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COI QUERY RESPONSE

NIGERIA - JUDICIAL CORRUPTION AND POLICE CORRUPTION; BRIBERY OF POLICE TO FALSELY ACCUSE AN INNOCENT PERSON OF A CRIME IN PLACE OF A GUILTY PERSON; INFORMATION ON WRONGFUL CONVICTIONS & STATE PROTECTION FOR PEOPLE WRONGFULLY CONVICTED OF CRIMES

INFORMATION ON JUDICIAL CORRUPTION AND POLICE CORRUPTION

In February 2024 *Opinion Nigeria* states “On June 21, 2023, when IGP Kayode Egbetokun took over as acting Inspector General of Police, he vowed to rid the police force of corruption and abuse of power and take necessary action against any form of misconduct from personnel.”¹

The *US Overseas Security Advisory Council (OSAC)* in January 2024 reported that “Massive, widespread, and pervasive corruption affect all levels of government, including the judiciary and security services.” [...] ²

A report issued by the *International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA)* in November 2023 notes that “In the capital city of Abuja, in January 2014, shortly after the SSMPA was passed, police raided an HIV services and treatment centre. The police arrested 12 of the 24 people attending a meeting there. They spent three weeks in police custody, where they were beaten almost daily and barely given any food or water. They were arrested without being formally charged with any offence, and finally released after they paid a 100,000 Naira bribe (approximately USD 318). One victim reported that the police would regularly say, “since you are gay, you must pay. How much do you have in your account? Gay men are so rich.”³

¹ Opinion Nigeria (13 February 2024) Egbetokun's Anti-Corruption Policy Is Paying Off -By Adewole Kehinde

² US Overseas Security Advisory Council (OSAC) (25 January 2024) Nigeria Country Security Report 2024

³ International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) (30 November 2023) Our identities under arrest: A global overview on the enforcement of laws criminalising consensual same-sex sexual acts between adults and diverse gender expressions 2023 [Nigeria excerpt]

The Office of the *United Nations High Commissioner for Human Rights (OHCHR)* in November 2023 mentioned “The Human Rights Committee expressed concern about reports of political influence and corruption in the judiciary, delays in the administration of justice, the absence of legal representation in some cases, the general nature of some charges and the mass trials of terrorist suspects.” [...] ⁴

The *US Congressional Research Service* in November 2023 points out that “Corruption is a key challenge. Procurement fraud, embezzlement, and other forms of corruption have reportedly drained defense sector resources. By many accounts, there is little transparency into defense budgeting and procurement; several military officers have been convicted of self-enrichment.” ⁵

In October 2023 *U4 Anti-Corruption Resource Centre (Norway)* reported that “The constitution guarantees the independence of the judiciary in Nigeria, and judicial rulings are generally well respected. However, while the judiciary has achieved some independence in practice, corruption and political interference pose challenges.” [...] ⁶

This same report states “Both 2019 surveys identified that most bribes are paid when interacting with police officers.” ⁷

In October 2023 *Afrobarometer* states “Given the frequency of reported bribe paying, it is little surprise that a large majority (73%) of Nigerians say that “most” or “all” police officials are corrupt – the worst rating among 11 institutions and groups of leaders that the survey asked about. In addition, 23% say that “some” police officials are corrupt, leaving just 2% who say “none” are corrupt and 2% who say they “don’t know.”” ⁸

A report issued by the *Global Initiative against Transnational Organized Crime* in September 2023 states “In addition, the police force in Nigeria is widely perceived as corrupt, unhelpful, and untrustworthy.” ⁹

The report further mentioned that “Corruption within the judiciary has eroded public trust and damaged its reputation.” ¹⁰

⁴ Office of the United Nations High Commissioner for Human Rights (OHCHR) (10 November 2023) Nigeria: Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights

⁵ US Congressional Research Service (9 November 2023) Nigeria: Overview and U.S. Policy (November 2023)

⁶ U4 Anti-Corruption Resource Centre (Norway) (27 October 2023) Corruption and anti-corruption efforts in Nigeria

⁷ *ibid*

⁸ Afrobarometer (11 October 2023) Amid growing insecurity, Nigerians fault police for corruption and lack of professionalism

⁹ Global Initiative against Transnational Organized Crime (26 September 2023) 2023 Global Organized Crime Index – Nigeria

¹⁰ *ibid*

INFORMATION ON BRIBERY OF POLICE TO FALSELY ACCUSE AN INNOCENT PERSON OF A CRIME IN PLACE OF A GUILTY PERSON. INFORMATION ON WRONGFUL CONVICTIONS; & STATE PROTECTION FOR PEOPLE WRONGFULLY CONVICTED OF CRIMES

Daily Independent (Nigeria) in November 2023 points out that: “Corruption in the justice system in Nigeria has resulted in the perversion of justice, wrongful convictions, and acquittals of guilty parties.”¹¹

The Punch Newspaper in November 2022 mentioned that: “Fatteh Hamid writes about the harrowing experiences of Nigerians sent to prison on trumped-up or spurious charges only for their innocence to be established after they had languished for years in jail and the course of their lives altered.”¹²

This document further notes that: “The balance in the life of Femi Ariyo, a Lagos-based transporter, was upset on February 28, 2018 when he received a phone call from the now disbanded Special Anti-Robbery Squad department of the Nigeria Police Force. That unexpected phone call would mark, for him, the beginning of a journey to Kirikiri Maximum Prison, which lasted over four harrowing years.” [...]

