

Real Rights: young people engaging with law enforcement



Ibadan, Nigeria



The Real Rights project has been developed by Baker McKenzie and the Global Initiative on Justice with Children to provide young people – especially young people of colour, minority and vulnerable populations – with specific guidance for interactions with law enforcement. Thanks to the Real Rights project and the pro bono work of over 1,500 volunteer professionals, we have created a clear and accessible data base of answers to child questions when they are in contact with the police – from initial contact, questioning, to stop and report.

If you are interested to support us in this project, click on the "Feedback" button provided in each city page or email realrights@bakermckenzie.com.

Rights:

What rights do you have when you encounter law enforcement?

Question Asked

- Stopped by the police on the street, now what?
- When can police search you and your surroundings?
- Reasons police may detain or arrest you
- Should you voluntarily agree to a search request or provide information to the police officer?
- Does a police officer need a warrant to arrest you?
- How do you know if you are under arrest?
- What should you do after being warned of your rights?
- What to do if you are questioned by a police officer?
- How and when do you contact a lawyer?
- Do police officers always have to tell the truth?
- How do you make a complaint if you have questions or feel your rights have been violated?
- What if you feel you were a victim of discrimination or racism?
- What can you do if the police officer performed an improper search? Or if you were improperly detained?

Stopped by a police officer on the street, now what?

Proposed Information

It is important to follow this advice:

- Stay calm. It is not a good idea to run or resist, even if you are innocent or think the officer is acting unfairly or unlawfully.
- Speak carefully and clearly. It is not a good idea to lie or give false information, because anything you say can be used against you in a court of law.
- It is not a good idea to touch the officer. Keep your hands where the officer can see them.

Can a police officer arrest you for refusing to answer questions?

No, under the Constitution of the Federal Republic of Nigeria, you have the right to remain silent or avoid answering any questions until after you consult with a lawyer or other person of your choice.

Source: <http://www.nigeria-law.org/ConstitutionOfTheFederalRepublicOfNigeria.htm> (Section 35(2) of the Constitution of the Federal Republic of Nigeria)

What if the police officer does not identify himself or herself as an officer?

Under the Nigeria Police Act 2020, an officer must be in uniform or visibly wear a valid police identity card to exercise the power to stop and search. This means that if the officer is not in uniform or does not present to you an identity card, he or she does not have the power to stop and search you. In that case, you should take note of the officer's name if possible.

Source: <https://sabilaw.org/free-copy-of-the-police-act-2020/> (Section 50(4) of the Nigeria Police Act 2020)

What if a police officer just starts talking to you but does not order you to do anything?

Under the Constitution of the Federal Republic of Nigeria, you have the right to remain silent or avoid answering any questions until after you consult with a lawyer or other person of your choice. While it may be a good idea to cooperate with the officer, this means you generally do not have to answer or speak to the officer if you do not wish to do so. For example, you are not required to answer any questions about where you are going or what you are doing. It is a good idea to say so out loud if you want to exercise your right to remain silent or talk to a lawyer or other persons.

Source: <http://www.nigeria-law.org/ConstitutionOfTheFederalRepublicOfNigeria.htm> (Section 35(2) of the Constitution of the Federal Republic of Nigeria)

Can you tell a police officer that you do not want to speak without a lawyer?

Under the Constitution of the Federal Republic of Nigeria, you have the right to remain silent or avoid answering any questions until after you consult with a lawyer or other person of your choice. While it may be a good idea to cooperate with the officer, this means you generally do not have to answer or speak to the officer if you do not wish to do so.

If you want to exercise this right, you should avoid ambiguous statements such as "Maybe I should talk to a lawyer." Instead, state clearly that "I want to remain silent" or "I want to talk to a lawyer," and you do not need to give any explanations or excuses for making such request. If you decide to seek the assistance of a lawyer, it is not a good idea to say anything, sign anything, or make any decisions without your lawyer's presence.

Source: <http://www.nigeria-law.org/ConstitutionOfTheFederalRepublicOfNigeria.htm> (Section 35(2) of the Constitution of the Federal Republic of Nigeria)

If you sit down, are you resisting?

Whether sitting down would be considered resisting depends on the circumstances. Under the Criminal Code Act in Nigeria, any person who obstructs or resists a police officer performing his or her duties may be charged with the crime of resisting. Resisting can be a serious offense and is punishable for up to two years in prison.

