



NIGERIA COUNTRY REPORT

OCTOBER 2004

**COUNTRY INFORMATION AND POLICY UNIT
IMMIGRATION AND NATIONALITY DIRECTORATE
HOME OFFICE, UNITED KINGDOM**

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1. Scope of Document

1.1 This Country Report has been produced by Immigration and Nationality Directorate, Home Office, for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. It includes information available up to 1 September 2004.

1.2 The Country Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any Home Office opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.

1.3 The Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.

1.4 The structure and format of the Country Report reflects the way it is used by Home Office caseworkers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.

1.5 The information included in this Country Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented; rather that information regarding implementation has not been found.

1.6 As noted above, the Country Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties etc. Country Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text.

1.7 The Country Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.

1.8 This Country Report and the accompanying source material are public documents. All Country Reports are published on the IND section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the Home Office upon request.

1.9 Country Reports are published every six months on the top 20 asylum producing countries and on those countries for which there is deemed to be a specific operational need. Inevitably, information contained in Country Reports is sometimes overtaken by events that occur between publication dates. Home Office officials are informed of any significant changes in country conditions by means of Country Information Bulletins, which are also published on the IND website. They also have constant access to an information request service for specific enquiries.

1.10 In producing this Country Report, the Home Office has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to the Home Office as below.

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2. Geography

2.1 According to the 2004 edition of the Europa publication "Africa South of the Sahara", the Federal Republic of Nigeria covers an area of 923,768 square km on the shores of the Gulf of Guinea, with Benin to the west, Niger to the north, Chad to the north east and Cameroon to the east and south east. Nigeria has a climate that is characterised by relatively high temperatures throughout the year. Nigeria's ethnically diverse population is made up of over 250 ethnic groups and over 500 languages are spoken in the country. Nigeria adopted a federal structure comprising 12 states in 1968. A Federal Capital Territory was created in 1979. By 1996, the number of states created had increased to 36 [1] (pages 817 - 818).

2.2 According to the US State Department Background Note on Nigeria, published in

April 2004, the capital city is Abuja. Other major cities include Lagos, Ibadan and Kano. The national population in 2003 was estimated to be 133 million. English is the official language and Nigerians commonly communicate in English, although knowledge of two or more Nigerian languages is widespread. Although less than 25 per cent of Nigerians live in urban areas, at least 24 cities have a population of more than 100,000. Nigeria is divided administratively into 36 states and a Federal Capital Territory. The states are further sub-divided into 774 local government areas. Nigeria's poor transport infrastructure has constrained economic development [3c] (pages 1 - 2). The country's main ports are at Lagos, Port Harcourt and Calabar. Most of the 80,500 kilometres of roads in Nigeria are in poor condition but state governments have gradually been improving the road network. Nigeria has four international airports - Lagos, Kano, Port Harcourt and Abuja. There are several private Nigerian air carriers that operate internal flights [3c] (pages 9 - 10).

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3. The Economy

3.1 The UK Foreign and Commonwealth Office (FCO) Country Profile on Nigeria dated July 2004, states that Nigeria's GDP is US\$35.1 billion. The annual GDP growth rate in 2003 was 3.7 per cent. The national currency is the Naira. The FCO Country Profile further states that:

“As the most populous African nation and the leading sub-Saharan oil producer, (2.3 million barrels of oil per day), Nigeria has a vast but largely unfulfilled economic potential. As a result annual income per head in Nigeria is amongst the lowest in the world at \$314, and two thirds of the population live on less than a dollar per day. Economic development has been hindered by institutionalised and pervasive corruption....” [2] (page 4).

3.2 With regard to Nigeria's economy, the US State Department 2003 Human Rights Report on Nigeria, published in February 2004, states:

“....Inadequate infrastructure, endemic corruption, and general economic mismanagement hindered economic growth. Most of the population of approximately 130 million were rural and engaged in small-scale agriculture, which accounted for only 42 percent of gross domestic product (GDP). Increased unemployment was a problem. Much of the country's wealth remained concentrated in the hands of a small elite. Corruption, nontransparent government contracting practices, and other systems favored the wealthy and politically influential, including: A banking system that impeded small and medium investor access to credit; and regulatory and tax regimes that were not always enforced impartially. Wages and benefits have not kept pace with inflation. The International Labour Organisation (ILO) estimate that 91 million citizens lived below the poverty line and were subject to malnutrition and disease.” [3a] (page 1).

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4. History

4.1 According to the 2004 edition of the Europa publication “Africa South of the
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Sahara”, Nigeria was under British rule during the second half of the nineteenth century and the first half of the twentieth century. In 1947, the United Kingdom introduced a new constitution which established a federal system of government. In 1954, the Federation of Nigeria became self-governing. A bicameral federal parliament was formed in January 1960 and on 1 October 1960, Nigeria became an independent country. Tafawa Balewa became the country’s first Prime Minister. In October 1963, the country was renamed the Federal Republic of Nigeria [1] (page 818).

4.2 The UK Foreign and Commonwealth Office (FCO) Nigeria Country Profile dated July 2004, states that when Nigeria was granted independence, it was a federation of three regions - northern, western and eastern. All of the regions were allowed to retain a substantial degree of independence after the country became independent. Ethnic and religious tensions increased after independence. In January 1966, a group of junior, mostly Igbo, officers overthrew the government, and killed the federal Prime Minister and the Prime Ministers of the Northern and Western regions. A federal government under General Aguiyi Ironsi assumed power and imposed a state of emergency. Several months later, in July 1966, General Ironsi was killed in a counter-coup and General Gowon then took power. The new military leadership, under General Gowon, tried to reduce tensions and give more independence to ethnic minority groups. The Igbos, however, insisted on full autonomy for the east, and in May 1967, General Emeka Ojukwu, the military governor of the Eastern Region, declared the independence of the east as the “Republic of Biafra”. Civil war (the Biafran War) broke out, which eventually ended in January 1970, when Biafran troops surrendered [2] (page 2).

4.3 According to the FCO Country Profile, the end of the Biafran War did not lead to political stability. A succession of military coups occurred in the 1970s and 1980s. Olusegun Obasanjo, the current president, was military ruler from 1976-79. Obasanjo handed back power to civilian rule and elections were held in 1979. Alhaji Shehu Shagari was elected president. General Buhari, who contested the 2003 presidential election against Obasanjo, overthrew President Shagari three months into his second term. Babangida, another general, overthrew Buhari in August 1985. He announced a timetable for a return to civilian rule. Elections were held in June 1993. General Ibrahim Babangida was the country’s ruler at the time and he annulled the elections when it became clear that a political opponent was going to win. Babangida eventually surrendered power in August 1993 to Chief Ernest Shonekan, who was himself removed from power by General Sani Abacha in November 1993. Abacha imposed full military rule. His government committed serious human rights abuses, democratic institutions were annulled and attempts to remove him from power were suppressed. In June 1998, Abacha died and was succeeded by General Abdulsalami Abubakar, his Chief of Defence Staff. Abubakar released political prisoners, repealed many of the military decrees and announced a plan to restore civilian rule by 29 May 1999. Legislative and presidential elections were held in February 1999. Olusegun Obasanjo won the presidential election [2] (page 3).

4.4 The 2004 edition of the Europa publication “Africa South of the Sahara 2004”, states that in the transitional period before civilian rule was established, the outgoing government approved a new constitution, which was formally promulgated on 5 May 1999. The new constitution came into force on the same day as Obasanjo was formally inaugurated as President of Nigeria, on 29 May 1999. Four years later, presidential and

legislative elections were held in April and May 2003. Obasanjo won the 2003 presidential election, and his party the PDP, won large majorities in the 2003 legislative elections [1] (pages 826 and 828).

4.5 According to a BBC News Online report dated 23 April 2003, Obasanjo's victory in the presidential election was announced by an electoral commission after long delays. They were reports from election monitors alleging widespread fraud and intimidation in several states. The official result showed 24.5 million votes for Obasanjo against 12.7 million for his main rival, Muhammadu Buhari. Most foreign observers praised the organisation of the elections across much of the country but criticised polls in the south and east [8a].

4.6 ElectionWorld.org published the results of the April 2003 presidential and legislative elections [16]. The results were as follows:

PRESIDENTIAL ELECTION - 19 April 2003* [16]		
Name of Candidate	Political Party	Percent
Matthew O.F.A Obasanjo	People's Democratic Party (PDP)	61.9
Buhari Muhammadu	All Nigeria People's Party (ANPP)	32.2
Ojukwu Chukwuemeka Odumegwu	All Progressives Grand Alliance (APGA)	3.3

* turnout of 69.1 per cent

LEGISLATIVE ELECTIONS - 12 April 2003* [16]				
Political Party	House of Representatives - /360	Percent	Senate - /109	Percent
People's Democratic Party (PDP)	223	54.5	76	53.7
All Nigeria People's Party (ANPP)	96	27.4	27	27.9
Alliance for Democracy (AD)	34	8.8	6	9.7
United Nigeria People's Party (UNPP)	2	2.8	-	2.7
National Democratic Party (NDP)	1	1.9	-	1.6
All Progressives Grand Alliance (APGA)	2	1.4	-	1.5
People's Redemption Party (PRP)	1	0.8	-	0.7
Vacant	1	-	-	-

* turnouts 50.0 per cent/49.3 per cent

4.7 Politically-motivated violence related to the April 2003 elections occurred before they were held and while they were being held. The Human Rights Watch (HRW) report, "Nigeria: Renewed Crackdown on Freedom of Expression", published in December 2003, states:

"....In the preceding months [before April 2003], from mid-2002 onwards, several

hundred people were killed in politically-motivated violence. The victims included high profile political figures, as well as rank-and-file party supporters. While much of this violence was carried out by supporters of the ruling PDP, especially in areas viewed as PDP strongholds, supporters of opposition parties, such as the All Nigeria People's Party (ANPP), also launched attacks on their rivals, resulting in death and injuries. Most of the major parties hired and armed groups of youths to terrorize their opponents, with the result that in some areas, especially in parts of the south and the southeast, no election took place at all. [22b] (pages 4 - 5)

"...President Obasanjo's numerous pre-election promises to hold to account perpetrators of political violence have remained unfulfilled. Very few of those responsible for ordering or carrying out killings and other attacks on their opponents have been brought to justice, especially in cases of violence instigated by PDP supporters....[22b] (pages 5 - 6).

4.8 The HRW report "Nigeria: Renewed Crackdown on Freedom of Expression", states that the 2003 elections were described as generally peaceful by Nigerians and foreign observers. The report states:

"Despite these killings - and despite widespread rigging and fraud reported by national and international election observers deployed across the country - the 2003 elections were described as generally peaceful, both by Nigerian and non-Nigerians, and the mostly anonymous victims of this violence were quickly forgotten in the interests of encouraging Nigeria along its path to "democracy"....Nigeria's key foreign partners, while recognizing that there had been fraud and rigging, played down the violence surrounding the elections and failed to denounce it in their public statements...." [22b] (page 5).

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5. State Structures

The Constitution

5.1 The 2004 edition of the Europa publication "Africa South of the Sahara", states that in the transitional period prior to the establishing of civilian rule in May 1999, the outgoing administration approved of a new constitutional framework based on the 1979 constitution. The new constitution was formally promulgated on 5 May 1999, and came into effect when President Obasanjo was inaugurated as president, on 29 May 1999 [1] (page 826). Basic human rights freedoms are enshrined in the constitution including the right to life, the right to personal liberty, the right to a fair trial, freedom of expression and of the press, freedom of religion and the right to dignity of the person [7].

Citizenship and Nationality

5.2 Chapter 3 of the 1999 constitution sets out the requirements for Nigerian citizenship. Citizenship can be acquired by birth, descent, registration and naturalisation. There are legal provisions for voluntary and involuntary renunciation of

Nigerian citizenship. Dual nationality is only legally recognised for persons who are Nigerian citizens by descent and who have acquired citizenship of another country by descent [7].

