

NATIONAL COMMITTEE AGAINST TORTURE (NCAT)

The Presidency



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4TH QUARTERLY REPORT OF THE NATIONAL COMMITTEE AGAINST TORTURE FOR THE PERIOD ENDING 31ST DECEMBER, 2014

TO

**THE UNITED NATIONS SUBCOMMITTEE
AGAINST TORTURE IN GENEVA, SWITZERLAND**

BY

DR SAMSON SANI AMEH (SAN), MFR

Chairman, National Committee Against Torture (NCAT)

REPORT OF THE NATIONAL COMMITTEE AGAINST TORTURE (NCAT) FOR THE 4TH QUARTER ENDING 31ST DECEMBER, 2014 (VISITS TO PRISONS, POLICE STATIONS & OTHER PLACES OF DETENTION IN NIGER STATE OF NIGERIA)

1.0 INTRODUCTION

1.01 It will be recalled that further to the Declaration of the United Nations Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, (**NCAT**), Nigeria signed the Convention on **28th June, 1988** and ratified it on **28th June, 2001**. In order to ensure that this lofty idea is implemented by Nation States or State Parties, the United Nations went a step further by the adoption of the **Optional Protocol to the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT)** which came into force on **22nd June, 2006**. Nigeria ratified (**OPCAT**) on **27th July, 2009**.

1.02 The Optional Protocol to the United Nations Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (**OPCAT**) imposes an obligation on State Parties not only to ratify it but to set up National Prevention Mechanisms (**NPMs**) i.e. a machinery for the prevention of torture. Further to the ratification of (**OPCAT**) on **27th July, 2009** Nigeria inaugurated the National Committee Against Torture (**NCAT**) on **29th September, 2009** significantly only two months after the ratification of **OPCAT**.

1.03 The Terms of Reference of the **NCAT** are as follows:-

- i. "Receive and consider communications on torture from individuals, **CSO's** and government institutions.
- ii. Visit all places of detention in Nigeria and promptly, impartially, examine any allegation of torture therein.

- iii. Ensure that education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment.
- iv. Keep under systematic review, interrogation rules instruction, methods and practice as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment, with a view to preventing any cases of torture.
- v. Prepare quarterly briefings to the **HAGF** on cases of torture and propose appropriate administrative and judicial intervention.
- vi. Propose and Anti-Torture Legislation.
- vii. Further develop a National Anti-Torture Policy”.

2.00 VISITS TO PRISONS, POLICE STATIONS AND OTHER PLACES OF DETENTION IN NIGER STATE

2.01 The emphasis of the work of the Committee for this Quarter ending on 31st December, 2014 was Visits to Prisons, Police Stations and other Places of Detention in Niger State.

Niger State is one of the 6 States of Nigeria located in the North Central Geo-Political Zone of the Country and it has 25 Local Government Areas. There are a total of 8 Prisons Yards in Niger State located as follows:-

- 1. Minna Old Prison
- 2. Minna New Medium Security Prison
- 3. Kontagora Medium Security Prison
- 4. Bida Prison
- 5. New Bussa Prison

6. Lapai Prison; and,
7. Kagara Prison
8. Agaie Prison

2.02 To be realistic we obtained these statistics in the course of our visits as follows:-

As at 23rd October, 2014 the Prison Inmates in Niger State are classified according to gender as follows.

**MEDIUM SECURITY PRISON TUNGA – MINNA
OPEN OUT AS AT 27TH NOVEMBER, 2014
CLASSIFICATION BY CONVICTION**

CONVICTION	M	F	M/F
UNCONVICTED	228	01	229
CONVICTED	59	-	59
LIFER	01	-	01
C.C	15	-	15
TOTAL	303	01	304

CLASSIFICATION BY OFFENCES

OFFENCES	M	F	M/F
CULPABLE HOMICIDE	88	01	89
ARMED ROBBERY	74	-	74
RAPE	11	-	11
OTHER OFFENCES	130	-	130
TOTAL	303	01	304

2.03 Then on 27th November, 2014 there were 304 Inmates in the 8 Prisons in Niger State classified according to the nature of the Offences and Convicts/Awaiting Trials as follows:

