

KNOW YOUR RIGHTS

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

(November 2024)

NORTH EAST ZONE

The following states are Adamawa, Borno, Bauchi, Gombe, Taraba and Yobe States.

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 32]:**

- 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 33]:**

- 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 34]:**

- 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 36]:

- 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 33]:

- 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 31]:** 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.

ACJA in the Bauchi state:

1. **Interrogation:** Access to legal representation during interrogation is required, confessional statements to be recorded either in writing or electronically. This protects the suspect from coercion and possible infringement of his/her human rights during interrogation.

Relevant sections: Refer to sections 15 and 17 of the ACJA, for legal representation, documentation of the interrogation and other accompanying requirements of a valid interrogation, which Bauchi's ACJL adopts.

2. **Arrest:** In tune with ACJA and other ACJLs, the law requires that arrests be made with proper documentation and notification for the cause of arrest must be communicated to the suspect. Human rights of the suspect must also be protected in the course of the arrest. Unnecessary restraint of a suspect is prohibited. Relevant sections: Refer to sections 3, 4, 5 and 6 of the ACJA for the same provisions on Arrest as contained in the ACJL, Bauchi. Arrest in lieu is prohibited. ACJL Bauchi provides the same provisions contained in section 7 of the ACJA in this respect.

3. **Use of Force:** Force is regulated, with its use allowed only after efforts at negotiation or persuasion have failed. Any force applied to facilitate the execution of the arrest must be proportional to the situation and documented. Provisions of the ACJL, Bauchi on Use of force remains parallel to the provisions of ACJA in section 33, ACJA.

4. **Detention:** Upon arrest, the detention period is expected to not exceed 24 hours before the suspect is arraigned before a court of competent jurisdiction. An exception to this is where it is impracticable to do so. This provision seeks to protect the human rights of the suspect.

Remand and detention provisions outlined in ACJA's sections 293-294, are the same provisions envisioned by ACJL, Bauchi.

5. **Searches:** Searches must be conducted lawfully, with regard to privacy and, where possible, gender-specific sensitivity during physical searches. Relevant sections: Procedural requirements for searches contained in section 143 - 157 of ACJA also domesticated in ACJL, Bauchi. Regard must be given to a woman in purdah before a search is carried out. This is in tune with section 149 (3) ACJA as domesticated by ACJL, Bauchi.

6. **Bail:** Excluding capital offenses, all minor offenders are entitled to the grant of bail except where certain conditions hinder the offender from such grant. In exceptional circumstances, capital offenders can also be admitted to bail.

Relevant sections: provisions on bail and recognizances generally contained in ACJL, Bauchi stems from the provisions of sections 158 - 188, ACJA.

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

ACJA in the Borno state:

1. **Interrogation:** Access to legal representation during interrogation is required, confessional statements to be recorded either in writing or electronically. This protects the suspect from coercion and possible infringement of his/her human rights during interrogation.

Relevant sections: Refer to sections 15 and 17 of the ACJA, for legal representation, documentation of the interrogation and other accompanying requirements of a valid interrogation, which Borno's ACJL adopts.

2. **Arrest:** In tune with ACJA and other ACJLs, the law requires that arrests be made with proper documentation and notification for the cause of arrest must be communicated to the suspect. Human rights of the suspect must also be protected in the course of the arrest. Unnecessary restraint of a suspect is prohibited. Relevant sections: Refer to sections 3, 4, 5 and 6 of the ACJA for the same provisions on Arrest as contained in the ACJL, Borno. Arrest in lieu is prohibited. ACJL Bauchi provides the same provisions contained in section 7 of the ACJA in this respect.

3. **Use of Force:** Force is regulated, with its use allowed only after efforts at negotiation or persuasion have failed. Any force applied to facilitate the execution of the arrest must be proportional to the situation and documented. Provisions of the ACJL, Borno on Use of force remains parallel to the provisions of ACJA in section 33, ACJA.

4. **Detention:** Upon arrest, the detention period is expected to not exceed 24 hours before the suspect is arraigned before a court of competent jurisdiction. An exception to this is where it is impracticable to do so. This provision seeks to protect the human rights of the suspect. Remand and detention provisions outlined in ACJA's sections 293-294, are the same provisions envisioned by ACJL, Borno.

5. **Searches:** Searches must be conducted lawfully, with regard to privacy and, where possible, gender-specific sensitivity during physical searches.

