

KILLING AT WILL

EXTRAJUDICIAL EXECUTIONS AND OTHER UNLAWFUL KILLINGS BY THE POLICE IN NIGERIA

'I don't know who shot my son, till today. It affected me so much. He was my first and only son.'

THE FATHER OF CHUKWUEMEKA MATTHEW ONOVO, WHO WAS SHOT AND KILLED BY THE POLICE, JUNE 2009.



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Nigerian police officers in Kano, northern Nigeria, 18 April 2007.

Hundreds of people die at the hands of the Nigeria Police Force (NPF) every year. Many are unlawfully killed in the streets, at roadblocks, in police detention, and before or during arrest. Others are tortured to death while in police detention. In many other cases, people are victims of

enforced disappearances; the police tell the families that the victims have been transferred to a different police station or released on bail, but have no documentation to confirm it. In many of the cases, the unlawful killings may have constituted extrajudicial executions.

Extrajudicial executions are unlawful and deliberate killings carried out by order of a government or with its complicity or acquiescence. Unlawful killings include killings resulting from excessive use of force by law enforcement officials. They violate the right to life, as guaranteed by Nigeria's Constitution, the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights.





Complaints boxes at Panti Police Station, Lagos, July 2009.

CULTURE OF IMPUNITY

The crime rate in Nigeria is high and police work is dangerous. However, the police often exploit public anger over armed robbery to justify unlawful killings. Police officers often claim that the victim was an armed robber who was killed in a shoot-out or while trying to escape police custody.

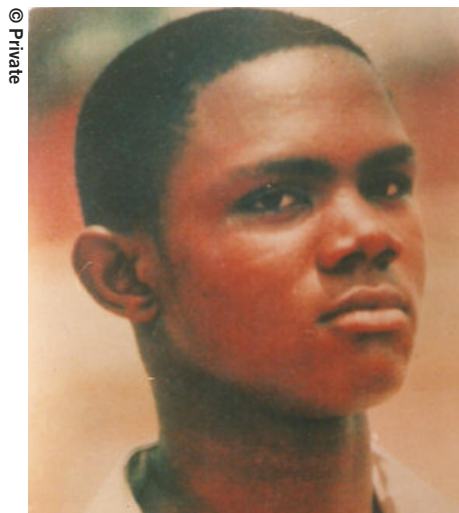
In most instances, police officers' accounts are unchallenged. Investigations are rarely carried out. When investigations do take place, they are not immediate, thorough and impartial, and fail to comply with international standards. Police officers who are suspected of unlawful killings are often sent on training or transferred to other states instead of being prosecuted.

The families of the victims rarely get justice or redress and are often left without answers on the exact circumstances under which their relatives were killed. Although the NPF has mechanisms in place to receive complaints from the public, these complaints are often unprocessed.

The prevalent disregard for human rights and due process in police detention is a key part of the problem. Detainees are often denied their legal right to see a lawyer, doctor or members of their family. Many wait for weeks or months to be

Enforced disappearances are serious violations of human rights and are prohibited under the new UN 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. The Convention also obliges the Nigerian authorities to ensure that enforced disappearance constitutes an offence under Nigeria's criminal law, punishable by appropriate penalties which take into account its extreme seriousness, and to investigate all cases of disappearances and bring those responsible to justice.

CHUKWUEMEKA MATTHEW ONOVO



Chukwuemeka Matthew Onovo (pictured), a student aged 22, left his father's house in Enugu on the morning of 4 July 2008. When he failed to come home that afternoon, his father went to the police to report him missing. The next day, after neighbours told the father that there had been a shoot-out with the police near his house, he went looking for his son. "I went there and found his glasses on the ground", he told Amnesty International.

Chukwuemeka Matthew Onovo had been shot and killed by the police. His father identified his body in the mortuary.

The police claimed that Chukwuemeka Matthew Onovo was an armed robber, but an eyewitness said he was unarmed when he was killed. The autopsy, ordered by the court, confirmed that he had died of a gunshot wound. His father, however, did not receive a copy of the autopsy report.

According to a local lawyer, on the day Chukwuemeka Matthew Onovo was killed a police officer was shot by armed robbers. "Three hours after the armed robbers passed through the neighbourhood, the police saw this boy and insisted that he was an armed robber", the lawyer told Amnesty International.

More than a year later, the police have not made any further attempt to investigate Chukwuemeka Matthew Onovo's death. No one was held responsible. His father filed a case in court, asking for reparation. The case is pending. "I don't know who shot my son, till today..." his father said. "It affected me so much. He was my first and only son."

brought before a court. In many cases, detainees have to pay for food or medical care, or to avoid being tortured or otherwise ill-treated. In such circumstances, investigating enforced disappearances and unlawful killings or holding the perpetrators accountable become almost impossible.