So, when interacting with an officer, it may be risky to sit down, especially if the officer has asked you to stand. It is not a good idea to refuse complying with the officer's orders. A better strategy may be to simply stay silent and request to speak to a lawyer. It is also best to keep your hands where the officer can see them at all times.

Source: <https://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?reldoc=y&docid=54f975004> (Section 197 of the Criminal Code Act in Nigeria)

If you are stopped in a group and some kids run, can you run?

Running from a police officer is not a good idea. First, even if you have not committed any criminal offense, running could be interpreted as resisting officer or preventing officer from performing an official act, which could lead to jail times if you are found guilty. An officer may also arrest you immediately without a court order or warrant if you escape or attempt to escape from lawful custody.

Running from an officer can be extremely dangerous as it can raise tensions and force the officer to make decisions in the heat of the moment, increasing the chance that the officer will use physical force against you. An alternative and better approach would be to simply remain silent, request to speak to a lawyer, and cooperate with the officer.

Source: <https://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?reldoc=y&docid=54f975004> (Section 197 of the Criminal Code Act in Nigeria); <https://sabilaw.org/free-copy-of-the-police-act-2020/> (Section 38(1) of the Nigeria Police Act 2020)

Can you tell others (e.g., siblings, friends) to run?

It is not a good idea to tell others to run for the same reasons why it wouldn't be a good idea for you to run from a police officer. First, even if they have not committed any criminal offense, running could be interpreted as resisting officer or preventing officer from performing an official act, which could lead to jail times if the person is found guilty. An officer may also arrest the person immediately without a court order or warrant if the person escapes or attempts to escape from lawful custody.

Running from an officer can be extremely dangerous as it can raise tensions and force the officer to make decisions in the heat of the moment, increasing the chance that the officer will use physical force against the person. An alternative and better approach would be to recommend others to simply remain silent, request to speak to a lawyer, and cooperate with the officer.

Source: <https://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?reldoc=y&docid=54f975004> (Section 197 of the Criminal Code Act in Nigeria); <https://sabilaw.org/free-copy-of-the-police-act-2020/> (Section 38(1) of the Nigeria Police Act 2020)

If the police officer's language is not your first language, what should you do?

From the moment you are first arrested, if you do not understand the language or are not comfortable speaking in that language, you can request the help of an interpreter and the police officer has the duty to provide a free interpreter for you.

Remember that under the Constitution of the Federal Republic of Nigeria, you also have the right to remain silent or avoid answering any questions until after you consult with a lawyer or other person of your choice.

Source: https://www.policinglaw.info/assets/downloads/2015_Administration_of_Criminal_Justice_Act.pdf (17(3), 17(4), 17(5), 494 and 495 of the Administration of Criminal Justice Act, 2015); <http://www.nigeria-law.org/ConstitutionOfTheFederalRepublicOfNigeria.htm> (Section 35(2) of the Constitution of the Federal Republic of Nigeria)

If you did not do anything, can they stop you?

Yes, under the Nigerian Police Act 2020, police officers have the power to stop a person if the officer has a reasonable suspicion that you have committed a crime, even if you are totally innocent. For example, if you match the description of someone who has committed a crime nearby, or if you were seen running a red light, that would give the officer enough grounds to stop you.

One crucial thing to remember is that if you are stopped, you have the right to remain silent or avoid answering any questions until you have consulted with a lawyer or other person of your choice.

Source: <https://sabilaw.org/free-copy-of-the-police-act-2020/> (Section 49(2) of the Nigeria Police Act 2020); <http://www.nigeria-law.org/ConstitutionOfTheFederalRepublicOfNigeria.htm> (Section 35(2) of the Constitution of the Federal Republic of Nigeria)

SEARCH

When can a police officer search you and your surroundings?

Proposed Information

It is important to follow this advice:

- You have the right to say no to searches of your person without a warrant.
- You have the right to say no to searches of your car, house, or other surroundings without a warrant.
- You cannot be arrested for refusing to consent to a search without a warrant.
- A warrant is a court order so you have no choice but to consent.

What if a police officer wants to search your phone?

Police officers have a right to search your phone, but the search can only be performed if a search warrant has been issued. Otherwise, the search would be a violation of your rights and illegal. If your phone has been searched without a warrant, you should consider talking to a lawyer about it.

Source: <https://lawpadi.com/stop-search-police-nigeria-rights/>

What if a police officer asks you for your password or other access to your phone?

A police officer can only search your phone if a search warrant has been issued. Otherwise, the officer does not have the right to search your phone and you are not required to give access to your phone.

