces that resulted in forced evictions and cruel and degrading treatment and those found guilty must be prosecuted according to the law;
- Take immediate steps to domesticate the International Covenant on Economic Social and Cultural Rights and the International Covenant on Civil and Political Rights and amend the 1999 Constitution of the Federal Republic of Nigeria to include provisions which recognize and protect the right to adequate housing and other economic social and cultural rights which are necessary for an adequate standard of living;
- Take immediate steps to sign, ratify and domesticate the Optional Protocol of the International Covenant on Economic Social and Cultural Rights in order to ensure access to justice for victims of human rights violations.

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<sup>9</sup> Committee Against Torture, CAT/C/29/D/161/2000, Complaint No. 161/2000, Hajrizi Dzemajl et al.

<sup>10</sup> High Court of Lagos State, Lagos Judicial Division, *Akapo Agemo & Ors v. Attorney General of Lagos State & Ors*, Suit No. LD/4232MFHR/16- Judgment, 21 June 2017.

**AMNESTY INTERNATIONAL  
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WHEN INJUSTICE HAPPENS  
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[info@amnesty.org](mailto:info@amnesty.org)



+44 (0)20 7413 5500

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# NIGERIA

## SUBMISSION TO THE UN COMMITTEE AGAINST TORTURE

72<sup>ND</sup> SESSION, 8 NOVEMBER-3 DECEMBER 2021

Amnesty International makes this submission to the UN Committee against Torture (the Committee) in advance of its review of Nigeria's initial report. The organization notes with disappointment that Nigeria has never submitted its initial report, now 21 years overdue and, therefore, welcome the Committee's decision to proceed with the review in absence of a report.

This submission focuses on Amnesty International's concerns regarding pervasive torture and other ill-treatment by the disbanded Special Anti-Robbery Squad (SARS) of the Nigerian Police and the Nigerian Military in the context of its counter-insurgency efforts in northeast Nigeria. It highlights torture and other-ill-treatment of children, older people and violence against women in the context of the armed conflict in the northeast. The submission also highlights torture and other ill-treatment committed in the context of forced evictions. It is not an exhaustive account of Amnesty International's concerns about torture and other ill-treatment in Nigeria.