

Baroness Catherine Ashton

High Representative of the Union for Common Foreign
and Security Policy (HR/VP)
Vice President of the European Commission

**AMNESTY
INTERNATIONAL**



EUROPEAN INSTITUTIONS OFFICE

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Dear Baroness Ashton,

THE EU MUST ACT NOW TO STOP TORTURE IN NIGERIA

Torture and other ill-treatment by police and military are pervasive, routine and common throughout Nigeria. Released today, Amnesty International's report [“Welcome to hell fire’: Torture and other ill-treatment in Nigeria”](#)ⁱ documents how hundreds of women, men and children in police and military custody across the country are being subjected to a range of physical and psychological torture and other ill-treatment. A large number have already died in detention. Security forces enjoy a climate of impunity, while a criminal justice system riddled with corruption and abuse of power means vital safeguards against torture are routinely flouted by Nigeria's police and military. The European Union (EU) and its member states must act both on individual cases and for countrywide change, to ensure that no detainee is subject to torture or other cruel, inhuman or degrading treatment by Nigerian security forces.

Amnesty International found that torture and other ill-treatment are routine in criminal investigations across Nigeria. Suspects in police and military custody are subjected to torture as punishment or to extract ‘confessions’ to ‘solve’ cases – particularly armed robbery and murder. Reports of torture and other ill-treatment in the north of Nigeria have increased over the last few years as the conflict in the north-east of Nigeria has escalated. An estimated 5,000 to 10,000 people have been detained since 2009 as part of the military operations against the armed Islamist group Boko Haram. Almost all detainees are held in extremely poor conditions that amount to ill-treatment. Both military and police use a wide range of torture methods, including beatings, shootings, nail and teeth extractions, and rape and other sexual violence. The risk of torture and other ill-treatment is exacerbated by the lack of training and endemic corruption within the police forces, by the pattern of inadequate criminal investigation by the police and military, and by a disregard for due process.

Moses Akatugba was arrested in November 2005, aged 16, on suspicion of armed robbery, a charge he has always denied. Moses claims soldiers shot him in the hand, and beat him in the head and back during his arrest. After initial interrogations, he spent three months in police detention. During this time, he says police officers beat him with machetes and batons. He also reported that he was tied up and suspended upside-down for several hours, and that police officers extracted his fingernails and toenails with pliers, before forcing him to sign two ‘confessions’ written by the police. During his trial, Moses' counsel demanded a “trial within a trial” to examine the allegations of torture and other ill-treatment, and the validity of the ‘confession’. However, the police officers who investigated the case and against whom the allegations had been made failed to appear at the trial. In November 2013, Moses was convicted on the basis of the victim's statement and his two ‘confessions’ made after torture. Moses was sentenced to death. This judgment is currently under appeal, while Moses, now on death row, has already spent nearly nine years in detention.ⁱⁱ

The Nigerian justice system fails to prevent torture and other ill-treatment. Safeguards to prevent torture are rarely implemented in practice. Despite the prohibition against torture being a peremptory norm in international law (*ius cogens*) from which no derogation is permitted, despite Nigeria being party to both the International Covenant on Civil and Political Rights (ICCPR) and the United Nations (UN) Convention against Torture (CAT) – and despite the prohibition of torture under the national constitution, torture is not criminalised nor even defined in Nigerian law. Two different bills on torture have been pending in the National Assembly for over two years.

Through their already extensive engagement in Nigeria, the EU and its member states have the potential to end torture and ill treatment in Nigeria. Priorities for bilateral cooperation include

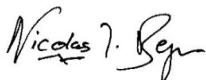
“enhancing the functioning of the judiciary and improving prison conditions.”ⁱⁱⁱ The revised strategy for Nigeria in 2014–2020, can step up action to address torture and ill treatment. Both the EU and Nigeria have also explicitly noted the need for work on torture and ill treatment in Nigeria in joint strategies and statements^{iv}, while EU funding on human rights through the European Instrument on Democracy and Human Rights (EIDHR) is explicitly directed at addressing torture and ill treatment as one of its key priorities.^v Finally, the joint EU-Africa strategy (“roadmap”^{vi}) agreed at the April 2014 EU-Africa summit commits both continents to “strengthen the human rights dimension of our cooperation on peace and security”, as well as to defend human rights and fight against impunity.