If a search warrant has been issued for the search of your phone, it may be a good idea to cooperate because refusing to provide access may be considered as resisting officer or preventing officer from performing an official act, which could lead to jail times if you are found guilty.

Source: <https://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?reldoc=y&docid=54f975004> (Section 197 of the Criminal Code Act in Nigeria)

What tools or technology (facial recognition, hidden cameras, finger print searches, etc.) can a police officer use to search you?

A police officer can search anything for which a search has been authorized. However, when conducting the search, the officer must use reasonable effort to minimize the embarrassment that the search may cause the person being searched. If the search is conducted in public, it should be restricted to superficial examination of outer clothing.

Source: <https://sabilaw.org/free-copy-of-the-police-act-2020/> (Section 51 of the Nigeria Police Act 2020)

Can they search your backpack or other items you are carrying?

Under the Nigerian Police Act 2020, police officers have the power to stop a person and conduct searches without a warrant if the officer has a reasonable suspicion that you have committed a crime. For example, if there is reason to suspect that the backpack you are carrying is a stolen property, the officer can conduct a search of your backpack.

Note that before an officer carries out a search, he or she must question you about your behavior or presence in circumstances that gave rise to the suspicion. If you have a satisfactory explanation or if there are other circumstances that make the search unnecessary, the officer cannot search you. An officer must also be in uniform or wear a visible police identity card to exercise the power to stop and search.

Source: <https://sabilaw.org/free-copy-of-the-police-act-2020/> (Section 49(2), 50(1), 50(2), and 50(4) of the Nigeria Police Act 2020)

Can a police officer take your picture or record you?

If you are in lawful custody, a police officer can take and record your measurements, photos, and fingerprints for the purposes of identification. However, if you have not previously been convicted of any criminal offense and you are discharged or acquitted by a court, all the records relating to those measurements, photos, and fingerprints must be stored in a retrievable form and handed over to you upon your request.

If you refuse to allow the officer to take and record your measurements, photos, or fingerprints, an officer can apply to a court to compel you to do so. Therefore, it is generally a good idea to cooperate.

Source: <https://sabilaw.org/free-copy-of-the-police-act-2020/> (Section 468(1), 68(2), and 68(3) of the Nigeria Police Act 2020)

Can a police officer ask you where you are going and why?

Yes, under the Nigerian Police Act 2020, police officers have the power to stop you if the officer has a reasonable suspicion that you have committed a crime, even if you are totally innocent. For example, if you match the description of someone who has committed a crime nearby, that would give the office enough grounds to stop you and ask you questions.

But remember that you have the right to remain silent or avoid answering any questions until you have consulted with a lawyer or other person of your choice.

Source: <https://sabilaw.org/free-copy-of-the-police-act-2020/> (Section 49(2) of the Nigeria Police Act 2020); <http://www.nigeria-law.org/ConstitutionOfTheFederalRepublicOfNigeria.htm> (Section 35(2) of the Constitution of the Federal Republic of Nigeria)

REASONS

Reasons a police officer may detain or arrest you

Proposed Information

It is important to follow this advice:

- A police officer may arrest you if they suspect you of committing or having committed a violation of the law, or if they suspect that you currently have evidence of a crime.
- Sometimes an officer may have a warrant for an arrest. You should be clear on what kind of warrant is being presented to you if that is the case. It is a good idea to review any warrant or paper from the officer carefully to ensure you understand what exactly is covered.
- If arrested, you may be charged with a felony for a more serious crime (with potential jail time of one year or more), or a misdemeanor for a less serious crime (with jail time of less than one year) or a violation.
- If you are arrested, the officer has the right to search you. Anything found during this search may be used as evidence against you.

What if you did not do anything illegal, are you required to speak to the police officer and answer questions?

No, you are not required to speak to the police officer. Under the Constitution of the Federal Republic of Nigeria, you have the right to remain silent or avoid answering any questions until after you consult with a lawyer or other person of your choice. This means you generally do not have to answer or speak to the officer if you do not wish to do so. It may be a good idea to say so out loud if you want to exercise your right to remain silent or to speak to a lawyer.

Source: <http://www.nigeria-law.org/ConstitutionOfTheFederalRepublicOfNigeria.htm>
(Section 35(2) of the Constitution of the Federal Republic of Nigeria)

What if the police officer tells you something they are investigating and you know it is wrong? Do you need to correct them?

