

# NIGERIA

## Police Harassment Extends to the Courts, Targets the Vulnerable

### Justice for Victims of Unfair Trials

Nigeria’s police are notorious for their abuses, including excessive use of force. Indeed, recent protests—attracting worldwide attention—have called for the dissolution of Nigeria’s Special Anti-Robbery Squad (SARS). But what is less widely known is that the abusers are also accusers. The same entities alleged to have engaged in brutality are also authorized to prosecute the cases they investigate, including even in cases where the defendants allege police misconduct.

TrialWatch monitoring has exposed the ways police misconduct extends to the courts, with ruinous impact on the lives of the vulnerable. Because they themselves can bring charges, police are able to subject members of vulnerable or disfavored communities, including the LGBTQ+ community, to arbitrary detention, drawn-out proceedings that require the defendants to keep coming to court, or just the specter of criminal charges—often without a shred of evidence to support them.

**The Law:** Under Nigerian law, “any police officer may conduct in person all prosecutions before any court, whether or not the information or complaint is laid in his name.” These police officers do not have to be lawyers. The same is true of a key security agency, which has asserted that it also has prosecutorial authority.

**In Practice:** Monitoring conducted by CFJ’s partner the American Bar Association Center for Human Rights as part of CFJ’s TrialWatch initiative has shown how prosecutions by law enforcement officers lead to abuses. In particular, cases that should have been dropped have instead been pursued aggressively.

- In the course of criminal proceedings against 47 men charged with violation of Nigeria’s Same Sex Marriage Prohibition Act, a police prosecutor prepared an indictment that contained almost no factual information, reflecting a lack of evidence for the charges. As documented in a TrialWatch Fairness Report, on five separate occasions “the presiding magistrate ordered the prosecution to disclose its list of witnesses as well as the subject matter of their testimony.” But

the prosecution never complied. While the charges were eventually struck by the court, the report concluded that the police prosecutor “should have dropped the charges as soon as it became apparent that they were unfounded.” Instead, because of the exposure brought on by the prosecution, the defendants faced severe consequences: some lost jobs, another was forced to leave his home because his family told him he had “brought shame on” them, and at least one defendant reported being assaulted

- In the case of journalist and opposition figure Omoyele Sowore, it was a security agency that initiated the prosecution, only to be repeatedly rebuked by the court for failing to disclose required material to defense counsel—ultimately prompting the state Attorney General to take over the case. Further, after Mr. Sowore’s arrest, the allegations put forth by the prosecution shifted significantly, suggesting that the law enforcement officers who initiated the case lacked evidence upon which to predicate charges. Mr. Sowore remains on trial for treason and conspiracy to commit treason.
- SARS itself—the object of the recent protests—sought to prosecute Samuel Ogundipe, then a journalist for Nigeria’s Premium Times, for allegedly disclosing details of leaked police documents in his reporting. Since Mr. Ogundipe’s arraignment in 2018, and subsequent release on bail, the SARS prosecutors have let his case languish, suggesting a dearth of evidence.

TrialWatch is dedicated to shining a light on court practices—like this prosecutorial misconduct by the Nigerian security services—in order to root out injustices. Indeed, TrialWatch is monitoring additional #EndSARS cases brought by law enforcement, including the case of Erosemele Adene, who is being prosecuted by the Lagos State Police for his involvement in protests. TrialWatch will continue to document this trend in order to advocate for individual justice and systemic reform.