



COI QUERY

Country of Origin	NIGERIA
Title	Resignation and desertion from the military, particularly low-ranking soldiers, including procedures and legislation; information on treatment by authorities and prison conditions, particularly in Delta state; whether military deserters can obtain documents, including passports
Reference period	January 2022 – July 2024
Topic(s)	<ol style="list-style-type: none">1. Resignation and desertion from the military2. Treatment by authorities and prison conditions3. Access to documents, including passports
Date of completion	26 July 2024
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All sources used are referenced and cited in the bibliography section. A quality review has been performed in line with the above mentioned COI methodology. This document does not claim to be exhaustive or conclusive as to the merit of any particular claim to international protection. If a certain event, person or organisation is not mentioned in the report, this does not mean that the event has not taken place or that the person or organisation does not exist. Terminology used should not be regarded as indicative of a particular legal position.

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Cite as: EUAA, Country of Origin Information Query, Nigeria: Resignation and desertion from the military, particularly low-ranking soldiers, including procedures and legislation; information on treatment by authorities and prison conditions, particularly in Delta state; whether military deserters can obtain documents, including passports (January 2022-July 2024), 26 July 2024, [url](#)



COI QUERY RESPONSE - Nigeria

Resignation and desertion from the military, particularly low-ranking soldiers, including procedures and legislation; information on treatment by authorities and prison conditions, particularly in Delta state; whether military deserters can obtain documents, including passports

1. Resignation and desertion from the military

The Armed Forces of Nigeria consist of the Army (approximately 100 000 active personnel), the Navy, incl. the Coast Guard (approximately 20 000 active personnel), and the Air Force (approximately 15 000 active personnel).¹ Sources reported on issues affecting Nigerian armed forces, including corruption², poor equipment³, poor welfare⁴, and low and delayed salaries⁵, and abuses against civilians⁶.

1.1. Resignation

Military service in Nigeria is voluntary and there is no conscription.⁷ Africa Check, a non-profit organization that aims at promoting accuracy in the media in Africa, indicates that an officer can only resign from the army after obtaining a permission.⁸ Section 25 of the Armed Forces Act of 2004 states: 'An officer who has retired or was permitted to resign may be recalled at any time during the currency of any term of reserve service in accordance with regulations made under this Act, and on the recall, shall be liable to serve until he is released or discharged.'⁹

¹ CIA, The World Factbook, Nigeria, last updated 17 July 2024, [url](#)

² ACCORD, Mutiny as dialogue: Interrogating the rank-and-file complaints and revolt in the Nigerian counter-insurgency campaign, 15 November 2023, [url](#); Mail&Guardian, Nigeria's military is broken, 16 February 2023, [url](#); Oriola, T. B., Nigerian Troops in the War Against Boko Haram: The Civilian–Military Leadership Interest Convergence Thesis. in: Armed Forces & Society, January 2022, [url](#), p. 299

³ ACCORD, Mutiny as dialogue: Interrogating the rank-and-file complaints and revolt in the Nigerian counter-insurgency campaign, 15 November 2023, [url](#); Mail&Guardian, Nigeria's military is broken, 16 February 2023, [url](#); Oriola, T. B., Nigerian Troops in the War Against Boko Haram: The Civilian–Military Leadership Interest Convergence Thesis. in: Armed Forces & Society, January 2022, [url](#), p. 299

⁴ ACCORD, Mutiny as dialogue: Interrogating the rank-and-file complaints and revolt in the Nigerian counter-insurgency campaign, 15 November 2023, [url](#); Oriola, T. B., Nigerian Troops in the War Against Boko Haram: The Civilian–Military Leadership Interest Convergence Thesis. in: Armed Forces & Society, January 2022, [url](#), p. 299

⁵ Genocide Watch, Documentary reveals low morale in Nigerian army, 6 February 2024, [url](#)

⁶ HRW, Reports Allege Nigerian Army Abuses, 13 December 2022, [url](#); New Humanitarian (The), Exclusive | 'They just shoot and burn': Civilians targeted in Nigeria's war on Boko Haram, 3 July 2023, [url](#)