5.3 Nigerian citizenship can be acquired by any person:

- born in Nigeria before 1 October 1960, provided one parent or one grandparent was born in Nigeria and belongs or belonged to a community indigenous to Nigeria
- born in Nigeria after 1 October 1960, provided one parent or one grandparent is a Nigerian citizen
- born outside Nigeria provided one parent is a Nigerian citizen [7].

5.4 Nigerian citizenship can be obtained by registration by any person provided:

- he is of good character
- he has shown a clear intention of his desire to be domiciled in Nigeria
- he has taken the oath of allegiance as prescribed in the constitution

These provisions also apply to any woman who is or has been married to a Nigerian citizen and any person of full age (over 18) and capacity born outside Nigeria, with any grandparent who is a Nigerian citizen [7].

5.5 Nigerian citizenship can be obtained by naturalisation by any person provided:

- he is of full age (over 18)
- he has resided in Nigeria for at least 15 years and plans to remain in Nigeria
- he is of good character
- he is familiar with Nigerian culture and customs and can support himself
- he has renounced any previous citizenship and has taken an oath of allegiance as prescribed in the constitution [7].

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The Political System

5.6 According to the 2004 edition of the Europa publication “Africa South of the Sahara”, Nigeria is a democratic federal republic with a multi-party political system, comprising the Federal Capital Territory and 36 states. Executive powers of the federation are vested in the president, who is the Head of State, the Chief Executive of the Federation and Commander-in-Chief of the Armed Forces. The president is elected by popular vote for a term of four years. The legislative powers of the country are vested in the National Assembly, comprising a Senate and a House of Representatives. The

109-member Senate consists of three senators from each state and one from the Federal Capital Territory, who are elected by popular vote for four years. The House of Representatives comprises 360 members, who are also elected by popular vote for four years. The ministers of the government are nominated by the president, subject to confirmation by the Senate. The current president is Olusegun Obasanjo of the People's Democratic Party [1] (pages 843 - 844). According to the Economist Intelligence Unit's 2004 Country Profile on Nigeria, although Nigerian politics is dominated by three large parties, around 30 political parties participated in the general election following the registration of 27 new parties in 2002. None of the new parties, however, made a significant impact in the elections and only a few won any seats [10] (page 12).

5.7 With regard to the political system, the USSD 2003 Report states:

“The political system remained in transition. The three branches of the Government acted somewhat independently. The Senate and the House of Representatives acted on budget review and oversight, an election reform initiative, and resource allocation; however, legislative and executive ineffectiveness and inability to compromise resulted in little substantive legislation. There were continued calls for a national conference to reexamine the constitution and political structure of the country.” [3a] (page 15)

5.8 The administration of the electoral process is carried out by the Independent National Electoral Commission, which was set up in 1998 by the government in power at the time. According to the Human Rights Watch January 2003 Briefing Paper “Nigeria at the Crossroads: Human Rights Concerns in the Pre-Election Period”:

“The Independent National Electoral Commission (INEC), originally created by military decree in 1998, is charged with registering political parties, setting up rules, monitoring and auditing the political parties' operations and campaigns, and ultimately conducting the elections. While INEC is responsible for the national election process, State Independent Electoral Commissions (SIECs) are responsible for overseeing local elections, on the basis of a voter register supplied by INEC. INEC has a Resident Electoral Commissioner in each state as well as an appointed Electoral Officer for each local government area (LGA); each LGA is subdivided into wards and then registration centers.” [22d] (page 10).

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The Judiciary

5.9 With regard to the judiciary, the USSD 2003 Report on Nigeria states that:

“The Constitution provides for an independent judiciary; however, the judicial branch remained susceptible to executive and legislative branch pressure. Decisions at the federal level were indicative of greater independence. The judiciary was influenced by political leaders, particularly at the state and local levels. Understaffing, underfunding, inefficiency, and corruption continued to prevent the judiciary from functioning adequately. Citizens encountered long delays and frequent requests from judicial officials for small bribes to expedite cases.” [3a] (page

8).

5.10 With regard to the regular courts, the USSD 2003 Report states that:

“The regular court system is composed of federal and state trial courts, state appeals courts, the Federal Court of Appeal and the Federal Supreme Court. There are Shar’ia (Islamic) and customary (traditional) courts of appeal in states that use those bases for civil or criminal law, including in the Federal Capital Territory (Abuja). Courts of the first instance include magistrate or district courts, customary or traditional courts, Shar’ia courts, and for some specified cases, the state high courts....The nature of the case usually determined which court had jurisdiction.... [3a] (page 8)

“Trials in the regular court system were public and generally respected constitutionally protected individual rights in criminal cases, including a presumption of innocence, and the right to be present, to confront witnesses, to present evidence, and to be represented by legal counsel....Many courts were understaffed, and personnel were paid poorly. Judges frequently failed to appear for trials, often because they were pursuing other means of income. In addition, court officials often lacked the proper equipment, training, and motivation to perform their duties, again primarily due to inadequate compensation.” [3a] (page 8).

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Legal Rights/Detention

5.11 According to the Amnesty International report “The Death Penalty and Women under the Nigeria Penal Systems”, published in February 2004, Nigeria has three major penal codes co-existing. They consist of the Penal Code, the Criminal Code, and the Shari’a penal codes. The three systems establish different offences, punishments and criminal procedures, depending on the state in which the law is applied and the religion of the accused. The Shar’ia penal codes are applicable to Muslims in the 12 states that have introduced the codes as well as non-Muslims who agree to be subject to them. [12c] (page 6).

5.12 With regard to police powers of arrest and detention, the USSD 2003 Report states that:

“Police and security forces were empowered to make arrests without warrants based on a reasonable suspicion that a person had committed an offense; they often abused this power. Under the law, police may arrest and detain persons for 24 hours before charging them with an offense. The law requires an arresting officer to inform the accused of charges at the time of arrest and to take the accused to a police station for processing within a reasonable amount of time. By law, police must provide suspects with the opportunity to engage counsel and post bail. However, police generally did not adhere to these procedures. Suspects routinely were detained without being informed of the charges, denied access to counsel and family members, and denied the opportunity to post bail for bailable offenses. Detainees often were kept incommunicado for long periods of time. The

provision for bail often was arbitrary or subject to extrajudicial influence....” [3a]
(pages 6 - 7)

5.13 With regard to exile, the USSD 2003 Report states that “The Constitution prohibits the expulsion of citizens, and the Government did not use forced exile. Many citizens who had lived abroad due to fear of persecution under previous military regimes continued to return to the country during the year [2003].” [3a] (page 8).

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Shari'a Penal Codes

5.14 The USSD 2003 Report on Religious Freedom, published in December 2003, reports that 12 northern states have adopted parts of Shari'a Law into their state penal codes. These 12 states are Zamfara, Sokoto, Kebbi, Niger, Kano, Katsina, Kaduna, Jigawa, Yobe, Bauchi, Borno, and Gombe. Adherence to the new Shari'a provisions is compulsory for Muslims in some states and optional in others [3b] (page 2).

5.15 According to the Amnesty International report “The Death Penalty and Women under the Nigeria Penal Systems”, published in February 2004, the Shari'a penal codes comprises three parts - penal codes laying down the criminal offences and sentences, criminal procedure codes regulating the procedures in criminal cases, and a law which relates to the establishment of the courts and the competence of the respective judicial authorities. As a result, the jurisdiction of the Shari'a courts has been widened to cover criminal cases. The main difference between the Shari'a penal codes and the secular Penal Code is that Shari'a offences, such as zina (sex outside marriage), and drinking alcohol, have been added to the Shari'a penal codes. These are sanctioned with specific Shari'a punishments [12c] (pages 6 - 7).

5.16 The USSD 2003 Report on Religious Freedom in Nigeria states that non-Muslims are not subject to the Shari'a penal codes, however, many aspects of the penal codes directly affects the lives of Christians living in the states where these codes have been introduced. The Christian minorities in Shari'a states, especially in Zamfara, have been affected by many of the social provisions of the laws, such as the separation of the sexes in public transportation vehicles and bans on the sale of alcohol and alcohol consumption. In Zamfara State, school children have continued to be segregated by gender in schools. The Governor of Zamfara has also allowed the use of public funds to refurbish mosques and has pronounced that only persons with beards can win government contracts [3b] (page 3).

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The Death Penalty

5.17 According to the Amnesty International report "The Death Penalty: List of Abolitionist and Retentionist Countries - 1 February 2004", published in March 2004, Nigeria is a country which has the death penalty in force as a punishment for ordinary crimes [12b] (pages 5 - 6).

5.18 The Amnesty International report “The Death Penalty in Nigeria”, published in May 2004 states that:

“...The Penal Code (Northern States) Federal Provisions Act of 1959 (“the Penal Code”) and the Criminal Code Act applying in southern Nigeria of 1961 (“the

Criminal Code”) and the new Sharia [italics] penal codes all prescribe the death penalty for a range of criminal offences, including armed robbery, treason, murder, culpable homicide, zina [italics], and so called “sodomy”, the latter two under the new Sharia [italics] laws. [12d] (page 1)

“Amnesty International is aware of the Nigerian courts having passed at least 33 death sentences since 1999. Of these, at least 22 were handed down under the Criminal Code or the Penal Code. As of July 2003, according to the Prison Rehabilitation and Welfare Action (PRAWA), a Nigerian human rights organization, there are in total 487 people awaiting the execution of their death sentence in Nigeria, 11 out of these are women. Official statistics from the headquarters of the Nigerian Prison Services, states that the figure is 448 as of 20 January 2004....The last person to be executed was Sani Yakubu Rodi who was hanged on 3 January 2002.” [12d] (page 1).

5.19 The Amnesty International (AI) 2003 Country Report on Nigeria reports that:

“No executions were carried out during the year [2003]. Death sentences were passed both by the high courts and by Sharia [italics] courts in northern Nigeria. The new Sharia [italics] penal laws have changed the punishment for Muslims convicted of zina [italics] crimes from flogging to a mandatory death penalty, and have extended jurisdiction in capital cases to the lowest courts in the Sharia [italics] judicial system.” [12a] (page 1).

5.20 The death penalty is an issue that the Government is concerned about, and has also been a subject of interest and debate within Nigeria, according to the Amnesty International (AI) report “The Death Penalty in Nigeria”. The AI report states:

“As a result of the increased interest in and debate on the propriety or otherwise of the death penalty in Nigeria, President Chief Olusegun Obasanjo initiated a parliamentary debate on the issue which commenced on 13 November 2003. In furtherance of this process the Attorney General of the Federation Minister of Justice inaugurated a panel of experts which will serve as the National Study Group on the Death Penalty with 12 members representing different aspects of the Nigerian society....” [12d] (page 2).

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Internal Security

5.21 With regard to internal security, the USSD 2003 Report states that:

“The Federal Nigeria Police Force (NPF) is tasked with law enforcement and the Inspector-General of Police (IGP) officially reported directly to the President. Internal security is the duty of the State Security Service (SSS), which reports to the President through the National Security Advisor. Police were unable to control ethno-religious violence on numerous occasions during the year [2003], and the Government continued its reliance on the army in those cases. While civilian authorities generally maintained effective control of the security forces, there were some instances in which elements of the security forces acted outside the law. Security forces committed several serious human rights abuses.”

[3a] (page 1).

5.22 According to “The Nigerian Immigration Service - A Profile”, published by NigeriaBusinessInfo.com (last reviewed in July 2003), immigration controls in Nigeria are the responsibility of the Nigeria Immigration Service (NIS). The functions of the NIS are to Issue Nigerian passports and other travel documents, endorse all categories of travel documents of persons arriving and departing Nigeria, issue visa renewals and issue residence permits to foreign nationals [6] (pages 3 and 4).