No, you are generally not required to correct the police officer or say anything. Under the Constitution of the Federal Republic of Nigeria, you have the right to remain silent or avoid answering any questions until after you consult with a lawyer or other person of your choice. This means you generally do not have to answer or correct the officer if you do not wish to do so. If you are unsure whether you should correct an officer or speak to the officer at all, consider speaking to a lawyer or someone else you trust for additional advice first. Remember that any statement voluntarily made to the officer could ultimately be used against you and it is a good idea to think very carefully before you say anything.

Source: <http://www.nigeria-law.org/ConstitutionOfTheFederalRepublicOfNigeria.htm>
(Section 35(2) of the Constitution of the Federal Republic of Nigeria)

What if a police officer just starts talking to you but does not order you to do anything?

While it may be a good idea to cooperate, remember that under the Constitution of the Federal Republic of Nigeria, you have the right to remain silent or avoid answering any questions until after you consult with a lawyer or other person of your choice. This means you generally do not have to answer or speak to the officer if you do not wish to do so. It may be a good idea to say so out loud if you want to exercise your right to remain silent or to speak to a lawyer.

Source: <http://www.nigeria-law.org/ConstitutionOfTheFederalRepublicOfNigeria.htm>
(Section 35(2) of the Constitution of the Federal Republic of Nigeria)

What is the legal difference between talking to a police officer before being told you are under arrest, versus after you are informed that you are under arrest?

You generally don't have an obligation to speak to a police officer either before or after being arrested. Under the Constitution of the Federal Republic of Nigeria, you have the right to remain silent or avoid answering any questions until after you consult with a lawyer or other person of your choice.

If you are arrested, the officer making the arrest or the officer in charge of the police station must inform you of your right to remain silent and avoid answering any question or making any statement until after you consult with a lawyer or other person of your choice. They should also inform you that if you can't afford a lawyer, you have the right to have a lawyer appointed to you for free.

Remember that anything you say to the officer may be used against you in potential criminal proceedings, so you should be careful with what you say. If you are unsure about certain facts or how to answer a question, it is a better idea to remain silent.

Source: <https://sabilaw.org/free-copy-of-the-police-act-2020/> (Section 35(2) of the Nigeria Police Act 2020); <http://www.nigeria-law.org/ConstitutionOfTheFederalRepublicOfNigeria.htm> (Section 35(2) of the Constitution of the Federal Republic of Nigeria)

CONSENT

Should you voluntarily agree to a search request or provide information to the police officer?

Proposed Information

It is important to follow this advice:

- Anything found during a search and any statement you made to the police officer can be used as evidence against you.
- It is a good idea to not consent to a search and not voluntarily provide information to the officer.

What is the difference between the police officer deciding to search you or your belongings (e.g., phone, backpack) and you agreeing to the search?

Under the Nigerian Police Act 2020, police officers have the power to stop a person and conduct searches if the officer has a reasonable suspicion that you have committed a crime. For example, if there is reason to suspect that the backpack you are carrying is a stolen property, the officer can conduct a search of your backpack. Before an officer can search you, the officer must provide you his or her name, what he or she will be searching, and his or her grounds or authorization for conducting the search.

When you agree or give permission to an officer searching your person or belongings, you may be waiving your rights to later raise a defense during court proceedings that the officer did not have a right to lawfully carry out the search. Officers are only allowed to search your person and belongings in certain limited circumstances, and they will generally need to prove during a trial that they satisfied the necessary criteria to be entitled to such a right. Therefore, it may generally be a better idea to not give permission to a search and make sure the officer knows you do not agree by clearly stating that "I do not consent to a search." They might search you anyway, but you should make your opposition known. If they do in fact carry out a search, it is a good idea to cooperate with the officer and you can later speak to your lawyer about whether the evidence discovered during the search should be excluded in court.

Source: <https://sabilaw.org/free-copy-of-the-police-act-2020/> (Section 49(2), 50(3) of the Nigeria Police Act 2020)

What if the police officer asks you to give them information?

Under the Constitution of the Federal Republic of Nigeria, you have the right to remain silent or avoid answering any questions until after you consult with a lawyer or other person of your choice. This means you generally do not have to answer or speak to the officer if you do not wish to do so. Therefore, when asked to provide them with information, you can lawfully decline to do so and it is a good idea to do so respectfully even when it is within your rights to do so to minimize tension.

Volunteering any statements to the officer can be risky as any statement voluntarily made could ultimately be used as evidence against you if you are arrested and your case proceeds to trial. Before volunteering any information to an officer, it is a good idea to first talk to a lawyer or a person you trust. Remember that even if you can't afford a lawyer, you have the right to be appointed a lawyer for free.