⁷ CIA, The World Factbook, Nigeria, last updated 17 July 2024, [url](#); Germany, Federal Foreign Office, Bericht über die asyl- und abschiebungsrelevante Lage in Nigeria (Stand: Januar 2022), 22 February 2022, [url](#), p. 11; Punch, Army jolted by resignations, warns against early retirement, 7 January 2023, [url](#)

⁸ Africa Check, No evidence that 500 Nigerian military officers of Igbo ethnicity resigned in protest against president Bola Tinubu, 28 March 2024, [url](#); Nigeria, Armed Forces Act, [n.d.], [url](#), sec. 25

⁹ Nigeria, Armed Forces Act, [2004], [url](#), sec. 25



The Armed Forces Act further notes that the resignation ‘of an officer from any of the services of the Armed Forces shall be published in the Gazette’.¹⁰ The Act grants the President discretionary power to ‘make regulations governing the commissioning of officers, their terms of service, promotion, retirement, resignation, dismissal and such other matters concerning officers of the Armed Forces as may seem to him necessary’.¹¹

In the reference period of this query, local media sources reported on cases of requests for resignation from the armed forces. For example, in August 2022, Sahara Reporters reported the submission of resignation letters by 243 soldiers to the Chief of Army Staff, which were formally approved with effect in February 2023, and classified as ‘voluntary and medical discharge’.¹²

In December 2022, Punch newspaper reported that the army released a letter stating that it will no longer be accepted to list ‘loss of interest in military service or lack of promotion’ as reasons to leave the army.¹³ According to the same letter, the applicants must state ‘cogent reasons’ that will be assessed by the responsible authority called the Discharge Board.¹⁴ The army letter further stated that ‘the Board exercise is held bi-annually first to gather appreciable numbers of applicants, who may wish to disengage, and to be treated in bulk, while also ensuring that the process is handled in a controlled and uniformed manner.’¹⁵ According to a January 2023 article by Sahara Reporters, more than 500 soldiers, particularly from the North East region, submitted requests for ‘voluntary retirement’ claiming, among other reasons, ‘loss of interest’, ‘corruption within the army’, and ‘low morale’.¹⁶ Information on whether the requests were accepted could not be found among the sources consulted by EUAA within time constraints.

On 10 August 2023, Punch newspaper reported that 25 soldiers resigned from the army, allegedly over corruption and poor welfare conditions, reasons that the army denied.¹⁷ The article quoted an army statement saying that ‘the soldiers resigned voluntarily, stressing that retirement in the service is routine’, that ‘approval was given for the voluntary discharge of the soldiers’ and that ‘it is not an aberration for the COAS [Chief of Army Staff] to approve the voluntary discharge of soldiers, who willingly applied and met the terms for discharge from the NA [The Nigerian Army].’¹⁸

In 2023 and 2024, news about a resignation of 500 military officers belonging to the Igbo ethnic group following ‘a vote of no confidence in president Bola Tinubu’ was circulating on

¹⁰ Nigeria, Armed Forces Act, [2004], [url](#), sec. 24

¹¹ Nigeria, Armed Forces Act, [2004], [url](#), sec. 26

¹² Sahara Reporters, Exclusive: 243 Nigerian Soldiers Tender Resignation Letters To Chief Of Army Staff, Yahaya Over Corruption, Low Morale, Others, 19 August 2022, [url](#)

¹³ Punch, Army jolted by resignations, warns against early retirement, 7 January 2023, [url](#)

¹⁴ Punch, Army jolted by resignations, warns against early retirement, 7 January 2023, [url](#)

¹⁵ Punch, Army jolted by resignations, warns against early retirement, 7 January 2023, [url](#)

¹⁶ Sahara Reporters, Exclusive: Nigerian Army Moves To Stop Soldiers From Resigning Over Low Morale, Loss Of Interest, Other Reasons, 6 January 2023, [url](#)

¹⁷ Punch, Nigerian Army denies 25 officers resigned over corruption, 10 August 2023, [url](#)

¹⁸ Punch, Nigerian Army denies 25 officers resigned over corruption, 10 August 2023, [url](#)



Nigerian social media channels; however, in March 2024, fact-checking websites concluded that the claim was not true.¹⁹

Additional information on resignation can be found in: EUAA, Country of Origin Information Query, Nigeria: Resignation and desertion from the Nigerian Armed Forces and the Nigeria Police Force (July 2020-17 July 2023), 19 July 2023, [url](#)