“Ariyo said, “I gave my bus to one my junior colleagues who also worked for me and about 6am on February 28, 2018, I received a call from the Special Anti-Robbery Squad, Ikeja, Lagos State. They stated that my bus was seized at Oshodi and I should show up.” [...]

“It was confusing and immediately, I left for the station. When I got there, they told me that my bus had been reported for robbing a lady and before I knew it, I was beaten to stupor. A lady who claimed to have been robbed came around but she said she couldn’t identify me or my colleague to be among the persons who robbed. Notwithstanding that, the police locked us up all the same.” [...]

The document also states that: “On June 14, 2022, when they failed to produce the woman, the judge delivered a ruling, declaring that the charge against me was trumped-up. That was how the court discharged me. But I had spent four years and four months in prison for a crime I knew nothing about,” Ariyo lamented.” [...]

“Criminal justice experts say wrongful imprisonment is prevalent in Nigeria. They link it to poor investigation by the police and a judiciary lacking in circumspection.” [...]

“Justice Alogba said, “Fifty per cent of the homicide cases in the state are trumped-up charges. Even when these victims are eventually acquitted of the trumped-up charges, no law provides people like them with compensation.”¹³

The Punch in December 2021 mentioned that “In Nigeria, wrongful convictions pervade the system and remain undetected, usually for years. The punishment is borne by the convicted persons, who suffer humiliation and are being deprived of their right to liberty. Their families also experience pain

¹¹ Daily Independent (Nigeria) (16 November 2023) Leveraging Legal Challenges To The Rule Of Law In Prevailing Socio-Economic Realities In Nigeria

¹² The Punch Newspaper (20 November 2022) Victims of wrongful imprisonment recount harrowing tales, lawyers seek reforms

¹³ ibid

and suffering over the period of their wrongful incarceration. Wrongful conviction in Nigeria is anchored around poor police investigation and fuelled by miscarriage of justice.”¹⁴

In October 2021 *Advocates for Human Rights USA* reported “In one instance, a court sentenced five minors to death after they were rounded up for being bystanders in the area where a murder victim's body was found. The police failed to conduct any investigation before arresting the minors. Police extracted confessions through beatings and threats that they would be shot. All five people spent 17 years on death row before a court overturned their convictions on appeal.”¹⁵

A dissertation published by the *University of Windsor* in 2021 notes “The system of justice in Nigeria...Nigeria law is injustice because they don't say the truth. They don't tell the truth. If police arrested you unlawfully, getting to court, the judge will now support the police. They will now take, I mean um...the policeman will be prosecuting the accused person for a case, I mean, for what did not happen. They collect money from people, bribe, so we [have] injustice. If you are a poor man, you don't have much to say, you don't have power, but if you're a rich man, everything is money. It's money they need...Corruption.”¹⁶

The same document states that: “Participants discussed requests for bribes from police officers while in police custody. Their narratives reveal that the requests were made after they were tortured during police interrogations. According to the participants, the police officers offered to release them from custody if their families met their monetary demands. When they failed to make the payments, the participants remained in police detention and were eventually charged for the crimes.”¹⁷

¹⁴ The Punch (12 December 2021) Lawyers condemn unjust convictions, urge adequate compensation for victims

¹⁵ Advocates for Human Rights USA (11 October 2021) Nigeria's Compliance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: Death Penalty and Detention Conditions

¹⁶ University of Windsor (2021) Access Denied: A Socio-Legal Exploration of Access to Justice in Nigerian Wrongful Conviction Cases, p.114, p.126

¹⁷ *ibid*

References

Advocates for Human Rights USA (11 October 2021) *Nigeria's Compliance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: Death Penalty and Detention Conditions*

<https://www.ein.org.uk/members/country-report/nigerias-compliance-convention-against-torture-and-other-cruel-inhuman-or>

(Accessed on 15 February 2024)

This is a subscription data base

Afrobarometer (11 October 2023) *Amid growing insecurity, Nigerians fault police for corruption and lack of professionalism*

<https://www.ein.org.uk/members/country-report/amid-growing-insecurity-nigerians-fault-police-corruption-and-lack>

(Accessed on 15 February 2024)

This is a subscription data base

Daily Independent (Nigeria) (16 November 2023) *Leveraging Legal Challenges To The Rule Of Law In Prevailing Socio-Economic Realities In Nigeria*