Source: <http://www.nigeria-law.org/ConstitutionOfTheFederalRepublicOfNigeria.htm> (Section 35(2) of the Constitution of the Federal Republic of Nigeria)

Does a police officer need a warrant to arrest you?

Proposed Information

It is important to follow this advice:

- No. A police officer can legally arrest you without a warrant in several circumstances:
 - When the crime is committed in front of the officer; or
 - When the officer has reason to suspect that the suspect committed a crime, whether or not the act was done in front of the officer.

If you did not do anything, can a police officer stop you?

Yes, under the Nigerian Police Act 2020, police officers have the power to stop you if the officer has a reasonable suspicion that you have committed a crime, even if you are totally innocent. For example, if you match the description of someone who has committed a crime nearby, the officer can stop you even if you did not actually commit the crime.

However, an officer cannot stop you merely based on your personal attributes, such as your color, age, hairstyle, or how you dress, or your previous conviction for possessing an unlawful item. You also cannot be stopped just because you fit a stereotyped image of certain persons or groups who are more likely to commit crimes.

Source: <https://sabilaw.org/free-copy-of-the-police-act-2020/> (Section 49(2) and 54 of the Nigeria Police Act 2020)

Can you ask for the reason that a police officer has stopped you?

Yes, under the Nigerian Police Act 2020, police officers can only stop you if the officer has a reasonable suspicion that you have committed a crime. You can ask the officer why he or she has stopped you, and it is a good idea to do so respectfully to avoid tension. Further, remember that before an officer can search you, he or she must provide you with his or her grounds or authorization for conducting the search.

Source: <https://sabilaw.org/free-copy-of-the-police-act-2020/> (Section 49(2) and 50(3) of the Nigeria Police Act 2020)

If you are stopped by a police officer with another young person, can you advocate for the young person?

A more appropriate course of action would be to inform the young person of the following rights they have:

- The right to remain silent and not answer any questions; and
- The right to have a lawyer or someone else present before answering any questions; and
- The right to have a lawyer appointed for free

Source: <https://sabilaw.org/free-copy-of-the-police-act-2020/> (Section 35(2) of the Nigeria Police Act 2020); <http://www.nigeria-law.org/ConstitutionOfTheFederalRepublicOfNigeria.htm> (Section 35(2) of the Constitution of the Federal Republic of Nigeria)

If you think the stop is unjustified, what can you do?

Police officers can stop and question you if they have a good reason to suspect that you have committed a crime. If you are stopped and you believe the officer is not justified to stop you, you should consider speaking to a lawyer as soon as possible. Remember that under the Constitution of the Federal Republic of Nigeria, you have the right to remain silent and the officer must not force you to answer any questions.

Source: <http://www.nigeria-law.org/ConstitutionOfTheFederalRepublicOfNigeria.htm> (Section 35(2) of the Constitution of the Federal Republic of Nigeria)

Can you get the officer's identifying information for a future complaint?

Yes, you can ask a police officer for his or her identifying information and it is a good idea to do so respectfully. Before an officer can search you, the officer must provide you his or her name, what he or she will be searching, and his or her grounds or authorization for conducting the search.

Source: <https://sabilaw.org/free-copy-of-the-police-act-2020/> (Section 50(3) of the Nigeria Police Act 2020)

How do you know if you are under arrest?

Proposed Information

It is important to follow this advice:

- You are under police custody if you do not feel free to leave a police officer's presence, or if a reasonable person in your shoes would not feel free to leave.
- If the following happens, you are likely under arrest under the law:
 - an officer handcuffs you;
 - an officer forcibly holds you down;
 - an officer puts you into the back seat of a police car; or
 - an officer warns you about your rights.
- An officer only has to warn you of your rights before questioning you. This means an officer can arrest you before warning you of your rights.

- An arrest without warning about your rights is still a valid arrest; it just means that evidence collected from it may not be admissible in court later.

What if you do not know if you are under arrest?

The quintessential example of being under arrest is the use of handcuffs and if the officer tells you that you are under arrest. Being informed of certain rights including the right to remain silent and seek the assistance of a lawyer is also an indicator that you have been arrested. Further, generally, an arrest warrant must be presented to you before an arrest unless an exception applies, such as if there is reason to suspect that you committed a crime, or if you committed a crime in the presence of an officer. If you are unsure whether you have been arrested, you can simply ask the officer respectfully.

Source: <https://sabilaw.org/free-copy-of-the-police-act-2020/> (Section 38(1) of the Nigeria Police Act 2020)

What is the difference between detention and arrest?

