

# KNOW YOUR RIGHTS

A concise version of the Nigeria Police ACT 2020 in accordance with the Administrative Criminal Justice Act/Law in the North West zone of Nigeria.

*(November 2024)*

## NORTH-WEST ZONE

*The following states: Kano, Kaduna, Zamfara, Kebbi, Katsina, Sokoto, and Jigawa*

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## About

### Partners West Africa Nigeria (PWAN)

The Rule of Law and Empowerment Initiative also known as Partners West Africa Nigeria (PWAN) is a women-led, non-governmental organization dedicated to enhancing citizens' participation and improving security governance in Nigeria and West Africa broadly, achieved through its Rule of Law, Citizens Security and CSO Strengthening program areas.

PWAN has operated in Nigeria since 2016 and currently employs 36 staff, including lawyers and 62 citizen observers. The head office is based in Abuja with two sub-offices in Kano and Borno states. The organization maintains a robust pool of 30 consultants and facilitators with expertise across various sectors including justice and security sector reform, gender mainstreaming, peacebuilding and conflict resolution, developing creative ways to prevent/counter violent extremism and research.



#### Vision:

Robust good governance & accountable institutions in Nigeria and West Africa.



#### Mission:

Enhances citizens' participation and improves security governance in Nigeria and West Africa.



#### Values:

Integrity, Trust, Inclusion, Humility, Accountable collaboration, Courage of Conviction, Innovation.

## About the Project

### Enhancing Police Governance: Deepening Understanding of the Police Act 2020 and Regulations Across Nigeria

PWAN with support from the Foreign Commonwealth and Development Office (FCDO) is implementing the project "Enhancing Police Governance: Deepening Understanding of the Police Act 2020 and Regulations Across Nigeria" 'Specifically across the 6 geopolitical zones, focusing on Kano, Plateau, Lagos, Edo, Enugu, Borno states and the FCT.

The project seeks to address critical gaps in the understanding and application of the Police Act 2020 and accompanying regulations within the Nigerian Police Force (NPF). The project uses a multifaceted approach to tackle these identified issues, including targeted workshops for police officers at various levels and public town hall meetings to raise awareness among citizens. These efforts will ensure that the principles of the Police Act 2020 are understood and integrated into daily policing practices, thereby promoting a culture of lawfulness and respect for human rights within the NPF.

This initiative is necessary due to the documented challenges in policing standards, practices, and community relations in Nigeria. The Police Act 2020 aims to reform these issues through enhanced legal frameworks and enforcement standards.

As part of the project, PWAN is conducting this **Media Townhall Meeting on Human Rights, The Police ACT 2020 and Regulations**. This town hall meeting aims to educate the media on mainstreaming the Police Act 2020 into their reporting and its impact on police-citizen interactions. This meeting is an essential step to strengthening trust, transparency, and accountability between law enforcement and the community.

## Snapshot of the Nigeria Police ACT 2020

### 1. Interrogation

A) **The presence of lawyers regarding the person's choice [Sec. 35(2)(b)]:** Consult a legal practitioner of his own choice before making, endorsing, or writing any statement or answering any question put to him after the arrest.

B) **Video Recording [Section 60(1)]:** This requires that the police electronically record any confessions or statements made by a suspect during an interrogation. It includes both audio and video recording. It aims to maintain transparency and ensure that any statement given by a suspect is voluntary and free from coercion or undue influence.

C) **Possible presence of family members [Section 35]:** Protection of Vulnerable Persons: This section specifically addresses the treatment of vulnerable individuals, including children, women, and persons with disabilities. It requires that these individuals have access to support, which can include the presence of family members, guardians, or legal representatives, particularly during interrogation or detention.



### 2. Arrest

#### A) **Mode of Arrest [Section 33]:**

- Reason for Arrest: The police must tell the arrested person why they are being detained unless doing so would stop the arrest.

#### B) **Rights of a Person Being Arrested [Section 35]:**

- Right to Remain Silent: The arrested person can stay silent and not answer questions until they talk to a lawyer or someone they trust.
- Right to Inform Family or Legal Representative: The arrested person must be allowed to tell a family member, friend, or lawyer about their arrest.

#### C) **Recording of Arrests [Section 44]:**

- Recording Arrest Details: The police must record every arrest, including the reason, time, date, and details of the person arrested. They must also log it in the station diary when the person arrives at the station



#### D) Humane Treatment of Arrested Persons [Section 37]:

- Humane Treatment: People who are arrested must be treated with dignity and not be tortured or treated in a cruel or degrading way.

