



**NATIONAL HUMAN RIGHTS COMMISSION**

**DIRECTIVES 001/2018**

**DIRECTIVES ON TREATMENT OF ACCUSED PERSONS  
AND SUSPECTS BY LAW ENFORCEMENT OFFICERS.**



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## DIRECTIVES 001/2018

### DIRECTIVES ON TREATMENT OF ACCUSED PERSONS AND SUSPECTS BY LAW ENFORCEMENT OFFICERS.

**T**his directive is issued in fulfillment of the mandate of the Commission to, deal with all matters relating to the promotion and protection of human rights, do all such things that are incidental, necessary or conducive or expedient for the performance of its functions and to carry out all such other functions as are necessary or expedient for the performance of its functions under the Enabling Act as amended. The directive is further issued pursuant to the mandate of the Commission in relation to chapter 4 of the 1999 Constitution of the Federal Republic of Nigeria (as amended), especially section 36 and particularly sub-section (5) as well as NHRC Act 1995 (as amended), sections 5(a)(l)&(s) and 6(g) as well the Standing Orders and Rules of Procedures (STORP) of the Commission and other international standards to which Nigeria is a party. In addition, the Commission is to assist government at all levels to fulfill Nigeria's national and international human rights obligations.

**Whereas** the UN Minimum Standard Rules for the Treatment of Persons under any form of detention, the Administration of criminal Justice Act, 2015, the Anti-Torture Act 2017 and other legislations and international instruments to which Nigeria is a party, all align with the 1999 Constitution of Nigeria (as amended) to promote respect for human rights in law enforcement,

**Whereas** there is no government policy or law in Nigeria which authorizes any law enforcement agency or personnel to exercise law enforcement or official duties in flagrant violation of human rights.

**Considering** the need for a paradigm shift in the procedure and processes of law enforcement and the Federal Government directive on ease of doing business in Nigeria, **the Commission reiterates:**

That there is the need for respect of human rights in carrying out law enforcement duties by law enforcement agencies and their personnel, as this is necessary and expedient for the promotion and protection of human rights in Nigeria;

That Nigeria has an international obligation to promote and protect human

rights and to take positive steps to ensure the observance and protection of human rights of citizens and other nationals resident or visiting Nigeria;

That all organs of government are enjoined and required to put mechanisms in place to assist Nigeria fulfill its national and international obligations to respect human rights;

That all individuals and organs of society are enjoined through human rights education and training to promote, respect and fulfill human rights obligations;

That lack of respect for human rights in carrying out law enforcement duties has an adverse effect on Nigeria's image and negatively affects the Federal government efforts at attracting foreign direct investments to Nigeria;

That lack of respect for human rights has adverse effects on development of the economy and Nigeria's mineral and natural resources which jeopardizes economic property of Nigeria.

**Observing** the situation of human rights in Nigeria and the need to fulfill its mandate to provide an enabling environment for the enjoyment of human rights necessarily recognize the fact:

That under Chapter 4 section 36(5) of the 1999 Constitution of the Federal Republic of Nigeria (as amended), every accused person who is charged with a criminal offence shall be presumed to be innocent until he is proved guilty by a court of competent jurisdiction,

**The Commission notes with dismay** the manner in which law enforcement agencies and officers:

Arrest accused persons without respect for the dignity of their person, disregard court orders while investigating or trying some accused persons, prosecute some accused persons without respect for their right to health and life or fair opportunity of stable health condition to understand their offences and charges to defend themselves etc.

**In furtherance of** the need for a paradigm shift in the procedure and processes of law enforcement and the Federal Government Executive Order on ease of doing business, the National Human Rights Commission **reminds** all citizens, law enforcement agencies and their personnel:

That suspects and accused persons have obligation to cooperate with law enforcement agencies and their personnel while carrying out law enforcement duties;

That suspects and accused persons have protected rights under the Constitution and **must** be treated fairly during the process of their investigation and trial;

That law enforcement agencies and their personnel have the duty, responsibility and obligation to respect all the rights of suspects and accused persons while exercising their investigative and prosecutorial powers under the law.

**Accordingly, the National Human Rights Commission gives directives as follows:**

- i) That law enforcement in flagrant disrespect for human rights is unlawful under the laws of Nigeria,
- ii) That all law enforcement agencies and their officers should henceforth desist from enforcing the Constitution and other laws of Nigeria with flagrant disrespect for human rights.
- iii) That any such action(s) in flagrant disrespect for human rights by law enforcement agencies or officers will be roundly condemned and accountability for such disrespect for human rights will be demanded from erring law enforcement agencies and personally from the enforcement officer(s).
- iv) That henceforth such officers who indulge in these unlawful procedures for enforcing the law act at their own peril,
- v) That disobedience to the lawful directives of the Commission attracts punishment of 6 months imprisonment or a fine of N100,000 or both under the NHRC Act 1995 as amended.
- vi) That this directive 001/2018 serves as notice to all.

**Tony Ojukwu, Esq.**  
Executive Secretary,  
National Human Rights Commission.  
Thursday 10th May, 2018.