Detention occurs when someone is held in custody for a limited period of time for interrogation for the purpose of finding out more facts about a possible crime. Generally, suspects can be detained if there is reasonable suspicion.

On the other hand, arrest occurs when someone is taken into custody for allegedly committing a crime, which generally requires more solid evidence and proof. An arrest is more serious than a detention, but a detention has the potential to turn into an arrest. Note that you still have the right to remain silent and ask for an attorney during both a detention and an arrest. A person who is arrested or detained must also be brought before a court of law within a reasonable time.

Source: <https://sabilaw.org/free-copy-of-the-police-act-2020/> (Section 49(2) of the Nigeria Police Act 2020); <http://www.nigeria-law.org/ConstitutionOfTheFederalRepublicOfNigeria.htm> (Section 35(4) of the Constitution of the Federal Republic of Nigeria)

If you are handcuffed, are you arrested?

You are arrested if you are temporarily and involuntarily being deprived of your freedom. Being handcuffed is a significant restriction of your freedom, so this is most likely a form of arrest. If you are unsure whether you have been arrested, you can ask the police officer respectfully. It is also a good idea to exercise your right to remain silent and request to have a lawyer present before answering any questions.

Source: <http://www.nigeria-law.org/ConstitutionOfTheFederalRepublicOfNigeria.htm> (Section 35(2) of the Constitution of the Federal Republic of Nigeria)

If your liberty is restricted, are you under arrest?

Not necessarily. You can be detained for investigation purposes if there is reasonable suspicion that you have committed a crime, even if you are not arrested. If you are unsure whether you are under arrest, you can ask the police officer respectfully. It is also a good idea to exercise your right to remain silent and request to have a lawyer present before answering any questions.

Source: <https://sabilaw.org/free-copy-of-the-police-act-2020/> (Section 49(2) of the Nigeria Police Act 2020); <http://www.nigeria-law.org/ConstitutionOfTheFederalRepublicOfNigeria.htm> (Section 35(2) of the Constitution of the Federal Republic of Nigeria)

What should you do after being warned of your rights?

Proposed Information

It is important to follow this advice:

- If you decide to exercise your right to remain silent or any other rights (e.g., the right to an attorney), you should avoid ambiguous statements. For example, you should state clearly that "I want to remain silent," or "I want to talk to a lawyer."
- Remember that your rights can be waived even if you do not expressly say that you are waiving your rights. You may be waiving your rights if you voluntarily talk to the police officer after you are read your rights by the officer. It is a good idea to have a lawyer present before making any decisions.
- Make sure you fully understand the consequences before you give up your rights.

How do things change if the police officer read you your rights?

If you are arrested, the officer making the arrest or the officer in charge of the police station must inform you of your right to remain silent and avoid answering any question or making any statement until after you consult with a lawyer or other person of your choice. They should also inform you that if you can't afford a lawyer, you have the right to have a lawyer appointed to you for free.

If the police officer did not read you your rights, any statement or evidence collected from you might not be admissible in court. However, if you decide to talk to the officer even after you have been told what your rights are, you might be implicitly waiving your rights to remain silent and have a lawyer present, and any statement you make to the officer can be used against you in court.

Source: <https://sabilaw.org/free-copy-of-the-police-act-2020/> (Section 35(2) of the Nigeria Police Act 2020)

Does it matter where you are when the police officer read you your rights? (street, station, police car, etc.)

No, there is no difference on where you are located when the police officer read you your rights.

If you are arrested, the officer making the arrest or the officer in charge of the police station must inform you of your right to remain silent and avoid answering any question or making any statement until after you consult with a lawyer or other person of your choice. They should also inform you that if you can't afford a lawyer, you have the right to have a lawyer appointed to you for free.

Source: <https://sabilaw.org/free-copy-of-the-police-act-2020/> (Section 35(2) of the Nigeria Police Act 2020)

What to do if you are questioned by a police officer?

Proposed Information

It is important to follow this advice:

- You are not required to make a statement, answer police questions, or participate in a police investigation. You are not required to go anywhere with the police officer unless you are arrested.
- If an officer has arrested you and you are under the age of 18, the officer is required to immediately notify your parent, caretaker, or legal guardian.

Are you required to make a statement?

No, under the Constitution of the Federal Republic of Nigeria, you have the right to remain silent or avoid answering any questions until after you consult with a lawyer or other person of your choice, meaning you generally do not have to answer or speak to the officer if you do not wish to do so. Therefore, when asked to provide them with information, you can lawfully decline to do so and it is a good idea to do so respectfully even when it is within your rights to do so to minimize tension.