23/10/2014

OPEN OUT	CC		Lifers		Long term		Short term		Awaiting trial	
	M	F	M	F	M	F	M	F	M	F
Minna New Prison	13	-	01	-	24	2	47	1	218	1
Minna Old Prison	-	-	-	-	23	-	13	1	243	7
Kontagora	-	-	-	-	62	-	97	-	40	-
Bida					16	-	18	-	21	-
New Bussa					17		59		42	1
Lapai					3		63		7	
Aqaie					1		40		5	
Kagara					26		60		17	1

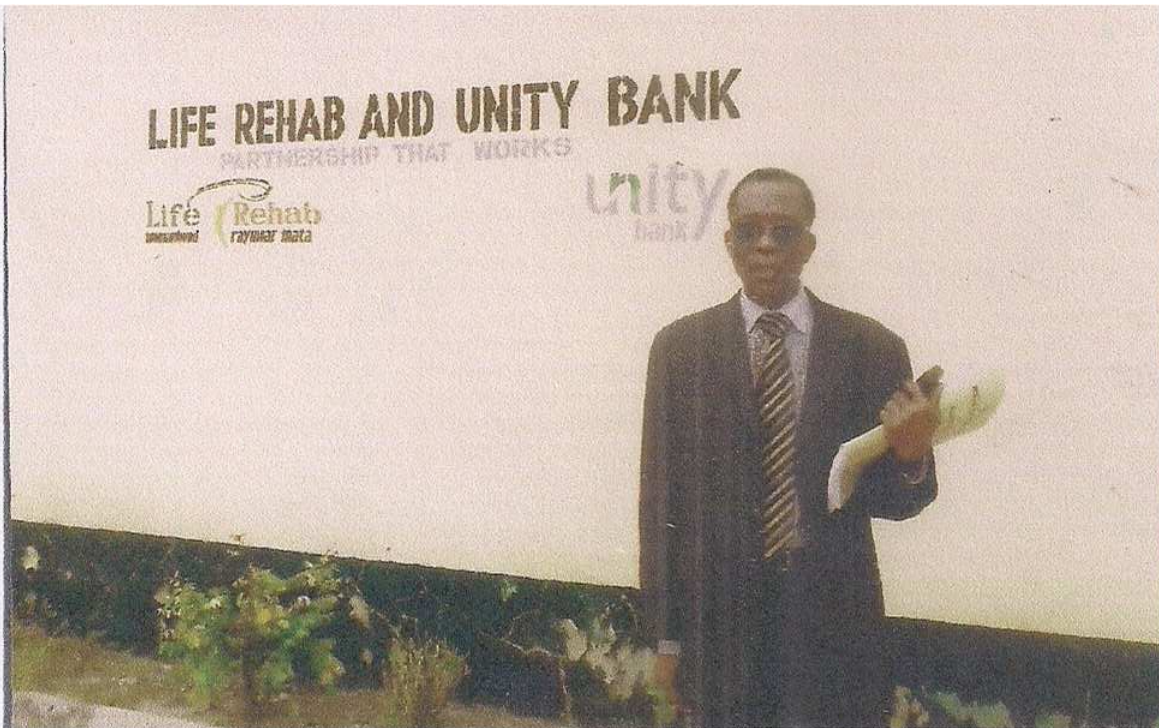
2.04 In the Course of our first visit to Niger State, we were at the Federal Secretariat in Minna where the Federal Ministries in the State are located. In order to have a smooth and uninterrupted visits to the places of detention in the State we met with the Officials of the Ministry of Interior at the Federal Secretariat to solicit their co-operation and we are happy to say that they were very cooperative. The Niger State Prison Command has the following officials; namely,