1.2. Desertion

Desertion is considered an offence under the Armed Forces Act, according to which:

‘a person subject to service law under this Act who
(a) deserts; or
(b) persuades or procures any other person subject to service law under this Act to desert, is guilty of desertion and liable, on conviction by a court-martial, to imprisonment for a term not exceeding two years or any less punishment provided by this Act’.²⁰

The Act defines a deserter as a person who:

‘(a) leaves any service of the Armed Forces or when it is his duty to do so, fails to join or rejoin the Armed Forces [...] with the intention of remaining permanently absent from his duty;
(b) being an officer, enlists in or enters any of the other services of the Armed Forces [...] without having been discharged from his previous enlistment;
(c) absents himself without leave with intent to avoid serving at any place outside Nigeria or to avoid service or any particular service when before the enemy.’²¹

Acts of desertion or disobeying orders fall under the jurisdiction of military courts in Nigeria, as stipulated in the Nigerian Armed Forces Act of 2004^{22, 23}. The Armed Forces Act recognizes four offences under the ‘Absence from Duty, etc.’ category, namely ‘Absence without leave’, ‘Desertion’, ‘Assisting and concealing desertion and absence without leave’, and ‘Failure to perform military duties’.²⁴ However, in its report on Nigeria, covering April 2021 to December 2022, the Dutch Ministry of Foreign Affairs reported that confidential sources indicated that ‘many convictions in the armed forces take place in secret and are therefore not known to the

¹⁹ Africa Check, No evidence that 500 Nigerian military officers of Igbo ethnicity resigned in protest against president Bola Tinubu, 28 March 2024, [url](#); Dubawa, 500 Igbo officers did not resign from Nigerian military, 23 March 2023, [url](#)

²⁰ Nigeria, Armed Forces Act, [2004], [url](#), sec. 60

²¹ Nigeria, Armed Forces Act, [2004], [url](#), sec. 60

²² Nigeria, National report submitted pursuant to Human Rights Council resolutions 5/1 and 16/21; UN Human Rights Council, National report submitted pursuant to Human Rights Council resolutions 5/1 and 16/21*, Nigeria, 15 December 2023, [url](#), para. 177

²³ Medium, Can the Nigerian Police Arrest a Soldier?, 4 January 2024, [url](#)

²⁴ Nigeria, Armed Forces Act, [2004], [url](#), sec. 59-62



outside world.²⁵ Information on implementation of the law on desertion could not be found among the sources consulted by EUAA within time constraints.

Regarding the deserters, between 2019 and May 2022, some 130 soldiers deserted from the army, according to an article by a local news source The Cable.²⁶ The same source lists ‘poor welfare packages, weak ammunition, and disbelief in a mission due to professional or personal benefits’, as well as departure to the Islamist groups as some of the reasons for leaving the army.²⁷

Additional information on desertion can be found in: EUAA, Country of Origin Information Query, Nigeria: Resignation and desertion from the Nigerian Armed Forces and the Nigeria Police Force (July 2020-17 July 2023), 19 July 2023, [url](#)

2. Treatment by authorities and prison conditions

2.1. Treatment by authorities

Information on treatment by the authorities of those who have resigned from the army could not be found among the sources consulted by EUAA within time constraints.

Information on treatment by the authorities of deserters could not be found among the sources consulted by EUAA within time constraints.

Additional information on treatment by authorities can be found in: EUAA, Country of Origin Information Query, Nigeria: Resignation and desertion from the Nigerian Armed Forces and the Nigeria Police Force (July 2020-17 July 2023), 19 July 2023, [url](#)

2.2. Prison conditions

Information on prison conditions for those who have resigned from the army, particularly in the Delta state, could not be found among the sources consulted by EUAA within time constraints.

Information on prison conditions for deserters, particularly in the Delta state, could not be found among the sources consulted by EUAA within time constraints.

However, the following information may be relevant.