Volunteering any statements to the officer can be risky as any statement voluntarily made could ultimately be used as evidence against you if you are arrested and your case proceeds to trial. Before volunteering any information to an officer, it is a good idea to first talk to a lawyer or someone you trust. Remember that even if you don't already have a lawyer or can't afford one, you have the right to have a lawyer appointed to you for free.

Source: <http://www.nigeria-law.org/ConstitutionOfTheFederalRepublicOfNigeria.htm> (Section 35(2) of the Constitution of the Federal Republic of Nigeria)

Must the police officer notify your guardian?

If a police officer has custody of you, it must notify your next of kin or relative.

Source: <https://sabilaw.org/free-copy-of-the-police-act-2020/> (Section 35(3) of the Nigeria Police Act 2020)

Must you confess?

No. You do not have to confess, or answer any questions. Under the Constitution of the Federal Republic of Nigeria, you have the right to remain silent or avoid answering any questions until after you consult with a lawyer or other person of your choice, meaning you generally do not have to answer or speak to the officer if you do not wish to do so. Therefore, when asked to provide them with information, you can lawfully decline to do so and it is a good idea to do so respectfully even when it is within your rights to do so to minimize tension.

Volunteering any statements to the officer can be risky as any statement voluntarily made could ultimately be used as evidence against you if you are arrested and your case proceeds to trial. Before volunteering any information to an officer, it is a good idea to first talk to a lawyer or someone you trust. Remember that even if you don't already have a lawyer or can't afford one, you have the right to have a lawyer appointed to you for free.

Source: <http://www.nigeria-law.org/ConstitutionOfTheFederalRepublicOfNigeria.htm> (Section 35(2) of the Constitution of the Federal Republic of Nigeria)

What adults can you ask to be with you?

Under the Constitution of the Federal Republic of Nigeria, you have the right to avoid answering any questions until after you consult with a lawyer or someone of your choice, which can be anyone you trust such as your parents or guardian. Additionally, if a police officer has custody of you, it must notify your next of kin or relative.

Source: <http://www.nigeria-law.org/ConstitutionOfTheFederalRepublicOfNigeria.htm> (Section 35(2) of the Constitution of the Federal Republic of Nigeria); <https://sabilaw.org/free-copy-of-the-police-act-2020/> (Section 35(3) of the Nigeria Police Act 2020)

Who do police officer have to contact if you are a legal minor?

If a police officer has custody of you, it must notify your next of kin or relative.

Source: <https://sabilaw.org/free-copy-of-the-police-act-2020/> (Section 35(3) of the Nigeria Police Act 2020)

How and when do you contact a lawyer?

Proposed Information

It is important to follow this advice:

- **You should always contact a lawyer before making any statements to anyone in a criminal case or investigation.** This applies even if you are told that (i) police officers only want to question you and/or (ii) you are only a witness.
- While you do have to wait until you attend court to get a lawyer appointed if you cannot afford your own lawyer, you should still ask for a lawyer as soon as you are questioned or arrested by the officer. If you are arrested, you have the right to remain silent and to not speak until your lawyer is present.

What if you are just a witness?

The police officer may ask you to make a statement as a witness of a crime; however, you generally have the right to remain silent and say nothing under Constitution of the Federal Republic of Nigeria. You can give as many detail as you would like to and you can consider asking the officer for their contact details if you think of something else you'd like to add to your statement. You have the right to be assisted by a lawyer, and you may also have the right to free legal counsel from the Legal Aid Council of Nigeria or other organizations.

Source: <http://www.nigeria-law.org/ConstitutionOfTheFederalRepublicOfNigeria.htm> (Section 35(2) of the Constitution of the Federal Republic of Nigeria); <https://sabilaw.org/free-copy-of-the-police-act-2020/> (Section 35(2) of the Nigeria Police Act 2020)

Do police officers always have to tell the truth?

Proposed Information

It is important to follow this advice:

- No. The police officer may lie to you during the course of an investigation, including lying about the strength of the case they have against you and particular evidence they have in their possession. Sometimes officers will lie to try and get you to talk more.

Can the police officer lie to you?

Generally, yes. Police officers do not necessarily need to be truthful with you. However, this is a fine balance because officers are restricted from questioning a suspect or defendant in a manner that would result in obtaining statements that are not voluntarily given. If you are unsure whether the officers are being truthful with you, one course of action would be to remain silent, request to speak to a lawyer, parent, or someone you trust, and not volunteer any statements that could ultimately be used against you during court proceedings.