- i) The Controller of Prisons whom we met and who briefed us.
- ii) The Deputy Controller of Prisons
- iii) Desk Officer, Human Rights. This is a recent and very important innovation. As a result of our efforts and other Human Rights Organisations, the Nigerian Prisons Service has taken this very important positive step of creating a Desk Officer for Human Rights in each Prison Formation. In the event of any prisoner and/or inmate wanting to complain of being a victim of torture or

breach of human right, he or she has a place within the Prison Premises where he or she can complain. Such complaints are investigated by the Human Rights Desk Officer and appropriate recommendations are made to the Controller of Prisons in the State as the case may be. It is important to emphasize herein that instead of being commended for such a wise and innovative step, the Amnesty International for no reason publicized to the whole world that Nigeria has created what they called “**torture desks**” in the Prisons. This is incredible and as such it must be condemned roundly.

- iv) Legal Unit. This is where Prisoners/Inmates can seek preliminary Legal advise on their rights being infringed before they decide on full legal action. This is also in furtherance of their protection of their human rights and against possible acts of torture.
- v) After Care Office:- This is a unit that takes care of Prisoners/Inmates after their release and before they join their families and relatives. This unit has come into existence following the experience of several prisoners/inmates who after release do not have relatives/families on hand to take them away or take them back home. The uniform complaint is lack of transport money to travel back home. At this point it is important to commend the assistance being provided to the Niger State Prison Command by the wife of the former Head of State the Honourable Justice Fati Abubakar who incidentally is the current Chief Judge of Niger State. She is the Founder of the Life Rehabilitation which I visited at the Minna Old Prison as can be seen from this picture.

We attach herewith the letter from the Controller of Prisons, Niger State Command to All Officers in Charge of the Prisons in Niger State dated 22nd October, 2014 to give our team access to the Prisons. Also attached is **MANDATE OF THE NATIONAL COMMITTEE ON TORTURE.**



**Life Rehab, the project of the First Lady of Niger State,
Hon. Justice Fati Abubakar, CON**

- vi) Welfare Officer
- vii) Industrial Officer
- viii) Unit Commander
- ix) Operations Department.

2.05 From the above, it can be seen that our prisons are now very well organized to handle different aspects of the welfare of prisoners/inmates. The only complaint now is lack of funds. Once we have funds, there are well trained officials, who can perform their duties efficiently and effectively.

3.00 MINNA OLD PRISON

3.01 The Minna Old Prison is one of the oldest prisons in the country built during the early colonial days, sometimes in 1902. There has been a lot of efforts to upgrade the prison facilities during the past several years.

As at the time of our visit (23rd October, 2014) there were a total of 289 inmates made up as follows:-

a) Awaiting Trials	244 males
	6 females
b) Convicts	38 males
	<u>1 female</u>
Total		<u>289 Inmates</u>

We paid special attention to the Female Cell where we saw one female convict and six females awaiting trial. One female who is awaiting trial on charges of capital punishment (murder) with a baby boy of eleven (11) months old. We were told that she came into the prison with the baby boy and not that the baby was born in prison. We did not take the picture of the child and his mother to avoid future stigmatization. We used the opportunity to examine the prisoners and the officials on how the sick and the elderly are treated. We discovered that there is just one Medical Doctor for all the eight (8) Prisons in Niger State who goes on visiting to different locations. But based at Minna Old Prison there are two (2) Nurses and Five (5) Public Health Officials. There is a total staff of 120 members. There are three beds for prisoners who fall sick before they are taken to the General Hospital.

Drugs are supplied to the prisons and there is a laboratory for limited medical examination.

3.02 SKILLS ACQUISITION

There is a programme put in place for prisoners to acquire skill while in incarceration. Accordingly inmates are provided with:-

- i) Laundry equipment
- ii) Carpentry equipment
- iii) Tailoring workshops with embroidery
- iv) Six Sewing Machines
- v) Six Computers, etc, etc.