THE PRICE OF POVERTY

Extrajudicial executions and enforced disappearances in Nigeria are not random. In a country where only bribes guarantee safety, those who cannot afford to pay are at risk of being shot or tortured to death by the police. The families of the victims are often left without their sole breadwinner and cannot afford to pay a lawyer or the court fees. In many cases, they are unable to retrieve the body because they cannot afford to pay for transportation or the mortuary fees.

The police are also affected by a severe shortage of funds. Only a fragment of the NPF annual budget reaches state and local police stations and the lack of funding and resources contribute to many of the failures within the police force. Police officers work without basic equipment and sometimes ask the public to pay for expenses incurred during an investigation, including for petrol and stationery. In these conditions, corruption quickly becomes the norm.

INADEQUATE LEGAL PROVISIONS

Nigeria's Police Force Order 237 (Rules for guidance in use of firearms by the police) and the Nigerian Constitution provide for much wider grounds for the use of lethal force than is permissible under international law and standards. It permits police officers to shoot suspects and detainees who attempt to escape or avoid arrest. As a result, it is being abused by some police officers to commit, justify and cover up extrajudicial executions and other unlawful



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Policemen in Katsina, 21 April 2007.

killings. According to the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, police officers are only allowed to use firearms when it is strictly unavoidable to protect life.

The Nigerian government has repeatedly expressed willingness to address the problems in the criminal justice system, improve access to justice and reform the NPF. However, despite several review panels in recent years, little has changed. A review of the Police Act (1990) began in 2004, but the draft bill has been pending since October 2006. Laws, regulations and codes of conduct to protect human rights are not enforced.

CHANGING THE SITUATION

Amnesty International is calling on the government of Nigeria to act immediately to end all extrajudicial executions and other unlawful killings. To achieve this, the government must bring about both a change in the culture of impunity and legal reform. The NPF must introduce a new code of conduct, governed by respect for

human rights, throughout its chain of command – from the very top to the bottom.

The regulations on use of firearms should be amended in line with international human rights standards and all NPF staff should be adequately trained in responsible use of force and firearms. They must also have adequate resources and equipment for self-protection.

Families and dependants of people who were unlawfully killed by the police or of victims of enforced disappearance have the right to remedy and must get access to justice and be entitled to full reparation. All allegations of unlawful killings and enforced disappearances should be investigated by an independent body. In order to do this, the government should immediately reform the criminal justice system and bring it in line with Nigeria's international obligations; it must end the culture of corruption and impunity by establishing comprehensive internal and external accountability mechanisms that have the authority to fulfil their mandate; and it must ensure that human rights are respected and protected by the police.

BOMA AUGUSTINE FINGESI



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On 15 October 2008, Boma Augustine Fingsesi (pictured) was arrested alongside 17 other men by police officers in Rivers State. The men were taken to the State Intelligence and Investigation Bureau in Port Harcourt.

Boma Augustine Fingsesi and others were paraded in front of the media. “Most of the articles described him as a suspected kidnapper”, one of Boma Augustine Fingsesi’s relatives told Amnesty International.

“Pictures of him were broadcast and it was alleged that he is a kidnapper. All this happened at the police headquarters. I saw how they humiliated, assaulted him in public and made him look like a criminal on television. I could not watch this. I was just crying.”

On 24 November 2008, after more than a month in custody without seeing a judge, 16 suspects were released, but Boma Augustine Fingsesi remained in custody. A police officer told the family that they “should wait and leave that matter for now.” However, later the police told them that Boma Augustine Fingsesi was no longer in detention and that he had been

released on bail. There was no document to confirm his release and the police could not say who had bailed him.

“The police then changed their story and said that he had never been brought to the police station”, said a relative. “This is the big controversy. Earlier on, the police had said clearly that he was in their custody only to change the story later. They have forgotten that all the papers covered the story and there is no way they can deny knowledge of this case.”

A bail application was filed and on 13 January 2009, the court granted him bail. However, the police did not release Boma Augustine Fingsesi. Even after the Rivers State Branch of the Civil Liberties Organization wrote a petition to the Inspector General of Police on 23 February and 19 May 2009, no explanation was received. To date, there is no sign of Boma Augustine Fingsesi.

RECOMMENDATIONS

Amnesty International calls on Nigeria’s Federal Government to:

- Amend section 33(2)(b) of the Nigerian Constitution and those sections of Police Force Order 237 which provide for more grounds for lethal force than those permitted by international human rights law.
- Finance and provide the Nigeria Police Force with adequate equipment

and training for the responsible use of force and firearms in line with international human rights standards; and provide the NPF with adequate equipment for self-protection, and for the differentiated use of force, to reduce the use of lethal force.

- Ensure that every death or serious injury in police custody, and every suspected extrajudicial execution, other unlawful killing and enforced

disappearance, including those reported by witnesses or family members, is adequately and impartially investigated by an independent body.

- Ensure that families and dependants of victims of unlawful killings and enforced disappearances are entitled to obtain fair and adequate reparation from the state, including financial compensation.

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