### 3. Warrant

1. **Arrest Without Warrant [Section 43]:** Police may arrest a person without a warrant if the person is caught committing a crime, suspected of a recent offence, or believed to be about to commit one
2. **Arrest with Warrant [Section 44]:** For certain offences, police must obtain a warrant from a court to legally arrest a person, ensuring due process.
3. **Execution of Warrants [Section 45]:** Police executing a warrant must show it to the individual and explain its purpose, following proper procedure.
4. **Power to Search with Warrant [Section 46]:** Police may conduct searches with a court-issued warrant based on reasonable grounds for locating evidence.
5. **Procedure for Obtaining and Executing Warrants [Section 47]:** Police must follow clear guidelines to request and execute warrants, ensuring respect for rights and minimal disruption.

Arrest In Lieu : Section 7(3) - Prohibition of Arrest in Lieu: This section of the Nigeria Police Act 2020 clearly states that no person should be arrested in place of another person. This means the police are prohibited from detaining family members, friends, or associates of a suspect as substitutes or "hostages" when the actual suspect is not available.

### 4. Use of Force

#### 1. Use of Force [Section 34]:

- Police can only use force when it's necessary.
- The amount of force must match the level of threat.
- Force is allowed to protect life or prevent injury.

#### 2. Protection Against Abuse of Power [Section 34]:

- Police must not use excessive or unnecessary force.
- Torture or cruel treatment is prohibited.

#### 3. De-Escalation and Non-Violent Methods[Section 35]:

- Police should try to calm situations without using force first.
- They must use communication or negotiation before violence.

#### 4. Accountability and Reporting

- Any use of force must be reported and recorded.
- Officers must justify the use of force.



## 4. Detention

### 1. Powers of Detention [Section 35]:

- Police can detain someone if they have a good reason.
- The person must be told immediately why they are being arrested.

### 2. Period of Detention [Section 36]:

- After arrest, a person must be brought to court within 24 hours.
- They can only be detained longer if a court allows it.

### 3. Detention of Minors [Section 37]:

- Minors (under 18) should not be detained with adults.
- Minors should have a guardian or parent with them during the process.

### 4. Conditions of Detention [Section 38]:

- Detainees must be treated with respect and kept in safe, clean, and humane conditions.
- They should not face physical punishment or abuse.

### 5. Right to Inform a Relative or Legal Practitioner [Section 39]:

- Detainees can tell a family member or lawyer that they've been arrested.

### 6. Review of Detention [Section 41]

- If someone is detained for too long, the police must review the detention.
- If the detention is unlawful, the person must be released.

## 5. Search

**1. Power to Search Without a Warrant [Section 41]:** Police can search a person without a warrant if they believe a crime has been committed or if there's reasonable suspicion of criminal activity.

**2. Search with a Warrant [Section 42]:** Police can obtain a search warrant from a court if they have grounds to believe the evidence is in a specific location. The search must be conducted with proper documentation.

**3. Search of Persons [Section 43]:** Police can search people if they suspect they carry weapons or evidence of a crime. The search should respect privacy and be done by officers of the same sex.

**4. Search of Premises [Section 44]:** Police can search premises with a warrant or if they believe a crime is happening or evidence is being destroyed. The search must be conducted respectfully and with documentation.



## 6. BAIL

- 1. Right to Bail[Section 62]:** Arrested individuals have the right to apply for bail unless there are strong reasons to deny it, such as the seriousness of the offence.
- 2. Duty of Police to Grant Bail [Section 33]:** Police must grant bail for bailable offences, following the law.
- 3. Bail Conditions[Section 34]:** Bail may be granted with reasonable sureties or security to ensure the person's appearance in court.
- 4. Denial of Bail[Section 35]:** Bail may be denied if necessary for the investigation or if there's a risk of fleeing or re-offending, but reasons must be provided.
- 5. Appeal against Denial of Bail[Section 38]:** If bail is denied, the individual can challenge the decision in court.





## The Administrative Criminal Justice Act/Law in accordance with the Nigeria Police ACT 2020 in the North Central zone of Nigeria.

### ACJL in Kano:

1. **Interrogation:** The Administration of Criminal Justice Law (ACJL) outlines critical protections and procedures for individuals involved in the criminal justice system. During interrogation, suspects have the right to remain silent and consult with a legal practitioner of their choice (Section 29). Legal counsel or family members may be present, and statements must be documented (Section 40).
2. **Arrest:** Arrests can be made with a warrant, unless exceptions apply (e.g., caught in the act). (section 25)
3. **Use of Force:** Regarding the use of force, it is specified that if the suspect resists, only then may reasonable force be used during the arrest. Force must be justified by need and commensurate to the circumstances. (Section 28)
4. **Detention:** restricts police detention for a maximum of 24 hours without a court order. A magistrate's court must issue a remand order if additional custody is required. ( section 51)
5. **Search:** Regulate search procedures, including the use of warrants, the handling of personal electronics like phones and computers, and the consideration of a person's gender when doing a body search. (section 35)
6. **Bail:** sections 49-50, gives provision for bail and specifies that terms shouldn't be too harsh. The type of offence, the possibility of absconding, and making sure the suspect shows up for court as scheduled are all factors the court must take into account.