This Skill Acquisition programme will help prison inmates to reintegrate into the society upon their discharge so that they do not go back into committing crimes for their livelihood. As a result of our intervention as well as other Human Rights and Civil Society Organisations (**CSOs**) we were informed by the prisons officials that acts of beating or torture of prisoners have been reduced to the minimum. Any Officer who hits a prisoner with any object without just cause is disciplined. Even prisoners are now permitted to call their lawyers and relatives with cell phone and indeed Awaiting Trials have their own cell phones.

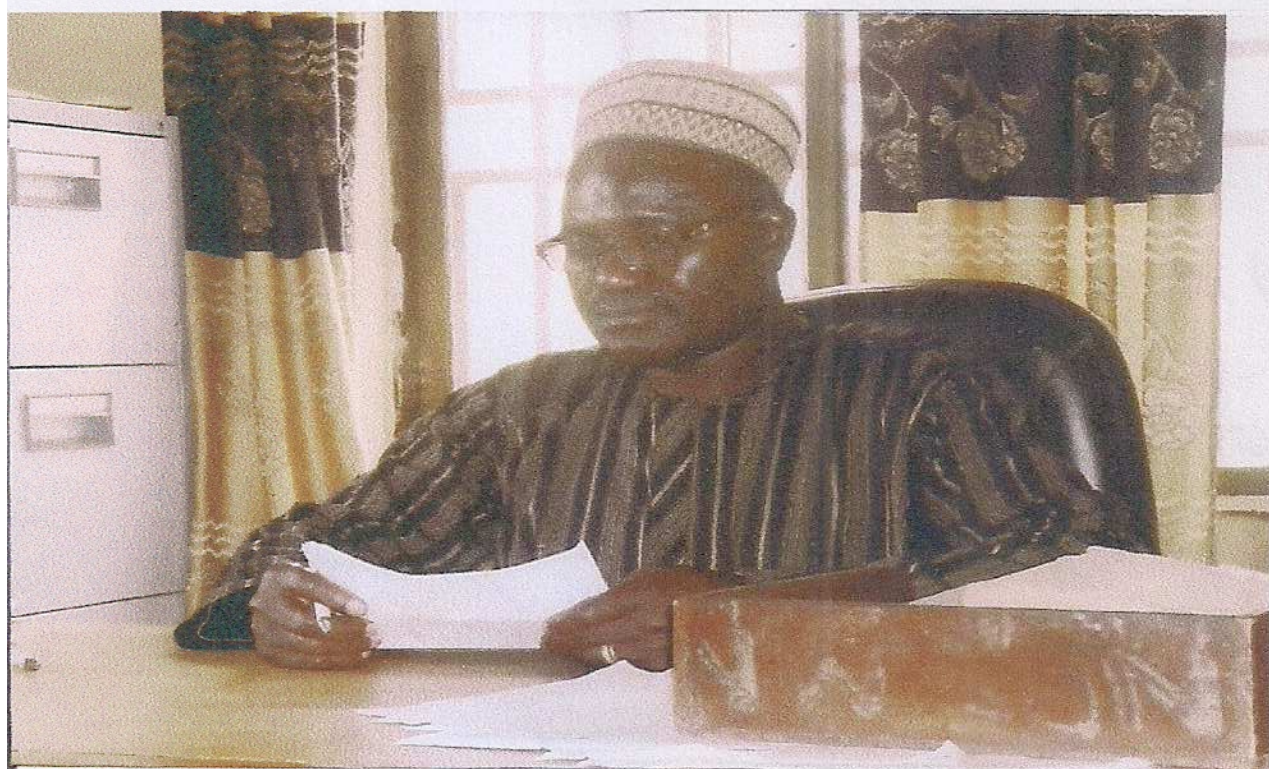
3.13 At Minna Old Prison we received the following complaints which we must point out; namely,

- a) There are no sufficient beds especially for those Awaiting Trial and most of them sleep on the floor.
- b) The number of vehicles for transporting prisoners and those awaiting to Court and back; to hospitals etc is grossly inadequate. There is no enough money for fueling and maintenance.
- c) For the staff, they complain of inadequate official quarters, inadequate salaries, allowances and delay in payment of arrears *after promotion*.