5.23 According to an “Intelligence Profile: Nigeria” report dated August 2003, the National Intelligence Agency (NIA) was formed in June 1986 as one of the successors of the now defunct National Security Organisation. The NIA is responsible for foreign intelligence and counter intelligence. The Directorate of Military Intelligence is responsible for military intelligence both within and outside Nigeria’s borders. The State Security Service (SSS) was formed in June 1986 and is responsible for intelligence gathering within Nigeria. The Nigerian Police Force (NPF) has jurisdiction throughout the country. Special sections of the NPF are responsible for the protection of harbours and waterways, railways and airfields. The Nigerian Drug Law Enforcement Agency (NDLEA) was set up in January 1990 to tackle the processing, manufacturing, selling, exporting and trafficking of illegal drugs [34].

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Prisons and Prison Conditions

5.24 With regard to prison conditions, the USSD 2003 Report states that:

“....Prison and detention conditions remained harsh and life threatening. Most prisons were built 70 to 80 years ago and lack functioning basic facilities. Lack of potable water, inadequate sewage facilities, and severe overcrowding resulted in unhealthy and dangerous sanitary conditions....The Government acknowledged overcrowding as the main cause of the harsh conditions common in the prison system....Disease was pervasive in the cramped, poorly ventilated facilities, and chronic shortages of medical supplies were reported. Prison inmates were allowed outside their cells for recreation or exercise only irregularly, and many inmates had to provide their own food. Only those with money or whose relatives brought food regularly had sufficient food; petty corruption among prison officials made it difficult for money provided for food to reach prisoners. Poor inmates often relied on handouts from others to survive. Beds or mattresses were not provided to many inmates, forcing them to sleep on concrete floors, often without a blanket. Prison officials, police, and security forces often denied inmates food and medical treatment as a form of punishment or to extort money from them. Harsh conditions and denial of proper medical treatment contributed to the deaths of numerous prisoners. According to the NGO Prisoners Rehabilitation and Welfare Action (PRAWA), dead inmates promptly were buried on the prison compounds, usually without notifying their families....” [3a] (page 6).

5.25 During 2003, the Government allowed NGOs access to prisons to report on conditions. The USSD 2003 report states that:

“The Government allowed international and domestic NGOs, including PRAWA

and the International Committee of the Red Cross (ICRC), regular access to prisons. PRAWA and the ICRC published newsletters on their work. The Government admitted that there were problems with its incarceration and rehabilitation programs and worked with groups such as these to address those problems. Unlike in previous years, no NGOs reported problems with access to prisons.” [3a] (page 6).

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Military Service

5.26 According to "Refusing to Bear Arms", published by War Resisters' International in 1998, there is no military conscription in Nigeria, and this has been the case since Nigeria became an independent country. Recruitment into the armed forces is on a voluntary basis. The minimum legal recruitment age is 18. Information concerning the legal provisions for conscientious objection and the penalty for army desertion was not available to War Resisters' International when "Refusing to Bear Arms" was published [13].

Medical Services

5.27 According to the Policy Project report "Access to Drugs for HIV/AIDS and related Opportunistic Infections in Nigeria", published in September 2002, medical care in Nigeria is provided by primary, secondary and tertiary health care institutions. Primary health care is the responsibility of the local government unit, secondary health care is the responsibility of the states, and tertiary health care is the responsibility of the federal government [18] (page 27).

5.28 The Economist Intelligence Unit's 2004 Country Profile on Nigeria, states that the provision of health care in Nigeria is poor and official data indicates that health care has become poorer in recent years. The health care system's limited resources are being used to pay for personnel rather than improve buildings or pay for equipment. It has been estimated that there was only one hospital bed per 2,230 people in 2002, compared with one bed per 1,000 people in 1991. During the same period, the person/doctor and person/nurse ratio also deteriorated. A national health insurance scheme was officially launched in February 2003. Under the scheme, workers and their families will qualify for free health services for a financial contribution. The scheme, however, does not cover diseases requiring costly treatment such as cancer and HIV/AIDS [10] (page 18).

5.29 The US Embassy in Nigeria produced information, in August 2004, about Nigerian hospital services. The US Embassy notes that public sector hospitals generally have poor medical facilities, as compared with similar facilities available in American hospitals, but also notes that some private sector hospitals have medical facilities which are of the same standard as those available in American hospitals. The government-run National Hospital in Abuja has facilities for ENT, general and internal medicine, general surgery, paediatric surgery, obstetrics and gynaecology. Ancillary services include a 7-bed paediatric intensive care unit (ICU), operating room, computerised tomography (CT), a laboratory, ultrasound, x-ray and magnetic resonance imaging. The Lagos University Hospital, also government-run, has facilities for general and internal medicine, cardiology, physiotherapy, nuclear medicine, general surgery, ophthalmology

and plastic surgery. Ancillary services include an emergency room, a 4-bed ICU, a burns unit, CT scanner, a laboratory and x-ray imaging. The Cardiac Centre in Lagos has facilities for non-invasive diagnostic cardiac testing, 10 beds with ICU capability, 2 ICU ward beds and an emergency room [30].

5.30 According to the Policy Project report “Access to Drugs for HIV/AIDS and related Opportunistic Infections in Nigeria”, the Government has established decrees and powers to regulate and prescribe ways to deal with the illegal trading and selling practices of drugs. These regulations and laws, however, are not enforced which means, in effect, that there are no formal controls over the availability and distribution of drugs in Nigeria. Drugs can be purchased from nearly every outlet, including manufacturers, wholesalers and retailers. Both over-the-counter and controlled drugs are available in open markets, pharmacies, patent vendors and hospitals. Many drugs available from illegal outlets are fake and/or substandard. One of the effects of the poor distribution of drugs is chronic shortages of drugs needed by people with serious illnesses or diseases. It is therefore difficult for a drug user to obtain good quality drugs at an affordable price, and in sufficient quantities, from legitimate outlets [18] (pages 52 - 53).

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Sickle Cell Anaemia

5.31 According to a “This Day” (Nigeria) newspaper article dated 31 May 2004, sickle cell anaemia is a very common condition in Nigeria. Some 28 million Nigerians are carriers of the sickle cell trait and over 100,000 babies are born annually with sickle cell anaemia. People with the disease can suffer from strokes, severe bone pain, severe haemolysis leading to anaemia and jaundice, possible hepatic dysfunction due to generalised liver damage, susceptibility to infections leading to ulcerations, and nutritional and enzyme defects leading to increased membrane lipid peroxidation. Current treatment is primarily supportive and includes the maintenance of optimal health, education, prompt treatment of associated symptoms, sound nutrition and adequate hydration. According to the newspaper article, a national sickle cell centre is being planned, and when built, will co-ordinate all efforts to deal with sickle cell disease in Nigeria [17].

Tuberculosis

5.32 According to an article by Omlolu Falobi on the availability of drugs in Nigeria, that was published in a Panos Institute report in 2002, up to 30,000 Nigerians die of tuberculosis every year, despite the fact that treatment is available. The report states that most of these deaths could be prevented if Directly Observed Treatment, Short-course (DOTS), involving non-patented drugs, was more widely available. At market prices in 2002, the cost of DOTS was 17,000 naira. Although DOTS is theoretically free, government clinics often run out of the drugs. This results in TB patients being forced to go without treatment or to buy the drugs themselves, which are very expensive, and many Nigerians cannot afford to do so [4] (page 1).

Malaria

5.33 The article by Omlolu Falobi on the availability of drugs in Nigeria, that was published in a Panos Institute report in 2002, states that malaria kills more Nigerians

than any other disease. This is despite the fact that cheap, well-known treatment is widely available for the treatment of malaria in Nigeria. This is mainly due to low-income earners going to drug sellers to buy drugs to avoid the cost and time involved in visiting public hospitals. This has resulted in the majority of malaria patients being improperly treated through self-medication, and only going to hospital when the disease has worsened and complications have set in [4] (page 2).

HIV/AIDS

5.34 According to the Policy Project report "Access to Drugs for HIV/AIDS and related Opportunistic Infections in Nigeria", an increasing number of Nigerians have been infected with the HIV virus. Surveys show that there has been a rise in HIV infection in Nigeria from 1.8 per cent in 1991, to 3.8 per cent in 1995, to 5.4 per cent in 1999, and to 5.8 per cent in 2001. About 3.5 million Nigerians between the ages of 15 - 49 were infected with HIV in 2001 [18] (page 5). Mediciens San Frontieres conducted a survey from April - June 2001 in Lagos in order to obtain information on the availability and affordability of anti-retroviral drugs (ARVs) in the Lagos area. Public and private hospitals, community pharmacies and drug companies were visited. Out of a total of 13 ARVs included in the survey, only 6 - zidovudine, AZT/3TC, lamivudine, sequinavir, zalcitabine and nelfinavir - were available in Lagos State. There were generally few stocks of these 6 drugs in the facilities visited. These drugs are very expensive and unaffordable for the majority of Nigerians who have AIDS, and drugs that are expensive are deliberately not kept in stock because of low demand, and are purchased only on request. Patients are often directed to pharmaceutical companies to purchase these drugs [18] (page 13).

5.35 An Associated Press report dated 18 August 2004, states that the Nigerian Health Minister, Eytayo Lambo, had announced that the Government plans to spend US\$248 million on AIDS drugs for 200,000 HIV-infected Nigerians by the end of 2005. The money will also be spent on diagnosing and monitoring the 200,000 HIV sufferers who will receive the drugs. The Government claims to be providing subsidised treatment to about 14,000 HIV sufferers in Nigeria but activists and patients have complained that this programme often dispenses expired medication or runs out of the drugs entirely [19].

Mental Health Care

5.36 According to a World Health Organisation 2001 report on mental health in Nigeria, in 1992, Nigeria formulated a mental health policy based on advocacy, promotion, prevention, treatment, and rehabilitation. Training, research and management information systems are components of this policy [20].

5.37 The World Health Organisation 2001 report states that mental health is a part of the primary health care system. According to the report, treatment for severe mental disorders is available at the primary health care level, however, there is insufficient medical health care personnel at this level. The report states that NGOs are involved in mental health care in Nigeria. They are involved in advocacy, promotion, prevention, treatment and rehabilitation. At the time the WHO report was published, an essential drugs list for therapeutic drugs existed [20].

People with Disabilities

5.38 According to the USSD 2003 Report:

“While the Government has called for private business to institute policies that ensured fair treatment for persons with disabilities, it did not enact any laws during the year [2003] requiring greater accessibility to buildings or public transportation, nor did it formulate any policy specifically ensuring the right of persons with disabilities to work. The Government ran vocational training centers in Abuja to provide training to beggars with disabilities.” [3a] (page 18).

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The Education System

5.39 According to the 2004 edition of the Europa publication “Africa South of the Sahara”, primary education begins at 6 years of age and lasts for 6 years. Secondary education begins at 12 years of age and lasts for a further 6 years. Education to junior secondary level (from 6 to 15 years of age) is free and compulsory [1] (page 856). The USSD 2003 Report states that, in 2003, schools in the public sector were inadequate and had limited facilities, and compulsory primary education was rarely provided [3a] (page 17).

5.40 The Economist Intelligence Unit’s 2004 Country Profile on Nigeria states:

“Over the past decade, standards of education in the public sector have plummeted, largely because of poor funding. Little or no progress has been made in achieving the government aim of total adult literacy: in 2002 the literacy rate was still only 57%, no change from the level in 1995. The university system, once highly rated, is in poor shape, struggling with dilapidated facilities and the loss of its best teachers to the private sector or abroad. There has been a significant growth in private secondary schools, which, because of their high fees, are accessible only to the elite. Official statistics show that there were 158 tertiary institutions in 2002.” [10] (page 18).

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6. Human Rights

6A. Human Rights Issues

General

6.1 With regard to the general human rights situation in 2003, the USSD 2003 Report states:

“The Government’s human rights record remained poor, and the Government continued to commit serious abuses. Elections held during the year were not generally judged free and fair and therefore abridged citizens’ right to change

their government. Security forces committed extrajudicial killings and used excessive force to apprehend criminal suspects, and to quell some protests. There were several politically-motivated killings by unknown persons during the year. Security forces regularly beat protesters, criminal suspects, detainees, and convicted prisoners; however, there were fewer reported incidents of torture by security agents than in previous years. Impunity was a problem. Shari'a courts sentenced persons to harsh punishments including amputations and death by stoning, however, no amputation or stoning sentences were carried out, and one of the judgments was dismissed on appeal during the year...." [3a] (page 1).

