

Federica Mogherini

EU High Representative for Foreign Affairs and Security Policy
Vice President of the European Commission
European Commission
Rue de la Loi 200
1049 Brussels

**AMNESTY
INTERNATIONAL**



European Institutions Office

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Dear High Representative Mogherini,

EU MUST ENGAGE NIGERIA ON HUMAN RIGHTS AT FIFTH MINISTERIAL MEETING

Ahead of the fifth Nigeria-European Union (EU) Ministerial meeting on 26 November, Amnesty International calls on the EU and its member states to put human rights and the issue of torture and ill treatment at the forefront of engagement with Nigeria. Countless people have suffered, and continue to suffer, acts of torture and other cruel, inhuman or degrading treatment at the hands of the Nigerian security forces.¹ Suspects in police and military custody across the country are subjected to a wide range of physical and psychological torture as punishment, or to extract “confessions” as a shortcut to “solve” cases. 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 United Nations (UN) Convention against Torture (CAT) and International Covenant on Civil and Political Rights (ICCPR), and despite the prohibition of torture under the national constitution, torture is not criminalised nor even defined in Nigerian law.

Reports of torture and other ill-treatment in the north-east of Nigeria have increased over the last few years as the conflict has escalated. Thousands – estimates range between 5,000 and 10,000 – have been detained as part of the military operations against the armed group Boko Haram. A large number of those detained appear to have been subjected to torture, while virtually all have been and are held in extremely poor conditions of detention.

Torture is also a routine and systemic part of policing. Arbitrary arrest and arbitrary and incommunicado detention are likewise routine. Many police stations in various states use designated “torture chambers”. Most of those arrested and detained are denied access to the outside world, including lawyers, families and courts, and are held outside the protection of the law. Women detained for criminal offences, relatives of criminal suspects, sex workers, and women believed to be sex workers are often targeted for rape and other sexual violence by police officers. Amnesty International has also received credible reports of children under the age of 18 being detained and tortured or otherwise ill-treated at police stations.

The Nigerian government has frequently expressed its commitment to the reform of the justice sector. In October 2013, during Nigeria’s second Universal Periodic Review (UPR), the Nigerian delegation agreed to take all necessary measures to prevent and address torture and other forms of ill-treatment, including granting national and international human rights organisations access to visit detention centres. Despite repeated calls by Amnesty International and other national and international organisations urging the Nigerian authorities to take action against torture and other ill-treatment, little appears to have been done.

At the forthcoming Ministerial meeting, Amnesty International strongly urges the EU, its member states, and Nigeria to ensure that human rights remain at the centre of their discussions on all issues of common concern. In line with human rights commitments on both sides, and in view of this year’s

¹ See “Welcome to Hell Fire: Torture and Other Ill Treatment in Nigeria,” 18 September 2014. <http://www.amnesty.org/en/library/asset/AFR44/011/2014/en/2ef7e489-a66d-4213-af3d-a08e1e4ca017/afr440112014en.pdf>; “The EU Must Act Now to Stop Torture in Nigeria,” 18 September 2014. http://www.amnesty.eu/content/assets/Letters2014/B1611_Stop_Torture_in_Nigeria.pdf.

thirtieth anniversary of the UNCAT, it will be essential for this year's Ministerial to once again issue a joint statement highlighting the need to address torture and ill treatment in Nigeria.²

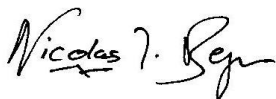
Such an approach will be in line with the roadmap³ issued in April 2014 at the EU-Africa Summit in Brussels, committing the EU and African states to "strengthen the human rights dimension of our cooperation on peace and security", as well as to defend human rights and fight against impunity together.

In line with their commitments to place human rights at the centre of all external action, and the EU Guidelines on Torture, Amnesty International calls on the EU and its member states to use the opportunity of this Fifth Ministerial Meeting to call on Nigeria to:

- Take all necessary steps to ensure that no detainee is subject to torture or other ill-treatment by members of the security forces
- Launch thorough, independent and impartial investigations into abuses that have been committed, bringing suspects to justice in accordance with international standards for fair trials
- End the practice of incommunicado detentions: all detainees should be provided access to their family, a lawyer and doctor without delay, and brought to court within reasonable time
- Ensure access to national and international human rights organisations, including the National Human Rights Commission, to visit all detention centres
- Criminalise torture in its national law before the elections in February 2015, and ensure victims receive comprehensive and prompt reparations
- Implement the UPR recommendations, including Nigeria's commitment in 2013 to prevent and address torture and other forms of ill treatment

We welcome your engagement with Nigeria on stopping torture, and on other human rights issues at the forthcoming Ministerial, and stand ready to provide any further information you may require.

Yours sincerely,



Dr. Nicolas J. Beger
Director
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² 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: "...major challenges remain, including in particular on children's 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..."

³ "Fourth EU-Africa Summit: Roadmap 2014-2017," 3 April 2014.

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