Relevant sections: Procedural requirements for searches contained in section 143 - 157 of ACJA also domesticated in ACJL, Borno. Regard must be given to a woman in purdah before a search is carried out. This is in tune with section 149 (3) ACJA as domesticated by ACJL, Borno.

6. **Bail:** Excluding capital offenses, all minor offenders are entitled to the grant of bail except where certain conditions hinder the offender from such grant. In exceptional circumstances, capital offenders can also be admitted to bail. Relevant sections: provisions on bail and recognizances generally contained in ACJL, Borno stems from the provisions of sections 158 - 188, ACJA.

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

ACJA in the Gombe state:

1. **Interrogation:** Access to legal representation during interrogation is required, confessional statements to be recorded either in writing or electronically. This protects the suspect from coercion and possible infringement of his/her human rights during interrogation.

Relevant sections: Refer to sections 15 and 17 of the ACJA, for legal representation, documentation of the interrogation and other accompanying requirements of a valid interrogation, which Gombe's ACJL adopts.

2. **Arrest:** In tune with ACJA and other ACJLs, the law requires that arrests be made with proper documentation and notification for the cause of arrest must be communicated to the suspect. Human rights of the suspect must also be protected in the course of the arrest. Unnecessary restraint of a suspect is prohibited.

Relevant sections: Refer to sections 3, 4, 5 and 6 of the ACJA for the same provisions on Arrest as contained in the ACJL, Gombe.

Arrest in lieu is prohibited. ACJL Gombe provides the same provisions contained in section 7 of the ACJA in this respect.

3. **Use of Force:** Force is regulated, with its use allowed only after efforts at negotiation or persuasion have failed. Any force applied to facilitate the execution of the arrest must be proportional to the situation and documented.

Provisions of the ACJL, Gombe on Use of force remains parallel to the provisions of ACJA in section 33, ACJA.

4. **Detention:** Upon arrest, the detention period is expected to not exceed 24 hours before the suspect is arraigned before a court of competent jurisdiction. An exception to this is where it is impracticable to do so. This provision seeks to protect the human rights of the suspect.

Remand and detention provisions outlined in ACJA's sections 293-294, are the same provisions envisioned by ACJL, Gombe.

5. **Searches:** Searches must be conducted lawfully, with regard to privacy and, where possible, gender-specific sensitivity during physical searches.

Relevant sections: Procedural requirements for searches contained in section 143 - 157 of ACJA also domesticated in ACJL, Gombe.

Regard must be given to a woman in purdah before a search is carried out. This is in tune with section 149 (3) ACJA as domesticated by ACJL, Gombe.

6. **Bail:** Excluding capital offenses, all minor offenders are entitled to the grant of bail except where certain conditions hinder the offender from such grant. In exceptional circumstances, capital offenders can also be admitted to bail.

Relevant sections: provisions on bail and recognizances generally contained in ACJL, Gombe stems from the provisions of sections 158 - 188, ACJA.

ACJL in Adamawa State:

1. **Interrogation:** Suspects must be informed of their right to silence and legal counsel before interrogation begins (Section 8). The law emphasizes humane treatment and prohibits torture or degrading treatment during interrogation (Section 10(1)).
2. **Arrest:** Arrest must involve either physical contact or submission by the suspect (Section 5). Arrest in lieu (detaining someone else instead of the actual suspect) is prohibited (Section 9). The reasons for arrest must be communicated immediately to the suspect (Section 8(1)). Notification of next of kin or relatives is required at no cost to the suspect (Section 8).
3. **Use of Force:** Use of force during arrest is permitted only when necessary, such as in cases of violent resistance (Section 6). The law restricts the use of handcuffs or restraints unless there is a likelihood of escape, violence, or a court order (Section 7).
4. **Detention:** Suspects must be brought before a court promptly or released conditionally/unconditionally as prescribed (Section 34). Any detention must respect the suspect's dignity and comply with the timelines outlined in the law.
5. **Search:** Searches of arrested persons must be conducted with decency and respect, preferably by someone of the same sex (Section 11(3)). Any items seized during a search must be documented, and an inventory provided to the suspect or their legal representative (Section 12(3)).
6. **Bail:** • Bail conditions for suspects must be reasonable and uphold the principle of equal rights (Section 32). Women have equal rights to bail someone, addressing prior gender-based restrictions on bail surety (observed in broader reforms under the ACJL).