<https://advance.lexis.com/document/?pdmfid=1519360&crd=be9e4858-4d4d-4c1c-b30d-4fc1d1a84640&pddocfullpath=%2Fshared%2Fdocument%2Fnews%2Furn%3AcontentItem%3A69N1-PPG1-F11P-X3WC-00000-00&pdcontentcomponentid=428125&pdteaserkey=sr8&pditab=allpods&ecomp=twmyk&earg=sr8&prid=b6bffd4f-0ca7-4199-9404-9518634ea0d3>

(Accessed on 15 February 2024)

This is a subscription data base

Global Initiative against Transnational Organized Crime (26 September 2023) *2023 Global Organized Crime Index – Nigeria*

<https://www.ein.org.uk/members/country-report/2023-global-organized-crime-index-nigeria>

(Accessed on 15 February 2024)

This is a subscription data base

International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) (30 November 2023) *Our identities under arrest: A global overview on the enforcement of laws criminalising consensual same-sex sexual acts between adults and diverse gender expressions 2023 [Nigeria excerpt]*

<https://www.ein.org.uk/members/country-report/our-identities-under-arrest-global-overview-enforcement-laws-90>

(Accessed on 15 February 2024)

This is a subscription data base

Opinion Nigeria (13 February 2024) *Egbetokun's Anti-Corruption Policy Is Paying Off -By Adewole Kehinde*

<https://advance.lexis.com/document/?pdmfid=1519360&crd=e0ffbe1b-c873-4cf3-924f-f42883bde4b&pddocfullpath=%2Fshared%2Fdocument%2Fnews%2Furn%3AcontentItem%3A6BB1-DYW1-JDJN-601B-00000-00&pdcontentcomponentid=483831&pdteaserkey=sr7&pditab=allpods&ecomp=twmyk&earg=sr7&prid=ec5aaeb7-61f9-442c-b6c9-769579edafa8>

(Accessed on 15 February 2024)

This is a subscription data base

Office of the United Nations High Commissioner for Human Rights (OHCHR) (10 November 2023) *Nigeria: Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights*

<https://www.ein.org.uk/members/country-report/nigeria-compilation-information-prepared-office-united-nations-high>

(Accessed on 15 February 2024)

This is a subscription data base

The Punch (12 December 2021) *Lawyers condemn unjust convictions, urge adequate compensation for victims*

<https://advance.lexis.com/document/?pdmfid=1519360&crid=06b654fe-f8c9-4ec2-b184-6aefb77bb384&pddocfullpath=%2Fshared%2Fdocument%2Fnews%2Furn%3AcontentItem%3A648W-9G01-JDJN-628Y-00000-00&pdcontentcomponentid=476898&pdteaserkey=sr0&pditab=allpods&ecomp=twmyk&earg=sr0&prid=b6bff4f-0ca7-4199-9404-9518634ea0d3>

(Accessed on 15 February 2024)

This is a subscription data base

The Nation (Nigeria) (31 December 2022) *The police Nigeria deserves*

<https://advance.lexis.com/document/?pdmfid=1519360&crid=35f2bebf-1ba2-4c46-b291-74c0a1fd3a35&pddocfullpath=%2Fshared%2Fdocument%2Fnews%2Furn%3AcontentItem%3A676S-53X1-JCH9-G1MW-00000-00&pdcontentcomponentid=416485&pdteaserkey=sr0&pditab=allpods&ecomp=twmyk&earg=sr0&prid=6b525570-95fd-4d68-9cc4-3f3c64ee2d38>

(Accessed on 15 February 2024)

This is a subscription data base

U4 Anti-Corruption Resource Centre (Norway) (27 October 2023) *Corruption and anti-corruption efforts in Nigeria*

<https://www.ein.org.uk/members/country-report/corruption-and-anti-corruption-efforts-nigeria>

(Accessed on 15 February 2024)

This is a subscription data base

US Congressional Research Service (9 November 2023) *Nigeria: Overview and U.S. Policy (November 2023)*

<https://www.ein.org.uk/members/country-report/nigeria-overview-and-us-policy-november-2023>

(Accessed on 15 February 2024)

This is a subscription data base

US Overseas Security Advisory Council (OSAC) (25 January 2024) *Nigeria Country Security Report 2024*

<https://www.ein.org.uk/members/country-report/nigeria-country-security-report-2024>

(Accessed on 15 February 2024)

University of Windsor (2021) *Access Denied: A Socio-Legal Exploration of Access to Justice in Nigerian Wrongful Conviction Cases*

https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKewjk8rKiuq2EAXWuTEEAHVyBAecQFnoECCcQAQ&url=https%3A%2F%2Fscholar.uwindsor.ca%2Fcgi%2Fviewcontent.cgi%3Farticle%3D9642%26context%3Ddetd&usg=AOvVaw0AwakWb12L_sEkx681gfEs&opi=89978449

(Accessed on 15 February 2024)

Sources Consulted:

Amnesty International
BBC News
Electronic Immigration Network
European Country of Origin Information Network
Freedom House
Google
Human Rights Watch
Immigration and Refugee Board of Canada
Internal Displacement Monitoring Centre
International Crisis Group
Lexis Nexis
Minority Rights Group International
New Humanitarian
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