Source: <https://sabilaw.org/free-copy-of-the-police-act-2020/> (Section 60(1) of the Nigeria Police Act 2020)

Do you have to tell the police officer the truth?

As a general rule, you don't have to speak to the police officer or answer their questions if you don't want to. This is a right that you're entitled to under the Constitution of the Federal Republic of Nigeria. Rather than lying to the officer, which could create evidence at a future criminal trial that you were not cooperating with officer, an alternative course of action would be to exercise your right to remain silent and, if asked any questions that you do not want to answer with a truthful answer, exercise your right to request a lawyer to be present.

Remember that if you do not already have a lawyer or can't afford one, you can wait until a lawyer is appointed for you before answering any questions.

If you want to exercise your rights, you should avoid ambiguous statements such as "Maybe I should talk to a lawyer." Instead, state clearly that "I want to remain silent" and "I want to talk to a lawyer," and you do not need to give any explanations or excuses for making such request.

Source: <http://www.nigeria-law.org/ConstitutionOfTheFederalRepublicOfNigeria.htm> (Section 35(2) of the Constitution of the Federal Republic of Nigeria)

How do you make a complaint if you have questions or feel your rights have been violated?

Proposed Information

It is important to follow this advice:

The Nigerian Police Service Commission oversees the Nigeria Police Force. It has the power to appoint, promote, and discipline all police officers of the Nigeria Police Force except the Inspector General of Police. You can make a complaint by contacting the Nigerian Police Service Commission by phone, in-person, or with a contact form through its webpage:

<https://www.npf.gov.ng/>

You can also submit your complaint to the Police Complaints Response Unit at the headquarters of the Nigeria Police Force. You can contact the Police Complaints Response Unit by phone or via email at info@psc.gov.ng.

What if you feel you were a victim of discrimination or racism?

Proposed Information

It is important to follow this advice:

Under Article 35(6) of the Constitution of the Federal Republic of Nigeria, if you are unlawfully arrested or detained, such as if you are detained solely based on your ethnic group, you have the right to compensation and public apology from the appropriate authority or person.

There are several routes you can take if you believe you were a victim of discrimination or racism by police officer. First, you can contact the Nigerian Police Service Commission by phone, in-person, or with a contact form through its webpage: <https://www.npf.gov.ng/>. You can also submit your complaint to the Police Complaints Response Unit at the headquarters of the Nigeria Police Force by phone or via email at info@psc.gov.ng.

You can also contact a lawyer, parent, or guardian for additional advice. If you cannot afford a lawyer, consider contacting a free legal clinic that is offered in your jurisdiction. For a list of reputable legal clinics in Nigeria, browse the following webpage: <https://lawpadi.com/get-free-legal-help-assistance-nigeria/>.

Source: <http://www.nigeria-law.org/ConstitutionOfTheFederalRepublicOfNigeria.htm> (Section 35(6) of the Constitution of the Federal Republic of Nigeria)

What can you do if the police officer performed an improper search? Or if you were improperly detained?

Proposed Information

It is important to follow this advice:

You have the right to speak to a lawyer when you are being questioned by a police officer or judge, or are otherwise suspected of a crime. You also have the right to remain silent when being questioned by an officer; you are generally not obligated to answer any questions they pose you. Thus, if you are subject to an improper search or detention, consider exercising your right to remain silent. Do not volunteer any statements especially if they may potentially be incriminating, as such statements could ultimately be used as evidence against you during a criminal trial.

Even if you are subject to an improper search or detention, it is generally a good idea to remain calm and cooperate with the officer and not argue or resist the officer. Not cooperating can be risky as it can raise tensions and increase the chance that the officer will use physical force against you or charge you for resisting arrest. If you might have incriminating evidence that could be found in a search, you may wish to voice that you did not give the officer permission to conduct the search, but nevertheless cooperate. Any evidence they find might be challenged by your lawyer at a future trial.

Further, Under Article 35(6) of the Constitution of the Federal Republic of Nigeria, if you are unlawfully arrested or detained, such as if you are detained solely based on your ethnicity, you have the right to compensation and public apology from the appropriate authority or person.

Source: <http://www.nigeria-law.org/ConstitutionOfTheFederalRepublicOfNigeria.htm> (Section 35(2) and 35(6) of the Constitution of the Federal Republic of Nigeria)

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Law is generally described as of December 2022.

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