The Nigerian Prison Service was renamed to Nigerian Correctional Service in 2019 and prisons were renamed into Correctional Centres,²⁸ following a replacement of the Prisons Act

²⁵ Netherlands, Ministry of Foreign Affairs, General Country of Origin Information Report - Nigeria, January 2023, [url](#), p. 50

²⁶ Cable (The), Why report of soldier conniving with Boko Haram demands attention, 5 May 2022, [url](#)

²⁷ Cable (The), Why report of soldier conniving with Boko Haram demands attention, 5 May 2022, [url](#)

²⁸ Cable (The), Akpabio: We’ve had more jailbreaks since prisons were renamed correctional centres, 7 May 2024, [url](#); Punch, Akpabio laments rise in jailbreaks after prison service’s name change, 7 May 2024, [url](#)



from 2004 with the Nigerian Correctional Service Act (NCSA) of 2019.²⁹ The NCSA divides the Correctional Service into Custodial Service and Non-Custodial Service and further stipulates conditions for both.³⁰

There are some 250 correctional centres in Nigeria,³¹ including five correctional centres in Delta State, namely in Agbor, Kwale, Ogwuashi-Uku, Sapele, and Warri.³² The correctional centres include military detention facilities referred to as ‘illegal military detention camps’ by Bertelsmann Stiftung³³ or ‘unmonitored military detention facilities’ by the United States Department of State (USDOS).³⁴ USDOS reported that there were several of these military facilities in Nigeria, including the Giwa Barracks facility in Maiduguri, Borno State, however, in relation to the fight against armed non-state actors.³⁵ Similarly, the UN Committee on Enforced Disappearances (UNCED) expressed concerns over reports of alleged ‘secret detentions in military facilities and incommunicado detentions in the context of counter-terrorism.’³⁶ In a report released in December 2021, the UN Committee Against Torture (UNCAT) expressed concerns over ‘deaths and poor conditions in military detention facilities, particularly in Giwa Barracks and at the military base in Kainji [Niger State]’³⁷; and the lack of investigations into these claims.³⁸ The same report noted ‘the lack of reliable information on the total number of prison deaths, their causes and follow-up investigations.’³⁹

Regarding the conditions in the centres, the UNCAT noted that there were ‘reports of poor conditions of detention in all places of deprivation of liberty’ in Nigeria.⁴⁰ Sources indicated that the prisons face various problems including unsanitary conditions, lack of food and medical care,⁴¹ and poor conditions leading at times to deaths.⁴² Amnesty International reported, based on interviews, that individuals in military custody were facing unsanitary conditions and were held in overcrowded facilities.⁴³ According to USDOS, allegations of

²⁹ Tarhule, V. V., Synoptic Appraisal of the Nigerian Correctional Service Act, 2019, n.d., [url](#), p. 1. The law is available at: Nigeria, Nigerian Correctional Service Act, 2019, [url](#)

³⁰ Tarhule, V. V., Synoptic Appraisal of the Nigerian Correctional Service Act, 2019, n.d., [url](#), pp. 3-4

³¹ Cable (The), NCoS: Over 53k inmates awaiting trial across prisons in Nigeria, 22 December 2023, [url](#); Premium Times, 69% of Nigeria’s prison inmates awaiting trial – Official, 21 December 2023, [url](#)

³² Daily Post, Delta releases 13 inmates from correctional centres,, 26 November 2023, [url](#); Nigerian News, Full List of Prisons in Nigeria (2024), 3 March 2024, [url](#)

³³ Bertelsmann Stiftung, BTI 2022 Country Report Nigeria, 23 February 2022, [url](#), p. 11

³⁴ USDOS, Country Report on Human Rights Practices for 2022 - Nigeria, 20 March 2023, [url](#)

³⁵ USDOS, Country Report on Human Rights Practices for 2022 – Nigeria, 20 March 2023, [url](#)

³⁶ UNCED, Concluding observations on the report submitted by Nigeria under article 29, paragraph 1, of the Convention, 20 October 2023, [url](#), para. 42

³⁷ ACLED, Regional Overview Africa, June 2024, 5 July 2024, [url](#); UNDP, The State of Play, Process and Procedures for Screening, Prosecution, Rehabilitation and Reintegration in the Lake Chad Basin Region, 2023, [url](#), p. 49

³⁸ UNCAT, Concluding observations in the absence of the initial report of Nigeria, 21 December 2021, [url](#), para. 23