6.2 The Human Rights Watch (HRW) "Essential Background: Overview of Human Rights Issues in Nigeria" report, published in January 2004, states that the police are responsible for a lot of human rights abuses and those responsible are rarely brought to justice. According to the HRW report:

"Extrajudicial killings, torture, ill-treatment, arbitrary arrests and extortion remain the hallmarks of the Nigerian police, despite repeated promises of reform by senior government and police officials. In July 2003, during massive public protests at an increase in the price of fuel, police shot dead at least twelve and possibly more than twenty protesters, in Lagos, Port Harcourt, and a suburb of the capital Abuja. Numerous cases of torture and ill-treatment by the police during arrest and detention were also reported. Firsthand testimonies provided to Human Rights Watch showed that in some cases, explicit instructions to the police to torture and shoot protesters were issued by senior police officials. Police also took advantage of situations of generalised violence and disorder to carry out in Kaduna in November 2002, killing around 250 people, dozens of people were also shot dead by the police and the military. In very few cases were the individuals responsible for these acts or their superiors brought to justice."

[22c] (page 2).

6.3 The Human Rights Watch view that human rights abuses are committed by the security forces with impunity, is supported by Amnesty International in its 2003 Country Report on Nigeria, which states that:

"Nigeria continued to foster impunity, failing to bring to justice not only those responsible for human rights violations in Nigeria but also individuals charged with grave offences under international law. Human rights violations in Nigeria by the Nigerian armed forces under the present government, particularly the killing of civilians at Odi, Bayelsa State, in 1999 and in Benue State in 2001, remained uninvestigated." [12a] (page 3).

6.4 The USSD 2003 Report states that there were no political killings by security forces in 2003. The national police, army, and security forces, however, committed extrajudicial killings or used excessive force to apprehend criminals and to disperse protesters during 2003, when crowds were perceived by police as possibly becoming violent [3a] (page 2).

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Freedom of Speech and the Media

6.5 The USSD 2003 Report states that:

“The Constitution provides for freedom of speech and of the press; however, the Government at times limited these rights. Some journalists practiced self-censorship. The Government owned and controlled most of the electronic media and some publications; however, there was also a large and vibrant private domestic press that frequently was critical of the Government. There were two national, government-owned daily newspapers in English, the New Nigerian and the Daily Times....By year’s end [2003], there were more than 10 major daily newspapers, 5 weekly new magazines, and several sensational evening newspapers and tabloid publications.” [3a] (page 9).

6.6 The Human Rights Watch report, “Nigeria: Renewed Crackdown on Freedom of Expression”, published in December 2003, states that:

“Undoubtedly there are far fewer violations of the right to freedom of expression in Nigeria today than there were four years ago, and fewer blatant cases of political imprisonment. Indeed on the surface, Nigerians are able to express their views openly, as illustrated by the broad range of articles and opinions, many very critical of the government, published in Nigeria’s many newspapers and magazines....” [22b] (page 3)

“....The improvements since 1999, combined with President Obasanjo’s stated commitments to respecting human rights, have blinded observers to a number of ongoing abusive practices by the government and the security forces. Although less violent and ruthless than those of previous governments, these practices are clearly intended to deter criticism and intimidate potential opponents. While continuing to tolerate a fairly high level of verbal criticism, the authorities have often cracked down on individuals whom they perceive as too persistent in their opposition or who have touched on sensitive or controversial areas.”

[22b] (pages 3 - 4).

6.7 According to the Human Rights Watch “Nigeria: Renewed Crackdown on Freedom of Expression” report, published in December 2003:

“....With the exception of the federal and state government media outlets, much of the media regularly carries a range of opinions, including strong criticism of government policies and debates on different issues. However, in reality, genuinely independent journalism is not as common in Nigeria as it may seem, and there is an unspoken threshold beyond which criticism is not easily tolerated. The media, like so many other sectors, is tainted by corruption, with many, though not all; journalists expecting to receive payment before agreeing to report, or not to report, an event. As in many other countries, deals are struck with individual politicians on whether, when or how to report particular events. These personalized relations between politicians and individual journalists or editors allow the government a level of control over how the media represent events. However, not all journalists accept these compromises, and many continue to defy attempts at censorship.” [22b] (pages 22 - 23).

6.8 With regard to the media coverage of the April 2003 elections, the Nigerian section of the "Attacks on the Press 2003 Report", published by the Committee to Protect Journalists (CPJ) reports that:

"State-owned media outlets throughout the country tended to favor incumbents, and politicians from the smaller opposition parties complained that the press overlooked them in favor of candidates from larger and richer parties. But victorious government officials celebrated the role of the local media in the elections. At a press conference after the presidential poll, Obasanjo, who was the clear favorite in the Nigerian media, praised local journalists for their 'patriotic reporting'...." [5] (page 1).

6.9 According to the CPJ 2003 Report, officials of Obasanjo's PDP were sensitive to criticism of the 2003 elections, and allegations of electoral fraud, by the foreign media and foreign election observers. CNN, the VOA and the BBC, in particular, were condemned for their negative reporting. Obasanjo accused European Union election observers of not understanding Nigerian democracy after they criticised the elections. The European Union also criticised the Nigerian media, stating that the press failed to provide unbiased coverage of the political parties and candidates contesting the elections [5] (pages 1 - 2).

6.10 According to the USSD 2003 Report, radio is the most important medium of mass communication and information. Newspapers and television sets are relatively expensive and literacy rates are low. The national radio broadcaster, the Federal Radio Corporation of Nigeria, which broadcasts in English, Hausa, Yoruba, Igbo, and other languages. There were 51 state radio stations in 2003, which broadcasted in English and local languages. There were 8 radio stations operating during 2003. The National Television Station, NTA, was federally owned, and 30 states also operated television stations. There were 9 privately owned television stations that broadcasted domestic news and political commentary in 2003. International broadcasting, principally Voice of America and the BBC, as well as Deutsche Welle and others broadcast in English and Hausa and were an important source of news in the country during 2003 [3a] (page 9).

Journalists

6.11 With regard to the treatment of journalists by the Nigerian authorities, the Nigerian section of the "Reporters Without Borders 2004 Report" states that, in 2003:

"Police violence against journalists continued. Despite a slight improvement, press freedom was still precarious in the north of the country....Regional and local authorities continued to harass journalists and news media, especially in the north and south-east. Provincial governors constantly displayed their dislike of an independent press...." [15] (page 1)

"The federal authorities often reiterated their commitment to press freedom. At the beginning of 2003, the senate repealed several repressive decrees and laws on defamation and press offences. The news media welcomed this step, which had been demanded since Gen. Sani Abacha's death in 1998 and the return to civilian rule a year later. [15] (page 1)

"Nonetheless, the violence against the press did not stop. Several journalists were again attacked and beaten by the national police or the security agencies in

Lagos and Abuja, the federal capital. Relations between the government and the international press remained very tense....” [15] (page 1).

6.12 The CPJ 2003 Report states that journalists have to contend with poor pay, which makes them susceptible to bribery by politicians and other powerful figures; high printing costs and low sales of newspapers, excessive libel damages awarded by the courts and police harassment. Of these, police harassment remains journalists’ biggest problem. The CPJ 2003 Report states that:

“Journalists say that police harassment remains the biggest obstacle to reporting. Local police forces are often politicized, and journalists who question police allegiances or integrity often face brutality....Worsening police antagonism toward journalists led the SSS [State Security Service] to hold several meetings aimed at improving relations between government authorities and the media....” [5] (page 3)

6.13 Certain subjects are deemed to be politically sensitive by the Government, such as corruption, and journalists can attract the adverse attention of the authorities if they report on allegations of corruption. The CPJ 2003 Report states that:

“The variety and magnitude of problems facing Obasanjo have not diminished since he took office in 1999. Though he pledged to make defeating corruption his top priority, local journalists say little progress as been made on that front. The international nongovernmental organisation Transparency International has consistently ranked Nigeria as one of the world’s most corrupt nations. Journalists who report on corruption scandals have faced harassment and censorship from authorities. In June [2003], State Security Service (SSS) agents attempted to purchase the entire print run of the popular *Tell* magazine after it ran an article alleging fraud in the awarding of broadcasting equipment contracts for the All Africa Games, a pan-African multisports event that Nigeria hosted in October.” [5] (page 2)

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Freedom of Religion

6.14 The USSD 2003 Report on Religious Freedom, published in December 2003, states that:

“The Constitution provides for freedom of religion, including freedom to change one’s religion or belief, and freedom to manifest and propagate one’s religion or belief in worship, teaching, practice, and observance, and while the Federal Government generally respects religious freedom, there were some instances in which limits were placed on religious activity in order to address security and public safety concerns. Some state governments restricted these rights in practice in certain respects.” [3b] (page 2)

6.15 The USSD 2003 Report on Religious Freedom states that:

“The law prohibits religious discrimination; however, government officials sometimes discriminated against persons practicing a religion different from their

own, notably in hiring practices and in the awarding of state contracts. There were no reports of such discrimination by the end of the period covered by this report.” [3b] (page 4)

“...The law prohibits religious discrimination in employment and other practices; however, private businesses frequently are guilty of informal religious and ethnic discrimination in their hiring practices and purchasing patterns. In nearly all states, ethnic rivalries between majority groups and minority “immigrants” lead to some societal discrimination against minority ethnic and religious groups.” [3b] (page 6).

6.16 According to the USSD 2003 Report on Religious Freedom:

“The Constitution prohibits state and local governments from adopting an official religion; however, some Christians have alleged that Islam has been adopted as the de facto state religion of several northern states, citing the reintroduction of criminal law aspects of Shar’ia and the continued use of state resources to fund the construction of mosques, the teaching of Kadis (Muslim judges), and pilgrimages to Mecca (Hajj)...In general states dominated by Christians or Muslims overtly favor the majority faith.” [3b] (page 2).

6.17 The USSD 2003 Report on Religious Freedom states that the constitution provides for the states to use Shari’a customary law and courts. Twelve northern states have adopted parts of Shari’a law into their penal codes. These states are Zamfara, Sokoto, Kebbi, Niger, Kano, Katsina, Kaduna, Jigawa, Yobe, Bauchi, Borno and Gombe. In some states, it is compulsory for Muslims to adhere to the provisions of Shari’a law while in other states, adherence to Shar’ia law is optional. Many non-Muslims living in the Shari’a law states, had feared that the implementation of Shari’a law would change their way of life, but there has been little or no change in the daily lives of most non-Muslims [3b] (page 2).

6.18 According to the USSD 2003 Report:

“Ethno-religious conflict continued in many parts of Plateau during the year [2003]. Repeated outbreaks of violence caused dozens of deaths and resulted in the destruction of places of worship, shops, and homes. Existing tensions between Christians and Muslims caused minor incidents, such as a traffic accident, to escalate into communal violence....” [3a] (page 12).

6.19 During 2004, incidents of communal violence between Christians and Muslims occurred. A United Nations IRIN report dated 4 March 2004 stated that at least 2,500 people had fled Plateau State in central Nigeria following violence between Muslims and Christians. The Nigerian Red Cross reported that 62 people were killed in the inter-communal violence. Many people living in the area fled to the neighbouring Bauchi State. Troops and the police restored calm to most of the affected area, according to the report, but people still fled the area due to concerns about their security. The report also states that Muslims and Christians had lived peacefully in these rural communities for decades, but in 2001 a complex mixture of religious issues, arguments over land tenure and local politics lead to a spate of killings and communal attacks [21a].