### ACJL in Kaduna State:

1. **Interrogation:** It outlines a suspect's right to speak with any attorney they choose both before and during questioning. It also discusses the potential for interrogations to be videotaped. (section 28(2))
2. **Arrest:** It gives provision for the process for making arrests, stressing that unless there are extenuating circumstances, a warrant must be used. The duties of arresting officers are clearly outlined, and it is forbidden to arrest someone else in lieu of a suspect. (sections 24–35)
3. **Use of Force:** When making an arrest, force is only allowed if it is absolutely required and proportionate to the resistance. In these situations, officers must guarantee responsibility. (section 31)
4. **Detention:** It gives provision for the prohibition of detaining someone for longer than twenty-four hours without a court authorization, unless there are special circumstances or the law specifies differently. (section 50)
5. **Search:** Control search practices, such as the use of warrants, the handling of private devices like computers and phones, and the consideration of gender when conducting body searches. ( sections 31(2))
6. **Bail:** accentuates the requirements and procedures for issuing bail, such as the use of recognizances and the entitlement to bail for infractions that are not serious. ( Sections 48(1) and (2))

### ACJL in Zamfara State:

1. **Interrogation:** the Zamfara ACJL gives provision for interrogation (section 27(2)(c))
2. **Arrest:** According to the law, an arrest can only be made if there is a legitimate warrant or a reasonable suspicion of a crime. (section 24)
3. **Use of Force:** Negotiation and persuasion must be exhausted before using force. Any force must be proportionate, required, and justified by law. (section 27)
4. **Detention:** No suspect should be held for longer than twenty-four hours without being charged or having a court order extending their detention for additional investigation. (section 50)
5. **Search:** Searches must be carried out with the appropriate legal authorization (such as a warrant or a reasonable suspicion). Gender sensitivity needs to be considered, especially when conducting searches in public. (section 31)
6. **Bail:** Section 49 of the ACJL gives provision for the bail presumption for offences, unless there is a risk to public safety. Additionally described are the requirements and the steps for requesting bail.

### ACJL in Kebbi State:

1. **Interrogation:** Suspects have the right to consult with a lawyer and remain silent until after such consultation. Also, Notification of a suspect's rights and informing their next of kin of their arrest at no cost are mandatory (Section 27).
2. **Arrest:** Arrest must be conducted with a warrant unless the suspect is caught in the act or pursued after committing an offence (Sections 23). Arrest in place of a suspect ("arrest in lieu") is prohibited (Section 28). Humane treatment is required during and after arrest, without unnecessary restraint, unless there's a risk of violence or escape (Section 29).
3. **Use of Force:** Force can only be applied when necessary and proportional, aligned with the principles of legality and accountability (Sections 26).
4. **Detention:** Detention should be at most 24 hours without a court order, ensuring timely judicial oversight (Sections 49).
5. **Search:** Searches must be conducted with gender considerations and only under lawful suspicion, mainly when dealing with personal devices (Section 30(2)). Articles found on a suspect during a lawful search must be safely stored unless needed as evidence (Section 31(1)).
6. **Bail:** Bail provisions require that the accused be informed of their rights and released on reasonable conditions unless charged with a severe offence (Section 47). Judges are encouraged to consider alternatives to detention, especially for minor offences, in line with non-custodial measures implemented in the state.