3.14 Once again, we attach a Circular dated 19th June, 2014 from the then Controller-General of Prisons Service, **ZAKARI O. IBRAHIM, MFR** mni to all Controller of Prisons etc, titled "**PROHIBITION OF TORTURE IN ALL PRISON FORMATIONS**" to show the impact of our work on the Nigerian Prisons Service



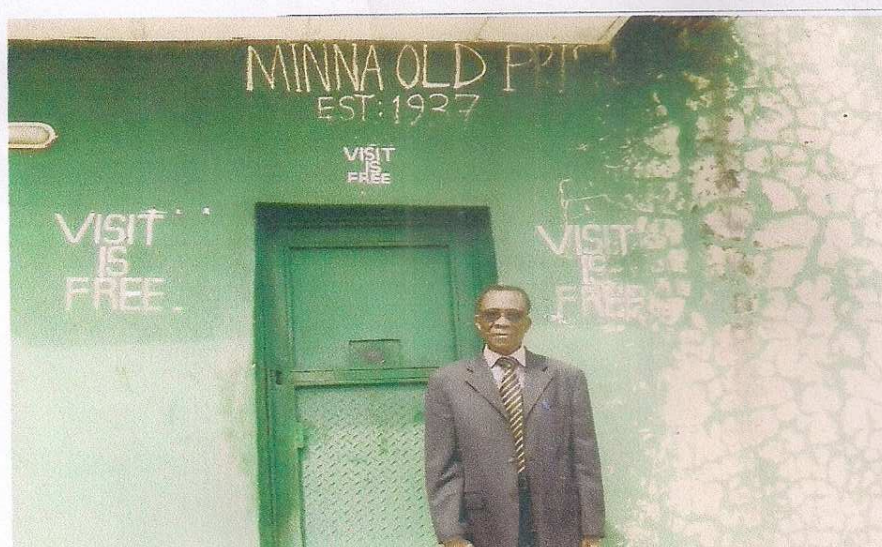
DR. S.S. AMEH (SAN) Chairman, National Committee Against Torture (NCAT) at the Gate of Minna Old Prison, Niger State on 23/10/2014



Deputy Controller of Prisons, DCP MOHAMMED briefing DR. S.S. AMEH (SAN) at Minna Old Prison on 14/11/2014



Deputy Controller of Prisons, MOHAMMED taking DR. S.S. AMEH (SAN) around the cells and premises of the Minna Old Prison



DR. S.S. AMEH (SAN) in front of the Security door of Minna Old Prison with the inscription of "VISIT IS FREE" to encourage relationships.



Picture of DR. S.S. AMEH (SAN) and DCP MOHAMMED at the end of visit to Minna Old Prison.



DR. S.S. AMEH (SAN) Chairman, (NCAT) signing off the Visitors Book at the end of his visit to Minna Old Prison, Gwari Road, Minna, Niger State.

4.00 MINNA MEDIUM SECURITY PRISON

4.10 The **Minna Medium Security Prison** otherwise referred to as the **Minna New Prison** was built and commissioned in the year 2001. We visited the Prison first on **14th November, 2014** at **TUNGA** near Minna Town.

We again visited the Minna New Prison on **27th November, 2014** and conducted a thorough investigation as follows. As at the day of our visit, there were

304 Inmates made up of

59 Convicts with

1 Life Sentence and

229 Awaiting Trials but one cell is for 73 and

15 Capital Punishment

Being a newly built Prison, we noticed a lot of improvements as follows:-

1) There are for instance 146 members of staff attached to the Prison Yard as follows:-

a) A single Doctor for the whole of Niger State;

b) 4 Nurses;

c) 4 Public Health Officers;

d) 1 Hospital Assistant;

e) 4 Beds for Emergency cases;

f) 2 Vehicles but no money for fueling and maintenance;

g) 9 Female Wardresses for Morning, Afternoon and Night Duty for the Female Ward.