6.20 According to a United Nations IRIN report dated 18 May 2004, violence between Christians and Muslims broke out again in Plateau State, on 2 May 2004. According to the Nigerian Red Cross, 600 Muslims were killed by Christian militants. As a result of the violence, President Obasanjo declared a state of emergency in Plateau State, on 18 May 2004. He also dismissed the state governor, dissolved the state legislature and appointed a retired army general as an interim administrator for six months. The 2 May attacks by Christians against Muslims led to revenge attacks on Christians by Muslims in Kano later that month. It was reported that many Christians were killed in these attacks [21c].

6.21 The United Nations IRIN report of 18 May 2004 states that the violence that occurred in May 2004 in Plateau State was based on religious differences [21c]. In contrast, a BBC News Online report, dated 19 May 2004, states that the root causes of the violence that occurred in Plateau State in May 2004 were political and economic differences, rather than religious differences. The BBC News report states that “Nigeria’s combination of poverty for the majority and wealth for the few makes it an ideal breeding ground for the sort of violence which led to a presidential order for a state of emergency to be declared in the centre of the country this week” and that “The violence this month in Plateau State is a consequence of the polarisation caused by earlier rounds of fighting and the underlying causes related to poverty and wealth.” [8b]. This view is supported by the USSD 2003 Report which states that “....It often was difficult to distinguish religious discrimination and tension from ethnic, regional, economic, and land use competition. Often religious tensions underscored what were predominantly ethnic and economic confrontations during the year [2003] (see Section 5)....” [3a] (page 12).

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Religious Groups

6.22 According to the USSD 2003 Report on Religious Freedom, approximately 50 per cent of the population are Muslim, 40 per cent are Christian, and the remainder practice traditional indigenous religions, or do not have a religion. Many Nigerians combine elements of Christianity or Islam and elements of a traditional indigenous religion. The predominant form of Islam in the country is Sunni. The Christian population includes Roman Catholics, Anglicans, Baptists, Methodists, Presbyterians, and a growing number of evangelical and Pentecostal Christians. The north of the country is dominated by the large Hausa and Fulani ethnic groups and is predominantly Muslim although significant numbers of Christians live in the urban centres in the north. Both Muslims and Christians are found in large numbers in the Middle Belt. In the south west, where the large Yoruba ethnic group comprise the majority ethnic group, there is no dominant religion. Most Yorubas practice Islam or Christianity and a smaller number practice the traditional Yoruba religion. In the east, the large Igbo ethnic group is dominant and they are mostly Christian [3b] (page 1).

6.23 Many Nigerians believe in witchcraft, astrology, ghosts and other supernatural forces, according to an article by Leo Igwe, dated September 2001, published by the Committee for the Scientific Investigation of Claims of the Paranormal. This article states that:

“Nigeria is a very religious country with most of its population mired in superstition. This is not limited to the illiterate rural folks but is also applicable to the urban elite and literati. In Nigeria there is a strong and widespread belief in juju and charms, witchcraft, ghosts, astrology, divination, reincarnation, miracles, private revelation, fortunetelling, etc. These beliefs are fostered and reinforced by the many prophets and prophetesses, gurus, miracle workers, faith healers, and soothsayers that lurk in every nook and cranny of our cities and countryside.” [14]

“These charlatans claim to have divine powers - the power to bilocate and predict the future, the ability to heal all diseases - even AIDS - and the power to make people rich or live longer.” [14].

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Freedom of Assembly and Association

6.24 The USSD 2003 Report states that the constitution provides for freedom of assembly. The Government generally respected freedom of assembly in practice in 2003 although it imposed some limits on this right. In areas where communal violence has taken place, the police and security forces permitted public meetings and demonstrations on a case-by-case basis. The Government continued to nominally require organisers of outdoor public functions to apply for permits although both the authorities and those assembling often ignored this requirement. The constitution provides for the right to freely set up political parties and to associate freely with other persons in political parties, trade unions, or special interest associations, and the Government generally respected this right in practice [3a] (page 10).

Employment Rights

6.25 The USSD 2003 Report states that the labour laws allow management and trade unions to organise and bargain collectively. The Labour Minister can refer unresolved disputes to an industrial panel and an industrial court. In 2003, workers had the right to strike, however, certain essential workers had to provide advance notice of a strike. A worker under a collective bargaining agreement could not participate in a strike unless his union complied with the legal requirements, which includes mediation and referral of the dispute to the Government. The labour laws were not effectively enforced in 2003 and public sector strikes in were widespread [3a] (page 20).

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People Trafficking

6.26 The USSD 2003 Report states that the law prohibits human trafficking, however, human trafficking was a problem in 2003. Nigeria was an origin, transit and destination country for trafficked persons. The market for trafficking in women and children within the region and to Europe is growing. The national police have an anti-trafficking unit and additional anti-trafficking units have been created in 11 states [3a] (page 20).

6.27 The USSD 2003 Report states that:

“The full nature and scope of the trade remained unknown, but immigration and

police officials throughout Europe continued to report a steady flow of Nigerian women lured and sold into prostitution in Europe, particularly Italy, the Netherlands, and Spain....Numerous human rights organizations claimed a majority of women entered the sex trade independently, were controlled by syndicates, were economically motivated, and were culturally pressured to do so to provide for families back home. These groups further claimed that the sex trade was inculcated into the culture and was an acceptable social practice for many young women; although, most women were unaware of the conditions in which they would be placed....In addition, there was evidence that crime syndicates may use indebtedness, secret rituals, threats of beatings and rape, physical injury to the victim's family, arrest, and deportation to persuade those forced into practicing sex work from attempting to escape or from contacting police and NGOs for assistance." [3a] (page 23).

6.28 According to an article on people trafficking in Nigeria, entitled "Nigeria's Other Export", published by "The Economist" in April 2004:

"It is an organised and lucrative trade. The girls are recruited by local "sponsors", who pay upfront for transport. The girls therefore start out thousands of dollars in debt. Before they leave Nigeria, they are taken to a witchdoctor and sworn to repay their debt and keep quiet. The shaman typically keeps a lock of their hair or some toenail clippings, and warns them that they will die if they break their oath. [32]

"Some are tricked: they believe they will work as hairdressers, or further their studies. Others know they will have to sell themselves, but are seduced by the prospect of more money than they could ever earn swabbing floors or tending yams back home. They leave Nigeria along well-established trading routes, often by road across the Sahara. Some end up in other west African countries. Others make it to Europe or Saudi Arabia. [32]

"....Nigeria's international trade in people can be seen as an extension of domestic trafficking, which is rife. Poor families have traditionally sent boys and girls they have trouble feeding to work in wealthier homes. Sometimes, this is benign: a form of fostering that gives the child a better start in life. But sometimes it is thinly-veiled slavery....[32]

"In the most sinister cases, traffickers sell children to those who need body parts for pagan rituals. "Adam", a headless, limbless boy fished out of a British river in 2001, came from near Benin City, and is thought to have been killed so that bits of him could be used for charms or curses, for which some Nigerians pay handsomely." [32] .

6.29 The USSD 2003 Report states that the Government has acknowledged that people trafficking is a serious problem and has made efforts to tackle it. According to the report:

"The Government provided support to international NGOs, which protect victims. Nigerian embassies in destination countries provided assistance to victims, and

the Foreign Ministry created a position to facilitate victim repatriation. Regional centers to monitor child rights violations have been established. [3a] (page 23)

“There was federal and state government acknowledgement of trafficking, and prevention efforts were underway at all levels. Awareness campaigns, undertaken by NGOs, the U.N., prominent politicians, state governments, and members of the press continued to gain widespread attention....” [3a] (page 23).

6.30 The Africa section of the USSD 2004 Trafficking in Persons Report states that the Government has made efforts to tackle people trafficking but corruption by government officials has hindered these efforts. The report states that:

“The criminal provisions in the comprehensive anti-trafficking law passed in June 2003 remain untested, although the government created the National Agency for the Prohibition of Trafficking in Persons (NAPTIP), as the law mandates, in August of the same year. However, Nigerian courts prosecuted no traffickers during the last year....Reports indicated that government officials, particularly police and immigration and border officials, facilitate the trafficking of women and children; there is no discernible commitment to address this trafficking-related corruption. This corruption is reportedly very high, impeding the identification and prosecution of traffickers....” [3e] (page 18).

6.31 The article on people trafficking, published by “The Economist” in April 2004, also reports that corrupt government officials have hindered government efforts to tackle people trafficking, and also that few Nigerians view the practice as morally wrong. The article states:

“A striking aspect of this dirty business is that it provokes so little moral outrage in Nigeria. On the contrary....Girls who repay their sponsors often do return home with cash to spare, which wins them the admiration of the community.... [32]

“The Nigerian government admits that human trafficking is a problem. It banned it last year, and set up an agency to curb it. Local charities, some with help from outsiders such as Unicef, try to pitch in. But it is not an easy task. Laws in Nigeria are laxly enforced. Officials are often ignorant, or can be bribed to turn a blind eye. Most important, it is hard to stamp out a practice when so few Nigerians think it wrong....” [32].

6.32 According to the Africa section of the USSD 2004 Trafficking in Persons Report, the federal government provides minimal funding for protection facilities for the victims of people trafficking, but does refer cases to the IOM and local NGOs that run shelters in Lagos, Abuja and several southern states. Some states in the south of Nigeria, however, have taken some measures to protect victims. Witness protection programmes do not exist. Victims who are repatriated from abroad are usually provided shelter but the police often put internal trafficking victims in jail [3e] (page 18).

Freedom of Movement

6.33 The USSD 2003 Report states that the Government provides for the rights of freedom of movement within the country, and to freely leave and return to the country. The police, however, occasionally restricted these rights in 2003 by enforcing curfews in

areas where ethnic/religious violence have taken place. Law enforcement officials routinely set up roadblocks and checkpoints to search for criminals and to prevent persons travelling from areas of conflict to other parts of the country where their presence may instigate retaliatory violence. There were no reports in 2003 of government officials restricting mass movements of individuals fleeing ethnic or religious unrest [3a] (page 13).

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6B. Human Rights - Specific Groups

Ethnic Groups

6.34 Nigeria is an ethnically diverse country. According to the USSD 2003 Report:

“The country’s population was ethnically diverse, and consisted of more than 250 groups, many of which spoke distinct primary languages and were concentrated geographically. There was no majority ethnic group. The four largest ethnic groups, which comprise two-thirds of the country’s population, were the Hausa and Fulani of the north, the Yoruba of the southwest, and the Igbos of the southeast. The Ijaw of the South Delta were the fifth largest group, followed by Kanuri in the northeast, and the Tiv in the Middle Belt.” [3a] (page 18).

6.35 The USSD 2003 Report states that:

“There are no legal impediments to participation in government by members of any ethnic group. The Constitution mandates that the composition of the federal, state, and local governments and their agencies, as well as the conduct of their affairs, reflect the diverse character of the country to promote national unity and loyalty. This provision was designed as a safeguard against domination of the Government by persons from a few states or ethnic and sectional groups....The Government also attempted to balance other key positions among the different regions and ethnic groups to ensure that each region was given adequate representation. Despite this effort, there were more than 250 ethnic groups, and it was difficult to ensure representation of every group in the Government (see Section 5)....” [3a] (page 15).

6.36 With regard to discriminatory practices based on ethnicity, the USSD Report states that:

“The Constitution prohibits ethnic discrimination by the Government. Nonetheless, claims of marginalization, particularly by members of southern minority groups and Igbos, continued: in particular, the ethnic groups of the Niger Delta continued their calls for high-level representation on petroleum issues and within the security forces. Northern Muslims accused the Government of favoring Yorubas or Christians from the Middle Belt for those positions. Traditional linkages continued to impose considerable pressure on individual government officials to favor their own ethnic groups for important positions and patronage. [3a] (page 18)

“Societal discrimination on the basis of ethnicity was practiced widely by

members of all ethnic groups and was evident in private sector hiring patterns, de facto ethnic segregation of urban neighborhoods, and a continuing paucity of marriages across major ethnic and regional lines. There was a long history of tensions among some ethnic groups (see Section 2.c).” [3a] (page 18).