³⁹ UNCAT, Concluding observations in the absence of the initial report of Nigeria, 21 December 2021, [url](#), para. 19

⁴⁰ UN Human Rights Council, Nigeria, Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights, 10 November 2023, [url](#)

⁴¹ USDOS, Country Report on Human Rights Practices for 2023 - Nigeria, 23 April 2024, [url](#)

⁴² Germany, Federal Foreign Office, Bericht über die asyl- und abschiebungsrelevante Lage in Nigeria (Stand: Januar 2022), 22 February 2022, [url](#), p. 19

⁴³ AI, “Help Us Build Our Lives”: Girl Survivors Of Boko Haram And Military Abuses In North-East Nigeria, 2024, [url](#), p. 73



mistreatment in prisons were rarely made and if they were, they rarely lead to a criminal investigation.⁴⁴

Regarding the issue of overcrowding, in November 2023, authorities announced a release of some 4 000 convicted inmates to address it.⁴⁵ According to the spokesman of the Nigerian Correctional Service, as reported in December 2023, to address overcrowding, ‘the government recently constructed 3,000 ultra modern additional custodial facilities across the six geopolitical zones.’⁴⁶ Corroborating information could not be found among the sources consulted by EUAA within the time constraints.

Sources also reported on cases of unlawful detention, lasting even for years.⁴⁷ In July 2024, IPS News reported on a case of a man who spent over 13 years in prison ‘for stealing’ waiting for a trial.⁴⁸ As of December 2023, over 50 000 people held in prisons in Nigeria were still awaiting their trial, while some 24 000 have been already convicted.⁴⁹

Additionally, sources reported on jailbreaks.⁵⁰ Over 7 000 people escaped from Nigerian prisons in the period of 2010-2021⁵¹ and sources continued reporting on jailbreaks also in 2022.⁵² A local news source indicated that some 4 000 people escaped from prisons in 2021-2022.⁵³ The government claimed that after it strengthened the security, no escapes took place in 2023,⁵⁴ while in 2024, sources reported on an escape of over 100 inmates following damage of one correction facility in Suleja after a heavy rain.⁵⁵

Independent bodies such as the International Committee of the Red Cross (ICRC) and the National Human Rights Commission (NHRC)⁵⁶ of Nigeria had limited access to the detention

⁴⁴ USDOS, Country Report on Human Rights Practices for 2023 - Nigeria, 23 April 2024, [url](#)

⁴⁵ Business Insider Africa, Nigeria is set to release over 4000 inmates unable to pay their debt of N500 million, 20 November 2023, [url](#); Daily Post, FG releases 4,068 inmates to decongest prison, 18 November 2023, [url](#); News24, Nigeria frees 4 000 prisoners to ease jail crowding, cancels R13 million in fines, 20 November 2024, [url](#)

⁴⁶ Cable (The), NCoS: Over 53k inmates awaiting trial across prisons in Nigeria, 22 December 2023, [url](#)

⁴⁷ AI, Nigeria: Human Rights Agenda 2023, September 2023, [url](#), p. 17; AI, Nigeria: Mass prisoner release from unlawful military detention is testament to campaign power of ‘Knifor Women’, 25 November 2021, [url](#); Germany, Federal Foreign Office, Bericht über die asyl- und abschiebungsrelevante Lage in Nigeria (Stand: Januar 2022), 22 February 2022, [url](#), p. 19; IPS, Decongesting Nigeria’s Prisons: All-Female Lawyers Take the Lead, 16 July 2024, [url](#)

⁴⁸ IPS, Decongesting Nigeria’s Prisons: All-Female Lawyers Take the Lead, 16 July 2024, [url](#)

⁴⁹ Premium Times, 69% of Nigeria’s prison inmates awaiting trial – Official, 21 December 2023, [url](#)

⁵⁰ Al Jazeera, Jailbreak epidemic hits Nigeria’s overcrowded prisons, 10 December 2021, [url](#); Cable (The), TIMELINE: 1,993 inmates in Edo, 900 in Kuje... 14 jailbreaks under Buhari’s watch, 9 July 2022, [url](#); Premium Times, Jailbreak: Nigeria to relocate many prisons – Minister, 26 April 2024, [url](#)