4.11 Furthermore, we observed a number of things in the course of our inspection and interaction with both officials and inmates and these are:-

a) In the medical section, there is no ordinary thermometer and Drugs are supplied mainly by Voluntary Organizations and Non-Governmental Organizations (**NGOs**).

- b) We wish to note again and appreciate the efforts of the Niger State First Lady, the Hon. Justice Fati Abubakar, CON, Chief Judge of Niger State who donated several Computers to the Prisons Department.
- c) There are 5 Computers in the Computer Room manned by Mohammed Lambo who is Computer – Literate.
- d) At the Medical Clinic we saw the medical staff attending to inmates, the beds are quite good and there are mattresses and 4 wheelchairs for those inmates who are so sick and unable to walk.
- e) There is a solar energy installed by the Presidency but currently it is not working; so also is the detective light.
- f) Games include Table Tennis (indoors) and Football (outdoor).
- g) There is a Mosque and a Church.
- h) There is a Workshop for Tailoring, Carpentry and Laundry as well as a Fish Pond.
- i) The Convicts wear blue uniforms while those awaiting trial wear green uniforms.
- j) The Awaiting Trial Cell made for 73 inmates is now grossly inadequate for the present 229 awaiting trials.
- k) 15 Inmates have been condemned to death while one (1) has been sentenced to life imprisonment.
- l) There is a designated female wing for female prisoners and inmates administered mainly by female prison officials unlike the Minna Old Prison which made no special provision/arrangement for female prisoners/inmates.

4.12 LOGISTICS

We received a number of complaints as follows:-

- a) There is lack of working materials for mechanical and carpentry works and others.
- b) The Beds and Mattresses are grossly inadequate. There is no fumigation and the prisoners/inmates are bitten by mosquitoes, bed bugs etc and subjected to health hazards. Uniforms are also inadequate.

4.13 For the staff, they need improved welfare package; promotion as and when due. The staff accommodation is inadequate and the staff made out a case of their insecurity in living in towns instead of barracks or staff quarters. Even the limited number of staff quarters suffers from lack of adequate maintenance.

5.00 VISIT TO POLICE STATIONS IN NIGER STATE

5.10 While in Niger State during the last Quarter, we paid visits to a number of Police Stations and interviewed several detainees.

The Detainees generally stated that they were fairly treated at the Police Stations. Whenever they need help, the Policeman and Women on duty readily came to their help. Their visitors including relatives and their Lawyers had easy access to the Detainees. Their communication with outsiders were not hampered and they could communicate freely with their cell phones with their relatives and Lawyers.

5.11 However, there are one or two problems to be addressed.

The first one is their conditions of living in Police Cells. If they are just taken behind the Counter, they stand most of the time without seats to sit or lie down upon. It is even worse in the Cells where sometimes they have to lie down or even sleep on the floor. In addition to this is secondly the problem of over congestion. The cells built several years ago cannot contain the number of suspects as the population has since grown up.

5.12 The problems of the Police also need to be attended to. The Police needs more Barracks Accommodation, they need improved remuneration and working facilities, for instance, a suspect is required most of the time to provide the paper on which he or she writes his or her Statement under caution. As the Police cannot predict where and when there will be communal clashes, it is difficult to make adequate plans and so most of the time they have to improvise as they are now doing in the three North-Eastern States of Nigeria and the Police has to be commended right from the Inspector General of Police downwards; indeed, they need to be appreciated and encouraged to do more.

6.00 CONCLUSION

6.10 In the course of our visits to the Prisons, Police Stations and other Places of Detention and interaction with the stakeholders during the 4th Quarter ending on **31st December, 2014** we observed considerable improvements in the reduction of cases of abuse of human rights and torture. We believe and hope that this trend will continue.