6.37 The Niger delta is a region of Nigeria where there have been long-standing ethnic tensions that have sometimes resulted in violence. According to the USSD 2003 Report:

“Ethnic minorities, particularly in Delta, Rivers, Bayelsa and Akwa Ibom states, have claimed environmental degradation and government indifference to their status in the Delta despite the fact that most of the oil wealth comes from the Niger Delta region. Groups such as the Ijaw, Itsekiri, Urhobo, Isoko, and Ogoni continued to express their unhappiness about their perceived economic exploitation and destruction of their homelands, and incidents of ethnic conflict and confrontation with government officials and forces continued in the Delta area (see Sections 1.a and 1.b.)....[3a] (page 18).

6.38 The Human Rights Watch “Essential Background: Overview of Human Rights Issues in Nigeria” January 2004 report, states the following about the Niger delta:

“The oil-rich Niger delta, in the south of the country, remains the scene of recurring violence between members of different ethnic groups competing for political and economic power, and between militia and the security forces sent to restore order in the area. Local groups are also fighting over control of the theft of crude oil, known as “illegal bunkering”. The area around Warri, in Delta state, saw some of the worst violence in 2003: hundreds of people were killed (some by the security forces, others in inter-communal clashes between the Ijaw, Itsekiri, and Urhobo ethnic groups) and thousands were displaced from their homes. The violence is aggravated by the widespread availability of small arms - a problem which exists throughout Nigeria but is particularly acute in the delta, where local militia are well-armed....Despite a massive army, navy and police presence in the area, local communities remain vulnerable and have little protection; members of the security forces deployed in the delta also regularly engage in acts of violence....” [22c] (page 2).

6.39 Some inter-ethnic conflicts during 2003 were based on disputes over land rights and ownership. According to the USSD 2003 Report:

“Conflict over land rights and ownership continued among members of the Tiv, Kwalla, Jukun, and Azara ethnic groups; each of these groups resided at or near the convergence of Nassarawa, Benue, and Taraba States. The Tiv, who were thought to have migrated to the country later than other inhabitants of the disputed area, were regarded as interlopers by the “indigenous” ethnic groups despite the fact that they predominate in much of Benue and parts of other states. [3a] (page 19)

“Violence between Fulani herdsmen and farmers in Adamawa State lasted for 2 weeks in March [2003], resulting in as many as 110 deaths, and 21,000 displaced from their homes. [3a] (page 19)

“Communal violence between members of the Ogori and Ekpedo ethnic groups in Kogi and Edo states began over boundary and land disputes....Communal violence occurred in Plateau State, resulting in more than 80 deaths during the year [2003] as local communities continued to compete for scarce resources. The State Government reported that criminals and hired mercenaries from other areas of the country, Chad, and Niger added to the violence after being hired and induced by some communities to attack rival villages in the state.” [3a] (page 19).

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Vigilante Groups

6.40 The rise in crime and insecurity in recent years, and the ineffectiveness of the police in dealing with these problems, has led to an increase in vigilante activity and an increase in the number of vigilante groups, at local and state level. According to the Amnesty International (AI) report “Nigeria - Vigilante Violence in the South and South East”, published in November 2002:

“The rise in crime and insecurity and the sense of low performance by the security forces has led to an expansion of vigilante groups at local and state level. Armed vigilante groups carry out law enforcement activities in an ever-growing number of states with the tacit, and sometimes explicit, endorsement from the state governments, especially in the south-east of Nigeria....” [12e] (page 1).

6.41 The Human Rights Watch (HRW) report “The O’odua People’s Congress: Fighting Violence with Violence”, published in February 2003, also states that the police are widely regarded by Nigerians as being ineffective in tackling crime. The HRW report states:

“Underlying all these vigilante groups’ ability to operate freely and without accountability is the fundamental inability of the national police force to perform its law enforcement functions effectively, and the consequent lack of public confidence in the police. For many years, the Nigerian police has suffered from a severe lack of resources, insufficient or inadequate training, poor pay and conditions, and widespread corruption. This has resulted in the perception on the part of the general public that it is futile to report crimes to the police, or expect any remedial action from them. All too often, the police are more likely to be involved in crime, corruption, and human rights violations themselves than to have the will or ability to solve these problems....” [22a] (page 9).

6.42 According to the AI Report on vigilantes:

“The increasing incidence of crime since the end of the military regime has favoured the proliferation of heavily armed vigilante groups of various conditions and interests in nearly every corner of Nigeria. There is no pattern to define who creates them, and what they fight for or the methods they employ, and most importantly, there is not a clear code of conduct binding them, nor an official register of legal vigilante groups....” [12e] (page 2)

“In the majority of cases, vigilante groups have their origin in political or militant organizations designed to ensure that the interests of specific ethnic groups in different parts of the country prevail. Such is the case of OPC (O’odua People’s Congress) created to promote the interests of the Yoruba ethnic group in south-west Nigeria, MASSOB (Movement for the Actualisation of the Sovereign State of Biafra) which claims to represent the Igbo ethnic group in eastern Nigeria or Egbusu Boys, based in the oil-producing Delta region, to protect the rights of the Ijaw ethnic group. With the general concern over crime, most of these groups have extended their scope to vigilante actions. Although none of the above-mentioned armed groups have been expressly endorsed by state governments, some state governments have failed to condemn their existence. On several occasions governors have expressed the convenience of counting on the vigilante activities of these groups to combat crime in their states, despite the fact that the majority of these groups, based on ethnic, religion or political lines, clearly seek to protect these interests rather than those of the community as a whole.” [12e] (page 2).

6.43 Vigilantes have committed human rights abuses, according to the AI Report on vigilantes, which states that:

“Armed vigilante groups in Nigeria are reported to carry out extrajudicial executions and killings of suspected criminal and perpetrate acts of torture, cruel, inhuman and degrading treatment, unlawful detention and “disappearances”. Allegations of extortion, harassment, arson, destruction of public property or armed robbery are often made against members of these groups.” [12e] (page 2).

6.44 With regard to how the federal government views vigilante groups, the AI Report on vigilantes states that:

“The position of the federal government towards armed vigilante groups remains unclear, since they are often regarded as an internal matter of the states and not as a federal issue. The police and the Armed Forces (both under the responsibility of the federal government) have been accused of inaction and neglecting to investigate, and when required, arrest and prosecute members of armed vigilante groups....In fact, although the police have arrested several members of vigilante armed-groups, the suspects are often released after a few months through the intervention of authorities of the state and their charges dropped before going to trial.” [12e] (page 2).

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O’odua People's Congress (OPC)

6.45 According to the AI report on vigilantes, the OPC was created in 1995 and was first conceived as a movement to promote Yoruba cultural values and heritage, and campaign for larger autonomy for the south-western region from Nigeria. It has also been involved in vigilante activity. It has split into two factions - one faction is led by Frederick Fasehun and the other is led by Ganiyu Adams [12e] (page 8).

6.46 According to the Human Rights Watch report “The O’odua People’s Congress:

Fighting Violence with Violence”, published in February 2003:

“The OPC claims to have more than five million members, spread over the whole of Nigeria. The greatest concentration of members are in the southwestern states commonly referred to as Yorubaland, including Lagos, Ogun, Osun, Ondo, and Oyo, as well as Ekiti, Kwara, and Kogi. It also claims to have members in several West African countries, including Benin, Ghana, Liberia, and Sierra Leone; as well as Brazil, Germany, Jamaica, the United Kingdom, and the United States of America. [22a] (pages 6 - 7)

“While many of the OPC leaders are professionals and people with a high level of education and political awareness, their members cover a broad range of ages and include many women. The majority of rank-and-file members are believed to have little or no education and include a high proportion of young, unemployed people, many from a rural background. The OPC prides itself on being a grassroots movement, with mass membership at all the local levels in the states where they are in the majority....” [22a] (pages 6 - 7).

6.47 The OPC appeals to people for a variety of reasons and people have joined the OPC for a variety of reasons. According to the Human Rights Watch report on the OPC:

“The OPC had especially drawn support from the less-educated sectors of the population by surrounding itself with myths, which have a strong appeal. The belief that OPC members have charms to protect themselves against gunfire and that they can overpower their opponents through secret, magical means has been a powerful aspect of their public image and has increased the awe which some members of the public feel towards them....” [22a] (page 7)

“It would appear that people have joined the OPC for a variety of different reasons, some because they specifically identify with their political ideology and the Yoruba self-determination agenda, others because they may feel they need a form of protection against what they perceive as political, economic or social discrimination and may have been impressed by the image of the organization. Others, mainly the mass of young, unemployed men, have simply taken advantage of the organization as a channel for venting their general frustration.” [22a] (page 7).

6.48 The OPC has a hierarchy and an organisational structure, according to the Human Rights Watch report on the OPC, which states:

“According to the OPC leaders and individuals close to them, the organization has a strict hierarchical structure, chain of command, and efficient systems of communication. It has structures and executive committees at national and state levels, with the Annual National Conference at its supreme decision-making body, and the National Executive Council as its governing body. At the local level, every member is required to belong to a branch and the branches are grouped into zones, which are in turn grouped into sub-regions. There are different wings, including a women’s wing, and sections responsible for different activities....” [22a] (page 7).

6.49 Some OPC members have committed human rights abuses, according to the Human Rights Watch report on the OPC, which states:

“By early 2003, incidents of large-scale killings by the OPC have decreased, but clashes between different ethnic groups, including the Yoruba, are still taking place, and ethnic tensions have not abated. The OPC remains active and visible. Its leaders have not accepted responsibility for the serious human rights abuses committed by their members, despite the fact the organization has a clear structure, chain of command and disciplinary procedures. The OPC continues to enjoy significant support among sectors of the population in southwestern Nigeria and among state government officials....” [22a] (page 2).

“....Most of the incidents in which OPC members have been responsible for killings fall into one of two categories: large-scale ethnic clashes, creating many casualties, or isolated incidents in which individual OPC members have attacked or killed other individuals, for example in the course of vigilante activities or attempts at extortion or theft. In addition, there have been situations where the OPC has intervened or been used in political disputes, such as that in Owo, Ondo State, where it has ended in attacking supporters of rival political factions.” [22a] (page 11).

6.50 The OPC have been involved in violent clashes with the police but have also been active in combating crime. According to information about the OPC produced by the West Africa Review publication in 2001:

“According to its founding president, Dr Frederick Fasehun, the OPC was formed to “defend the rights of every Yoruba person on earth” (Newswatch, 2000:6). Following some disagreements in 1999, a faction of the group led by Ganiyu Adams broke away from the main group. The OPC, especially the more militant Adams’ faction has been engaged in a running battle with the Police. The catalogue of the militia’s clashes with the police shows that the police establishment has incurred substantial losses of men and material during these confrontations.” [27] (page 6)

“....The story of the ethnic militias is not all about violence. Some good deeds have been credited to the OPC and Bakassi Boys especially in the area of combating crime. The general perception is that the police are corrupt, inefficient, ill equipped and unreliable while the militias are incorruptible and efficient. In June 2001, the Governor of Lagos State, Bola Ahmed Tinubu, publicly announced his willingness to invite the OPC to assist the state to combat criminals who seemed to have overwhelmed the Police in Lagos State.” [27] (page 7).

6.51 The OPC has developed a close relationship with the state governors and other state government officials in the south western states, according to the Human Rights Watch report on the OPC, which states:

“The OPC has enjoyed a close relationship with state governors and other state government officials in the southwestern states, in which the Yoruba are the

majority ethnic group. It has been a relationship of mutual benefit, with state governments and the OPC engaging with each other to further their own aims. [22a] (page 47)

“Officially, the state governments deny having any relationship with the OPC. For example, both the attorney general and commissioner for justice of Lagos State and the special adviser on security to the Lagos State governor told Human Rights Watch that there was no relationship whatsoever between the state government and the OPC....” [22a] (page 47)

“Most of the OPC leaders also deny these links, but in practice, they have privileged and direct access to some state governors and other key state government officials....” [22a] (page 47).