⁵¹ Al Jazeera, Jailbreak epidemic hits Nigeria’s overcrowded prisons, 10 December 2021, [url](#)

⁵² Cable (The), TIMELINE: 1,993 inmates in Edo, 900 in Kuje... 14 jailbreaks under Buhari’s watch, 9 July 2022, [url](#); Punch, NCoS says no jailbreak, attacks in 2023, 21 December 2023, [url](#)

⁵³ Leadership Newspaper, Jailbreaks... 4,000 Prisoners Still On The Loose 2 Years After, [January 2024], [url](#)

⁵⁴ Punch, NCoS says no jailbreak, attacks in 2023, 21 December 2023, [url](#)

⁵⁵ Africa News, Over 100 inmates break free from a Nigerian prison after heavy rains, last updated 25 April [2024], [url](#); Arise News, Suleja Prison Wall Collapse: Nigerian Correctional Service Publishes Photos of Escapees, 20 July 2024, [url](#); CGTN Africa, Nigerian government orders manhunt for 109 inmates after jailbreak, 26 April 2024, [url](#)

⁵⁶ ‘The National Human Rights Commission of Nigeria was established [...] for the promotion, protection and enforcement of human rights. The Commission serves as an extra-judicial mechanism for the respect and enjoyment of human rights. It also provides avenues for public enlightenment, research, and dialogue in order to raise awareness on Human Rights issues.’ See: NHRC, About National Human Rights Commission, n.d., [url](#)



facilities, including some military detention facilities, but ‘the commission [NHRC] could not compel the government to prosecute perpetrators of human rights abuses.’⁵⁷ An older Human Rights Watch report dated September 2019 stated that ‘Nigerian authorities have consistently denied the UN access to military detention facilities.’⁵⁸ In 2022, the NHRC conducted an audit of correctional centres and other detention facilities to assess the conditions of the inmates with a goal to produce a follow-up report on the situation for the government.⁵⁹ Corroborating information on the audit and the follow-up report could not be found among the sources consulted by EUAA within the time constraints.

Following protests by the soldiers held in a military detention facility in Sokoto in May 2024 that have been described by the army as ‘mutiny’, the army indicated that an investigation into the conditions of the military detention facilities across the country will take place.⁶⁰ Corroborating information on the investigation could not be found among the sources consulted by EUAA within the time constraints.

3. Access to documents, including passports

Information on access to documents, including passport, for those who have resigned from the army could not be found among the sources consulted by EUAA within time constraints.

Information on access to documents, including passport, for deserters could not be found among the sources consulted by EUAA within time constraints.

However, the following information may be relevant.

Freedom of movement, including foreign travel, are guaranteed by law in Nigeria and according to USDOS, ‘authorities generally respected these rights.’⁶¹ The authority responsible for issuing passports is the Nigeria Immigration Service (NIS), as stipulated by the Immigration Act No. 8 of 2015.⁶² Citizens can apply for a new passport online from Nigeria or from abroad, with an appointment to take biometric data at a passport office or a mission abroad, respectively.⁶³

⁵⁷ USDOS, Country Report on Human Rights Practices for 2023 - Nigeria, 23 April 2024, [url](#)

⁵⁸ HRW, “They Didn’t Know if I Was Alive or Dead”, Military Detention of Children for Suspected Boko Haram Involvement in Northeast Nigeria, September 2019, [url](#), pp. 2, 16

⁵⁹ Nigeria, NHRC, 2022 Annual Report, 25 May 2023, [url](#), p. 59

⁶⁰ Arisenews, Nigeria’s Army Chief Lagbaja Orders Probe into Mutiny by Soldiers, 12 May 2024, [url](#); Premium Times, Soldiers protest overcrowded cells, poor feeding in Sokoto, 11 May 2024, [url](#)

⁶¹ USDOS, Country Report on Human Rights Practices for 2023 - Nigeria, 23 April 2024, [url](#)

⁶² Manby, B. and Momoh, S., Report on Citizenship Law: Nigeria, July 2020, GLOBALCIT (Global Citizenship Observatory), Robert Schuman Centre for Advanced Studies, in collaboration with Edinburgh University Law School, [url](#), p. 10

⁶³ Nigeria, Nigeria Immigration Service, n.d., [url](#)

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