ACJL in Taraba State:

1. **Interrogation:** Access to legal representation during interrogation is required, confessional statements to be recorded either in writing or electronically. This protects the suspect from coercion and possible infringement of his/her human rights during interrogation. Relevant sections: Refer to provisions similar to Sections 15 and 17 of the ACJA, which Taraba's ACJL mirrors for legal representation and other accompanying requirements of a valid interrogation.
2. **Arrest:** The law permits the arrest and interrogation of a suspect and such suspect to be dealt with according to the provisions of the law. Unnecessarily restraint of a suspect is prohibited. The law requires that arrests be made with proper documentation, notification of the cause of arrest and rights of the suspect to be properly communicated. Arrest in lieu is prohibited. ACJL Taraba provides the same provisions contained in section 7 of the ACJA in this respect. Relevant sections: Refer to sections 3, 4, 5 and 6 of the ACJA for the same provisions on Arrest as contained in the ACJL, Taraba.
3. **Use of Force:** Force is regulated, with its use allowed only after efforts at negotiation or persuasion have failed. The force applied must be proportional to the situation and documented. Provisions of the ACJL, Taraba on Use of force remains parallel to the provisions of ACJA in section 33, ACJA. Humane treatment of the arrested suspect is required. Refer to section 8, ACJA.
4. **Detention:** Upon arrest, the detention period is expected to not exceed 24 hours before the suspect is arraigned before a court of competent jurisdiction. An exception to this is where it is impracticable to do so. This provision seeks to protect the human rights of the suspect. Remand and detention provisions outlined in ACJA's sections 293-294, are the same provisions envisioned by ACJL, Taraba.

5. **Searches:** Searches must be conducted lawfully, respecting privacy and, where possible, gender-specific sensitivities during physical searches. Relevant sections: Procedural requirements for Searches contained in section 143 - 157 of ACJA also domesticated in ACJL, Taraba. A woman in purdah should be notified before a search is carried out and given reasonable time to withdraw from the premises. Section 149 (3) ACJA.
6. **Bail:** Excluding capital offenses, all minor offenders are entitled to the grant of bail except where certain conditions hinders the offender from such grant. In exceptional circumstances, capital offenders can also be admitted to bail. Relevant sections: provisions on bail and recognizances generally contained in ACJL, Taraba stems from the provisions of sections 158 - 188, ACJA.

ACJL in Yobe State:

1. **Interrogation:** Access to legal representation during interrogation is required, confessional statements to be recorded either in writing or electronically. This protects the suspect from coercion and possible infringement of his/her human rights during interrogation. Refer to section 37 (1) - (3). Interpreter to be provided where necessary and endorsements by both the suspect and interpreter are required for the validity of such statement. Refer to section 37 (4) & (5).
2. **Arrest:** The law permits the arrest and interrogation of a suspect and such suspect to be dealt with according to the provisions of the law. Refer to section 23. Unnecessarily restraint of a suspect is prohibited. See section 25. The law requires that arrests be made with proper documentation, notification of the cause of arrest and rights of the suspect to be properly communicated. See section 26.
3. **Use of Force:** Reasonable force can be applied by a law officer at place of arrest to exercise the right of egress upon unlawful detainment by suspect. Section 33. Humane treatment of the arrested suspect is required. Refer to section 28.
4. **Detention:** Upon arrest, detention period is expected to not exceed 24 hours before the suspect is arraigned before a court of competent jurisdiction. An exception to this is where it is impracticable to do so. This provision seeks to protect the human rights of the suspect. Refer to section 50. Remand and detention provisions outlined in ACJA's sections 293-294, are the same provisions envisioned by ACJL, Yobe.
5. **Searches:** A police officer with a valid search warrant is entitled to right of ingress and egress to carry out such search. Section 32(1). Where such rights are refused, reasonable force can be applied to obtain entry into premises and to exit same. Section 32(2). A woman in purdah should be notified before a search is carried out and given reasonable time to withdraw from the premises. Section 32(3)(a)&(b).
6. **Bail:** Excluding capital offenses, all minor offenders are entitled to the grant of bail except where certain conditions hinders the offender from such grant. Refer to section 177. In exceptional circumstances, capital offenders can also be admitted to bail. See section 180. Oral and written bail applications both admissible depending on the nature of the court. Like in ACJA, bail rights procedural requirements are highlighted in ACJL, Yobe. Refer to section 184 - 297 ACJL, Yobe.

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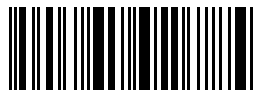
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