6.52 Some state governors have approved of OPC vigilante activity, according to the Human Rights Watch report on the OPC, which states:

“Some state governors have spoken out publicly in favor of using the OPC to enforce law and order, pointing to the ineffectiveness of the federal police. This has led some of them into direct conflict with federal government authorities, particularly in Lagos where the state governor clashed with President Obasanjo after he threatened to declare a state of emergency in Lagos State in January 2000. Lagos State governor Bola Tinubu publicly stated on several occasions that he agreed with using the OPC to curb crime in the absence of any police force able to do so....” [22a] (page 49).

6.53 Since 1999, federal government officials have periodically reiterated their opposition to the OPC, banned it in 1999, and instructed the police to suppress OPC activity. Despite this, the OPC has continued to function. According to the Human Rights Watch report on the OPC:

“In 1999, the federal government announced a ban on the OPC and gave the police orders to deal with the organization ruthlessly. Instructions to the police to “shoot on sight”, combined with the OPC’s defiance of the ban, provoked a heavy-handed and brutal response from the police. The police regularly raided and broke up OPC meetings; scores of OPC members were killed by the police and hundreds arrested. Few of the arrests have resulted in successful prosecution....Despite this crackdown, the OPC has continued to function, sometimes underground, but more often boldly and openly challenging the federal government’s and the police’s attempts to crush it. [22a] (page 2)

“....President Obasanjo was quick to ban the OPC after coming into power. However, the “ban”, which was announced in public statements and broadcast by the media, was never formalized into law by publication in the government Official Gazette, nor was it passed as an act of the National Assembly. Many have questioned whether it has any status at all, and whether the president has the power to ban an organization in this manner. In any case, the ban has been systematically ignored by the OPC; it was even seized upon by some OPC members, including their leaders, as a form of provocation. [22a] (page 45).

6.54 More recently, relations between the police and the OPC have improved, although arrests and detentions without trial have continued. The USSD 2003 Report states that:

“...Members of the Oodua People’s Congress (OPC) continued to be arrested and detained without trial. Although relations with [the] police were markedly improved and [the] OPC operated freely, they reported that 30 to 50 members were placed in custody during the year [2003]. Others were charged as armed robbers and tried accordingly.” [3a] (page 7)

“...Unlike in the previous year [2002], police did not disrupt meetings of the OPC and allowed the organization to operate freely.” [3a] (page 11).

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The Bakassi Boys

6.55 According to the AI report on vigilantes:

“The Bakassi Boys are named after the Bakassi Peninsula, an area disputed between Cameroon and Nigeria. The term is commonly applied to various vigilante groups operating mainly in Abia, Anambra and Imo states. These groups were originally created by groups of traders and other citizens to curb the upsurge in violent crime and armed robberies in their respective states. [12e] (page 3)

“...The extreme popularity of the so called Bakassi Boys at their inception is also related to their campaign to rid society of crime, but it also has a connotation of traditional cults; it is widely believed among the population in the area that these groups have extraordinary power and their members are bullet-proof by magic and virtually immortal. [12e] (page 3)

“...The Bakassi Boys of Anambra, Abia and Imo States are accused of carrying out extrajudicial executions, perpetrating acts of torture, cruel, inhuman and degrading treatment of alleged criminals and illegal detention with the endorsement of the state governments and the State of Assembly of their respective states.” [12e] (page 3).

The Anambra State Vigilante Service

6.56 The Anambra State Vigilante Service (AVS), commonly known as the Bakassi Boys of Anambra State, is a vigilante group that has official state recognition. According to the AI report on vigilantes:

“The Anambra State Vigilante Service is the first - and to-date only - armed vigilante group officially recognised by a state government in Nigeria through a bill enacted by the state governor. According to official sources from Anambra, members of the AVS are paid by the government of Anambra State - and hence, by the Nigerian state and taxpayers - and act ‘under strict supervision from the authorities of Anambra’.” [12e] (page 4).

6.57 According to the AI report on vigilantes, the state law known as the AVS Act

states that the vigilante group should not be armed and must hand every suspect it arrests straight to the police. According to the police, however, there are no known records of the AVS delivering those they apprehend into police custody. The AVS reportedly routinely execute persons they have arrested, without reference to the police or any judicial authority, when they think that the police will release a suspect they consider to be guilty. Hundreds of people of Anambra State are reported to have been extrajudicially killed by the AVS since it received official recognition. There have also been reports of the AVS subjecting people to torture, and other cruel or degrading treatment and illegal detentions [12e] (pages 4 and 6).

6.58 According to the AI report on vigilantes, the police have often fallen short of their duties towards the Anambra State Vigilante Service. They consistently failed to arrest suspects from these armed groups and carry out investigations of the numerous alleged crimes committed by them. Some members of the police have clashed with AVS members on several occasions [12e] (page 5).

The Abia State Vigilante Service

6.59 The AI report on vigilantes states that the Abia State Vigilante Service, also known as the Bakassi Boys of Abia, have been active in Abia State. At the time the AI report on vigilantes was published, this vigilante group had not been officially recognised by Abia State, although Abia State had not taken any action to stop their activities. The Bakassi Boys have reportedly been involved in human rights abuses and the police have taken some action to deal with these abuses. In August 2002, the Mobile Police of the Nigeria Police Force, raided operational bases of the Abia State Bakassi Boys. A total of 46 prisoners were freed and 33 alleged members of the Bakassi Boys were arrested [12e] (page 6).

The Imo State Vigilante Service

6.60 The AI report on vigilantes states that the Imo State Vigilante Service (ISVS) has been active in Imo State. This vigilante group has been recognised by Imo State legislative institutions but not directly by the state governor. It has reportedly been involved in human rights abuses and the police have taken some action to deal with these abuses. In February 2001, the police arrested 46 members of the ISVS along with suspected criminals who were held in an illegal detention centre run by the ISVS.

[12e] (pages 6 - 7).

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Movement for the Actualisation of the Sovereign State of Biafra (MASSOB)

6.61 According to the Human Rights Watch (HRW) December 2003 report, "Nigeria: Renewed Crackdown on Freedom of Expression":

"Many members of the Igbo organization Movement for the Actualisation of the Sovereign State of Biafra (MASSOB), based in the southeast of Nigeria, have been arrested, detained and killed by the police since the organization was

created in 1999. MASSOB advocates a separate state of Biafra for the Igbo, the dominant ethnic group in the southeast, based on the ideals of those who fought in Nigeria's bloody civil war in 1967-1970. [22b] (page 32)

"MASSOB claims to be a non-violent movement, although the police and some other sources claim otherwise. Although the organization denies having any interest or involvement in politics, MASSOB had been agitating for an Igbo president for Nigeria and had threatened that there would be no elections in the southeast in 2003. However, they subsequently withdrew from that position and are not known to have disrupted the elections when they eventually took place. [22b] (page 33)

"Although MASSOB does not appear to enjoy the kind of massive support which would represent a serious political threat to the government, MASSOB members have been persistently harassed by the police, acting on orders from the federal government...." [22b] (pages 33).

6.62 The HRW report, "Nigeria: Renewed Crackdown on Freedom of Expression" states that hundreds of MASSOB members have been arrested since 1999 and many have been detained without trial, and sometimes without charge, for prolonged periods. MASSOB have also claimed that many of their members have been extrajudicially killed by the police, particularly during 2000 and 2001. Ralph Uwazuruke, the MASSOB leader, has been arrested several times between 1999 and 2003 [22b] (page 33).

6.63 An article from the "Daily Sun" (Nigeria) newspaper dated 18 August 2004 reported that:

"The Federal Government banned the movement in 2001, alleging that its activities threatened the peace and security of the country. Despite the ban, MASSOB has continued to pursue its campaign for self-determination. In June, 38 MASSOB members were arrested from different locations in the southeast following a tip-off and last year, some 40 members of the group, including its leader Ralph Uwazuruke, were taken to court." [28]

"They were later released on the order of the court after a few months in detention...." [28].

6.64 The "Daily Sun" (Nigeria) newspaper report dated 18 August 2004 also reported that MASSOB had called on the more than 30 million people of the five Igbo-speaking states of Abia, Anambra, Ebonyi, Enugu and Imo to go on strike on 26 August 2004 to draw international attention to their cause [28]. According to a "Vanguard" (Nigeria) newspaper report dated 27 August 2004, Igbo traders across the country closed shops and markets on 26 August, in the south east and other parts of the country, in obedience to the directive from MASSOB. The police patrolled some areas but there were no reports of violence [29].

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Women

6.65 Women experience considerable societal discrimination in Nigeria. The USSD

2003 Report states that:

“There are no laws barring women from particular fields of employment; however, women often experienced discrimination because the Government tolerated customary and religious practices that adversely affected them....Women remained underrepresented in the formal sector but played an active role in the country’s informal economy. While the number of women employed in the business sector increased every year, women did not receive equal pay for equal work and often found it extremely difficult to acquire commercial credit or to obtain tax deductions or rebates as heads of households....Although women were not barred legally from owning land, under some customary land tenure systems only men could own land, and women could gain access to land only through marriage or family. In addition, many customary practices did not recognise a woman’s right to inherit her husband’s property, and many widows were rendered destitute when their in-laws took virtually all of the deceased husband’s property.” [3a] (page 17).

6.66 According to the “Refugee Women and Domestic Violence in Nigeria” report, published by Asylum Aid (UK) in May 2003:

“Many of the most prevalent forms of human rights violations against women in Nigeria are culturally sanctioned and are not prohibited by federal law....Those which are perpetrated by members of the family or household, and which may therefore be included in the definition of domestic violence, include discrimination against the girl-child, Female Genital Mutilation (FGM), forced marriages, physical, sexual and psychological violence in the home, economic abuse such as the withdrawal of resources, disinheritance of wives and daughters, and harsh and punitive widowhood rites.” [9] (page 16).

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Domestic Violence

6.67 The USSD 2003 Report states that domestic violence against women was reported to be a common problem for Nigerian women in 2003. The report states that reports of spousal abuse were common, especially wife beating but the police did not normally intervene in domestic disputes. In more traditional areas of the country, courts and the police were reluctant to intervene to protect women who formally accused their husbands of physical abuse, unless the alleged abuse exceeded the customary norms of the people living in the area of their jurisdiction [3a] (page 16).

6.68 According to the “Refugee Women and Domestic Violence in Nigeria” Asylum Aid report, neither of the two criminal codes of the country contain any laws prohibiting domestic violence but acts of violence can be prosecuted according to both of the criminal codes’ provisions penalising assault. The Penal Code in force in northern Nigeria allows domestic violence in certain circumstances in accordance with customary law, provided the violence does not result in grievous harm to the woman. The Penal Code in force in southern Nigeria, however, has no such provisions. In all Nigerian states, women can use domestic violence as a ground for divorce if her husband has been convicted of grievously injuring her or attempting to seriously injure or kill her [9] (pages 30 - 31). The report also states that the police are reluctant to get involved in

domestic violence cases as domestic violence is considered to be a private, family matter [9] (page 45).

6.69 The Asylum Aid report on “Refugee Women and Domestic Violence in Nigeria” states that victims of domestic violence can seek protection, however, the report also states that:

“Women experiencing domestic violence face many barriers when seeking protection. These include discriminatory and punitive laws (including Shar’ia law), the social stigma of reporting, the high cost of legal action, attitudes of the police and the courts, delays and corruption in the judicial system, lack of shelters for women fleeing violence, and the difficulties of living as a divorced woman.” [9] (page 38).