6.11 We must not however fail to point out that there are number of challenges being faced by the security agencies starting from lack of accommodation to dire shortage of funds. The National Committee Against Torture (**NCAT**) is not immune from such problems and indeed we are critically short of funds. We are operating now out of the personal intervention of the Chairman and there is a limit to which he can go. Therefore we use this opportunity to seriously appeal for improved funding of our activities.

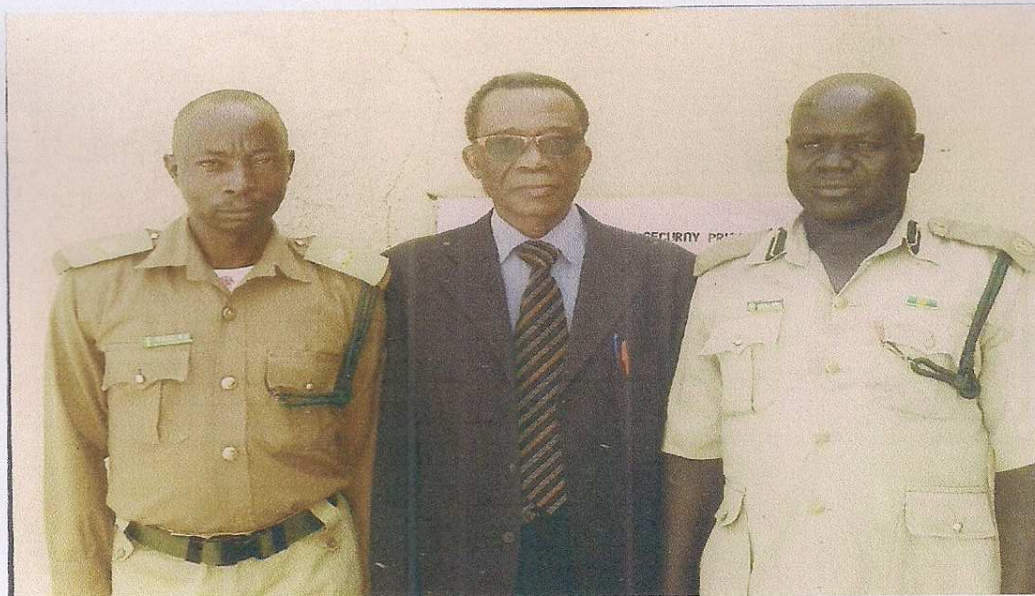
6.12 Finally we hope that you will find this 4th Quarter of the Year, 2014 Report useful and thank you.



DR. S.S. AMEH (SAN) Chairman, National Committee Against Torture (NCAT) at the Main Entrance to Minna MEDIUM SECURITY PRISON in Niger State.



DR. S.S. AMEH (SAN), Chairman (NCAT) with Assistant Controller Of Prisons ACP MOHAMMED IDRIS BANA in front of the 160 Bed Minna Medium Security Prison on 27/11/2014

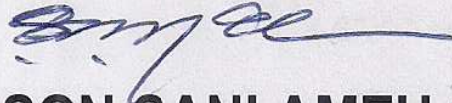


DR. S.S. AMEH (SAN) Center, ACP MOHAMMED IDRIS BANA Right, and Officer in-charge of Operations at Minna Medium Security Prison.



VIDEO CASSETTE OF DR. S.S. AMEH (SAN), Chairman (NCAT)'s Visit to Prisons in Niger State.

DATED at Abuja this **12th** day of January, 2015



BY DR. SAMSON SANI AMEH (SAN), MFR

Chairman, National Committee Against Torture

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"A"

FEDERAL MINISTRY OF JUSTICE

MANDATE OF THE NATIONAL COMMITTEE ON TORTURE

The National Committee on Torture was inaugurated by the Attorney-General of the Federation on 28th September, 2009. The Committee was created as part of the national mechanism put in place towards fulfilling the conditions set out in the United Nations Convention Against Torture, to which Nigeria is a signatory. Nigeria signed the Convention on 28th June, 1988 and ratified it on 28th June, 2001.