In line with the EU Guidelines on Torture and drawing on joint commitments as well as the extensive EU programming and dialogue with Nigeria on torture and ill treatment (including extensive programming around judiciary and prison conditions), the EU and its member states should:

- Take concrete action and adopt explicit public positions on individual cases of torture survivors and on the wider issues of torture in Nigeria, using all tools available, including political dialogues, demarches, bilateral and multilateral cooperation, engagement in regional and international fora, and trial observation
- Call on Nigeria to take urgent action to pass a bill that criminalises the use of torture before the elections in February 2015—and likewise launch thorough, independent and impartial investigations into abuses that have been committed. Any EU support to the Nigerian justice system should treat the lack of legislation banning torture and ill treatment as a priority concern.
- Urge Nigeria to take concrete steps to improve the situation of people at risk of torture and ill treatment, offering financial, technical and political support as relevant:
 - CAT and National Human Rights Commission (NHRC) monitors should gain access to previously inaccessible detention facilities run by security forces (especially the Joint Task Force JTF), and increase monitoring visits to detention facilities run by the police, military and State Security Service (SSS).
 - The Chief of Defence Staff (CDS) should issue a public statement stating that individuals in military detention are entitled to access to a lawyer.
 - Nigeria should end the practice of incommunicado detention.
 - Victims and potential victims of torture and ill-treatment should have increased access to lawyers, families and independent monitors while in police, military or SSS custody
 - Follow up on the implementation of the Universal Periodic Review (UPR) recommendations, including Nigeria’s commitment in 2013 to prevent and address torture and other forms of ill treatment^{vii}
- Raise these concerns at all regional, continental and global levels within the Economic Community Of West African States (ECOWAS), African Union and United Nations forums and address them explicitly in all cooperation and capacity building between the EU and Africa, including the Pan-African programme and other initiatives resulting from the April 2014 EU-Africa summit, e.g. around cooperation on security and the fight against transnational crime, good governance and human rights, and the fight against impunity

We welcome your action to stop torture in Nigeria and stand ready to provide any further information you may require.

Yours sincerely,



Dr. Nicolas J. Beger
Director

Cc:
Suvi Seppäläinen, Cabinet HR/VP
Sean Doyle, Head of Division EEAS
Dörthe Wacker, Desk Officer EEAS
Victoria Correa, HR Division EEAS
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European Parliament Delegation to the ACP-EU Joint Parliamentary Assembly

ⁱ The report is the second in a series of five different country reports to be released as part of Amnesty International's global Stop Torture campaign, see <http://www.amnesty.org/en/stoptorture>.

ⁱⁱ "Stop torture Global Campaign – Illustrative cases", 13 May 2014, <http://www.amnesty.org/en/library/info/ACT40/009/2014/en>
ⁱⁱⁱ http://ec.europa.eu/development/icenter/repository/scanned_ng_csp10_en.pdf

^{iv} "...major challenges remain, including in particular on children rights, the fight against torture and ill treatment, extrajudicial killings and forced disappearances. Nigeria reaffirmed its engagement to implement international human rights standards and to fight torture and ill treatment..." (Joint Communiqué, Fourth Nigeria-EU Ministerial Meeting," 16 May 2013. http://eeas.europa.eu/nigeria/docs/joint_communique_eu-nigeria_signed_16.5.2013.pdf)

"While there have been some improvements in the human rights record, gross violations are still reported and these are often linked to official incompetence or negligence. For example, within the police force illegal detentions, extra-judicial killings, and torture are commonly alleged. General prison conditions remain unacceptable as the slow judicial system swells the prison population, with over half of all prisoners still held on remand, often for many years." (Country Strategy Paper, http://ec.europa.eu/development/icenter/repository/scanned_ng_csp10_en.pdf).

^v "Decreasing the incidence of torture, ill treatment, and arbitrary detention and extra-judicial killings by state agencies," http://ec.europa.eu/europeaid/documents/awp/2014/awp_2014_nga_en.pdf

^{vi} http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/ec/142094.pdf

^{vii} Belgium, Czech Republic, Germany, Ghana, Ireland, Hungary, Japan, Portugal, Switzerland, Canada and Sweden made recommendations. For the full UPR report see <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/163/12/PDF/G0916312.pdf?OpenElement>. Amnesty International's submission is to be found at:

<http://www.amnesty.org/en/library/asset/AFR44/002/2014/en/63517bba-13f2-4e3e-bf7a-b0c0d4a3f3b3/afr440022014en.pdf>