### ACJL in Katsina State:

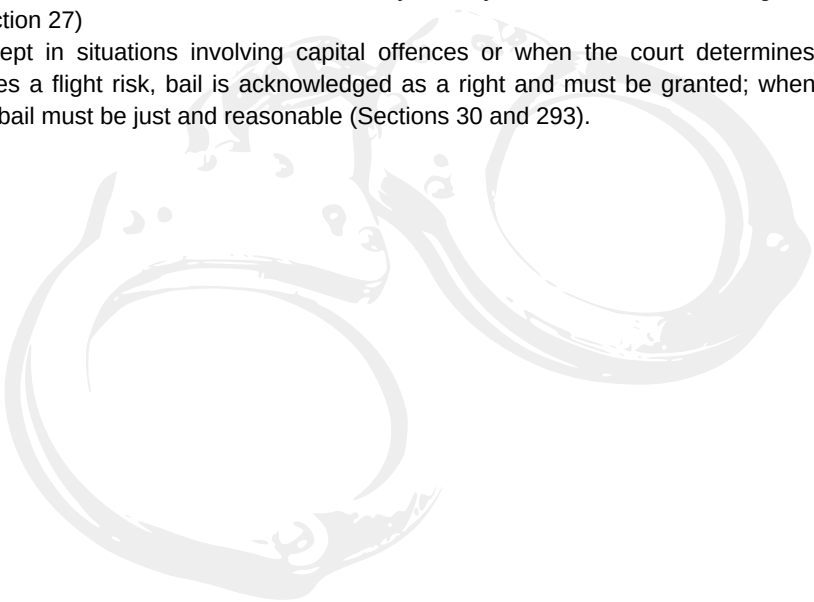
1. **Interrogation:** Confessional statements must be recorded in writing or electronically, and the subject must have access to legal counsel during questioning. This shields the subject from coercion and potential human rights violations while being questioned. (section 27(2)(b))
2. **Arrest:** According to the law, arrests must be made with the appropriate paperwork, and the suspect must be informed of the reason for the arrest. The suspect's human rights must be upheld during the arrest process. It's against the law to restrain a suspect needlessly. (section 24(1))
3. **Detention:** The suspect is anticipated to be detained for no more than 24 hours after being arrested before being charged in a court of competent jurisdiction. When doing so would be impractical, there would be an exception. The goal of this clause is to safeguard the suspect's human rights.
4. **Search:** where possible, gender-specific sensitivities during physical searches.( section 48)
5. **Bail:** All minor criminals are eligible for bail, with the exception of capital offences, unless certain circumstances prevent them from receiving it. Capital criminals may also be released on bail under special conditions. (section 155)

### ACJL in Sokoto State:

1. **Interrogation:** It is necessary to have access to legal counsel while being questioned, and confessions must be written down or documented electronically. By doing this, the suspect is shielded from coercion and potential human rights violations while being questioned. Sections that are pertinent: For information on legal representation and other ancillary requirements of a legitimate questioning, consult sections akin to Sections 15 and 17 of the ACJA, which Sokoto's ACJL resembles.
2. **Arrest:** A suspect may be arrested and questioned by the law, and the suspect may be dealt with in accordance with the law's rules.
3. **Use of Force:** The ACJL states that force may only be applied when necessary, proportionate, and as a last resort after negotiation and persuasion fail. This includes accountability for excessive or unlawful use. (Section 7 of ACJL Benue). Also, humane treatment is mentioned in Section 10
4. **Detention:** It is anticipated that the suspect will be detained for no more than 24 hours following their arrest before being arraigned in a court of appropriate jurisdiction. When it is not feasible to do so, there is an exception to this rule. The purpose of this clause is to safeguard the suspect's human rights. The reprimand and detention clauses found in sections 293-294 of the ACJA are the same ones that ACJL, Sokoto, envisioned.
5. **Search:** During physical searches, searches must be carried out legally, protecting privacy and, if feasible, gender-specific sensitivity. Parts that are pertinent: The ACJA's sections 143–157, which govern search procedures, were likewise domesticated at ACJL, Sokoto. Before conducting a search in purdah, a woman should be informed and given a fair amount of time to leave the area. Section 149(3) of the ACJA
6. **Bail:** All minor criminals, with the exception of capital offences, are eligible for bail, unless certain circumstances prevent them from receiving it. Capital offenders may also be admitted to bail under special conditions. Sections 158–188 of the ACJL, Sokoto, contain provisions pertaining to bail and recognitions that are pertinent to the case.

### ACJL in Jigawa State:

1. **Interrogation:** During interrogation, suspects are entitled to legal assistance. According to the ACJL of Jigawa places a strong emphasis on immediately alerting the suspect of their rights upon arrest, including the right to stay silent and the right to speak with an attorney before answering any questions. ( Sections 24 and 25)
2. **Arrest:** Arrests must be carried out with due process, and suspects should be informed of the reasons for their arrest (Section 72 ).
3. **Use of Force:** Force must be appropriate for the seriousness of the situation and should only be used as a final resort after discussion or persuasion have failed. Additionally, misuse is subject to accountability (Sections 22 and 23).
4. **Detention:** Without a court order, a suspect cannot be held for more than twenty-four hours (Section 293).
5. **Search:** searches must be conducted decently and by someone of the same gender as the suspect (Section 27)
6. **Bail:** Except in situations involving capital offences or when the court determines that the suspect poses a flight risk, bail is acknowledged as a right and must be granted; when it is, the terms of the bail must be just and reasonable (Sections 30 and 293).



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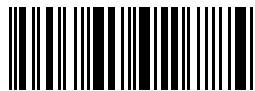
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