2. The Terms of Reference of the Committee include:

- i. Receive and consider communications on torture from individuals, CSO's and government institutions.
- ii. Visit all places of detention in Nigeria and promptly impartially, examine any allegation of torture therein.
- iii. Ensure that education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment.
- iv. Keep under systematic review, interrogation rules instruction, methods and practice as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment, with a view to preventing any cases of torture.
- v. Prepare quarterly briefings to the HAGF on cases of torture and propose appropriate administrative and judicial intervention.
- vi. Propose an Anti-Torture Legislation.
- vii. Further develop a National Anti-Torture Policy.

3. As a starting point, the NCT will immediately commence an investigation into the deaths which occurred in the course of Security agents' response to the Boko Haram crises. The NCT will also review all cases of Extra-Judicial killings by the Police Force and the allegations made by Amnesty International.

4. The NCT solicits the cooperation of all Nigerians to give the Committee information relevant to the assignment.

SIGNED
MANAGEMENT

NIGERIAN PRISONS SERVICE

NIGER STATE COMMAND

Telegrams: CONPRIS.

TELEPHONE: 066-221433

G.SM. _____

Ref: NSPH/344/VOL.I/123

ADDRESS:
FEDERAL SECRETARIATE COMPLEX
P.M.B.6
NIGER STATE

Date: 23rd October, 2014

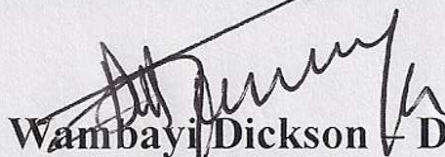
All Officers In-Charge
Nigerian Prisons Service,
MSP K'gora, Minna Old, MSP Minna, New Bussa,
Bida,, Kagara, Lapai and Agaie.

DR. S. S. AMEH (SAN) MFR
CHAIRMAN NATIONAL COMMITTEE AGAINST TORTURE
INTRODUCTION OF:

I am directed to write and introduce the above named chairman to visit your prison.

The chairman should be allowed into your prison and to interact with staff and inmates. He should be assisted where he finds it difficult so as to make him clear in his assignment.

Existing prison rules and regulation should also be considered, please.


Wambayi Dickson - DCP (Admin)
for: Controller of Prisons
Niger State

NIGERIAN PRISONS SERVICE

OFFICE OF THE CONTROLLER-GENERAL

National Headquarters, Bill Clinton Drive, Airport Road, P. M. B. 16, Garki - Abuja.

NPS.008/VOL.T²/70

Telephone: _____

Our Ref: _____

Your Ref: _____

Date: 19th June, 2014

All Zonal Co-ordinators
Zones A- H. Headquarters
Lagos, Kaduna, Bauchi, Minna, Ibadan,
Owerri, Benin and Makurdi

All Controllers of Prisons
In-Charge States/FCT Commands

All Commandants
Prisons Training Institutions

All Principals
Borstal Trainings Institutions

National Headquarters, Bill Clinton Drive, Airport Road, P. M. B. 16, Garki - Abuja.

NPS.008/VOL.T²/70


PROHIBITION OF TORTURE IN ALL PRISON FORMATIONS

This is to remind you that previous circulars prohibiting torture of inmates in all our prisons are still relevant, potent and in full force.

2. It is to be noted that global best practices in Panel Management perceive Prison Officer as a Correctional Officer whose statutory responsibility is to correct inmates kept under his/her care with full sense of humility, equity and justice.

3. In view of the above, I wish to re-emphasize that prisoner's loss of liberty alone is enough a mental trauma. Hence Prison Officers are not expected to aggravate the situation by engaging in acts capable of generating further torture in inmates of all classes.

4. Accordingly, you are hereby advised to strictly guard against torture of inmates henceforth as any breach will attract appropriate sanction, please.


Zakari O. Ibrahim, MFR, mni
Controller-General of Prisons