Rape

6.70 Rape in Nigeria is a criminal offence in both of the country’s criminal codes. According to the Nigeria section of the “Laws and Policies Affecting Their Reproductive Lives” Report:

“...In southern Nigeria, the criminal code defines rape as “unlawful carnal knowledge of a woman or girl, without her consent.” Unlawful intercourse with a woman’s consent also constitutes rape if the consent is obtained by force, fraud, threats, or “intimidation of any kind.” The laws in southern Nigeria also proscribe attempted rape as an offense. In northern Nigeria, the Penal Code defines rape to be sexual intercourse with a woman against her will or without her consent, or sexual intercourse with a girl under the age of 14. Furthermore, the Penal Code criminalizes consensual intercourse if the woman’s consent was obtained through the use of threats to her life or threats of physical harm. The punishment for rape under both codes is imprisonment for life. “Carnal knowledge” and sexual intercourse are defined for the purposes of both codes as acts of penetration....” [35] (page 84).

6.71 Married women have little legal protection against marital rape. According to the “Laws and Policies Affecting Their Reproductive Lives” Report:

“In general, both criminal codes in Nigeria, provide little protection against marital rape. Under the Criminal Code in southern Nigeria, intercourse between a husband and wife can never constitute rape. Pursuant to the Penal Code in northern Nigeria, the definition of rape explicitly excludes the marital rape of a woman who has attained the age of puberty. Women may receive limited protection from marital rape under the prohibitions against assault. In addition, the above provisions that preclude prosecution of marital rape do not apply to the rape of an estranged spouse....” [35] (page 85).

Marriage and Divorce

6.72 With regard to the laws relating to marriage, according to the Nigeria section of the “Laws and Policies Affecting Their Reproductive Lives” Report:

“Three types of marriage - customary, Islamic, and civil - are recognized in

Nigeria. Marriages adhering to customary or civil law are legally valid throughout the country. In the northern states, marriages under Islamic law are also legally recognised. Pursuant to customary and Islamic law, marriages may be polygamous; Islamic law in Nigeria permits a man to have up to four wives. [35] (page 83).

“Under customary law, marriages are arranged between families, and the prospective suitor is often required to pay a bride-price to the bride’s family....Under Islamic law in northern Nigeria, the father of a woman retains the “right” (*ijbar*) [italics] to arrange the marriage of his virgin daughter, regardless of her age and without her consent. Islamic law marriage involves a dower paid directly to the woman to be married....” [35] (page 83).

“Under civil law, marriage must be monogamous, and, unlike the other two types of marriage, it must be registered. In a civil or customary marriage, the spouses have a reciprocal duty to maintain each other as well as any children of the union. Valid civil marriages in Nigeria must be voluntarily entered into by both parties. In southern Nigeria, forced marriage under any system of law is formally prohibited by law as a criminal offense, punishable by imprisonment for up to seven years. Despite this prohibition, women in the southwestern regions may be compelled to marry the local *oba* [italics] (king). Arranged marriages are also common in rural areas of the south....” [35] (page 83).

6.73 As regards the legal minimum age at first marriage, the “Laws and Policies Affecting Their Reproductive Lives” Report states that:

“The average age at first marriage is 16. Child marriage is particularly common in the north, where the majority of girls are married between the ages of 12 and 15. The National Policy on Population discourages early marriage and states that parents should not arrange marriages for girls below the age of 18. [35] (page 85)

“A variety of conflicting laws relate to the age at first marriage. The eastern states of Nigeria have enacted legislation that prohibits marriage contracts between parties under the age of 16 and declares any such marriage legally unrecognizable. In addition, for the remainder of the states, the civil law provides that parties to a valid civil marriage be of “marriageable age”. Although the term “marriageable age” is not defined, adolescents under the age of 21 cannot marry without parental consent under the civil law. Yet customary law provides that children can marry when they have attained puberty, usually at age 14 for boys and age 12 for girls. Under Islamic law as practiced in northern Nigeria, on the other hand, there is no minimum age for marriage.” [35] (page 85).

6.74 With regard to the laws relating to divorce, according to the “Laws and Policies Affecting Their Reproductive Lives” Report:

“Like marriage, divorce is regulated by various laws. The dissolution of civil marriages is governed by the 1970 Matrimonial Causes Act (the “1970 Act”). Pursuant to the 1970 act, a civil divorce may only be granted on the ground that the marriage has broken down “irretrievably.” An exclusive list of situations satisfying this condition: the willful and persistent refusal to consummate the

marriage; adultery that is “intolerable”; the absence of consortium for two or more years; desertion lasting at least one year; and marital behavior such that the petitioner cannot reasonably be expected to live with the respondent. The 1970 Act states that unreasonable marital behavior includes the failure to pay maintenance for at least two years and the commission of sexual assault, including rape. [35] (page 83)

“Customary and Islamic law marriages, which are not governed by the 1970 Act, may be dissolved either nonjudicially in accordance with customary law in the Sharia courts. In northern Nigeria, a man married under Islamic law may divorce his wife unilaterally by repeating the phrase “I divorce you” three times (the Talaq) [italics]. Such action is not available to women. However, Islamic law does provide that a woman may divorce her husband with his consent if she returns the dower payment to him....Available grounds for divorce are not defined under non-Islamic customary law....” [35] (page 83).

6.75 According to the Asylum Aid “Refugee Women and Domestic Violence in Nigeria” report:

“A woman who wished to leave her husband because of violence, or who was separated or divorced, would face multiple problems in Nigeria. These include social stigma and ill-treatment as a divorced woman, rejection by the family, possible loss of custody of her children, difficulty in supporting herself financially, discrimination in employment (especially in states implementing Shari’a), lack of property and land and inadequate access to education and health services.” [9] (page 50).

6.76 The Asylum Aid report states that the legal rights of widows vary, depending on whether their marriage was civil, Islamic or customary and on whether their marriage was monogamous or polygamous. In general, women who were in monogamous, statutory marriages have greater legal protection. Widows who were in polygamous, customary law marriages, however, have no formal legal protection. Their rights are determined by customary law, and under customary law, widows do not enjoy the right of inheritance to their husband’s estate [9] (pages 34 - 35).

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Female Genital Mutilation

6.77 Female genital mutilation (FGM) is widely practiced in Nigeria. According to the USSD 2003 Report:

“Studies conducted by the U.N. development systems and the World Health Organization estimated the FGM rate at approximately 60 percent among the nation’s female population. While practiced in all parts of the country, FGM was more predominant in the southern and eastern zones, and local experts estimated the prevalence may be as high as 100 percent in some ethnic enclaves in the south. Women from northern states were less likely to undergo FGM; however, those affected were more likely to undergo the severe type of FGM known as infibulation. The age at which women and girls were subjected to the practice varied from the first week of life until after a woman delivers her first

child. Women's Center for Peace and Development (WOPED) believed that the practice was perpetuated because of a cultural belief that uncircumcised women were promiscuous, unclean, unsuitable for marriage, physically undesirable, and were potential health risks to themselves and their children, especially during childbirth." [3a] (page 16).

6.78 A USSD 2001 Report on the Practice of FGM states that in Nigeria:

"The form practiced varies by ethnic group and geographical location. It crosses the numerous population groups and is a part of the many cultures, traditions and customs that exist in Nigeria. It crosses the lines of various religious groups. It is found among Christians, Muslims and Animists alike. [3d] (page 1)

"...Highly respected women in the community, including traditional birth attendants (TBAs), local barbers and medical doctors and health workers usually perform the procedure. Unless performed in medical facilities, it is generously performed without the use of anesthesia." [3d] (page 2)

6.79 The Government publicly opposes the practice of FGM but there are no federal laws banning FGM throughout the country and the Government has not taken any legal action to tackle the problem. Some states, however, have banned the practice of FGM. Anti-FGM NGOs exist and have been active in combating FGM. The USSD 2003 Report states:

"...Because of the considerable problems that anti-FGM groups faced at the federal level, most refocused their energies to combat FGM at the state and local government area (PGA) level. Bayelsa, Edo, Ogun, Cross River, Osun, and Rivers States have banned FGM. However, once a state legislature criminalized FGM, NGOs found that they had to convince the LGA authorities that state laws were applicable in their districts. The Ministry of Health, women's groups, and many NGOs sponsored public awareness projects to educate communities about the health hazards of FGM. They worked to eradicate the practice; however, they had limited contact with health care workers on the medical effects of FGM." [3a] (pages 16 -17).

6.80 The medical profession in Nigeria has also campaigned against the practice of FGM. The USSD 2001 Report on the Practice of FGM states that:

"Also actively campaigning against this practice are the National Association of Nigerian Nurses and Midwives, the Nigerian Medical Women's Association and the Nigerian Medical Association. These three groups in particular are against the legitimization of this practice as a medical necessity for females and are working to inform all Nigerian health practitioners about the harmful effects of the practice. The National Association of the Nigerian Nurses and Midwives created a national information package about the harmful effects of the various procedures. [3d] (page 2)

"...Nurses and pediatricians have long campaigned against this practice. They have campaigned nationwide starting with national workshops in Lagos. Trainers

were trained who in turn conducted informational activities about this practice at the state and local community levels. A variety of methods were used to get the message across as to the harmful effects....The once taboo subject is now discussed in the open.” [3d] (page 2).

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Children

6.81 Nigerian children are exploited and abused in different ways and for different reasons. The Government is aware of this problem but has not taken effective action to deal with it. The USSD 2003 Report states:

“Cases of child abuse, abandoned infants, child prostitution, and physically harmful child labor practices remained common throughout the country (see Sections 6.d and 6f). The Government criticized child abuse and neglect but did not undertake any significant measures to stop customary practice harmful to children such as the sale of young girls into marriage. There were credible reports that poor families sold their daughters into marriage as a means to supplement their incomes. Young girls sometimes are forced into marriage as soon as they reach puberty, regardless of age, to prevent the “indecency” associated with premarital sex.” [3a] (page 17).

6.82 There is an active and extensive trade in child labourers in Nigeria. The USSD 2003 Report states:

“According to ILO reports, there was an active and extensive trade in child laborers. Some were trafficked to Cameroon, Gabon, Benin, and Equatorial Guinea to work in agricultural enterprises. Other children were coerced into prostitution (see Section 5). Authorities also have identified a trade route for traffickers of children for labor through Katsina and Sokoto to the Middle East and East Africa. The eastern part of the country and some southern states such as Cross Rivers and Akwa Ibom were the points of trafficking of children for labor and, in some cases, human sacrifice. The country remained a destination for the trafficking of Togolese children.” [3a] (page 23)

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Homosexuals

6.83 The 1999 International Lesbian and Gay Association World Legal Survey on homosexuality states that, according to Article 214 of the Nigerian Penal Code, the act of sodomy between males is illegal and the penalty is imprisonment for 14 years. Attempting to commit the offense of sodomy is also illegal and the punishment for this offense is imprisonment for 7 years. Under Article 217 of the Penal Code, other male homosexual acts or practices, defined as “gross indecency”, whether in private or in public, are also illegal and the punishment for this offense is imprisonment for 3 years. Maximum penalties for non-consensual acts are the same as for consensual acts. Lesbianism and lesbian sexual acts are not mentioned in Nigerian criminal law [23].

6.84 According to a newspaper report published by “The News” of Lagos on 22 April 2002, the President of Alliance Rights, a gay rights group, stated that the laws on

homosexuality are rarely applied in practice but contribute to the climate of intolerance towards homosexuals. Alliance Rights is trying to fight societal hostility toward homosexuality. According to the report, young people who discover that they are homosexual tend to hide the fact, as they fear being ostracised or thrown out of the family home, if their homosexuality became known [24].

6.85 A United Nations IRIN report dated 7 May 2004, reports on the appearance of gay rights groups at the country's fourth national AIDS conference in Abuja, in May 2004. According to the report, one of the gay rights groups, Alliance Rights, "called on their fellow countrymen to recognise and protect Nigeria's gay community, pointing out that it had been hit hard by the AIDS epidemic." The report states that the Nigerian gay community has been largely forgotten about when it comes to AIDS awareness campaigns, which have always focused on preventing the spread of the HIV virus through heterosexual relationships. In the 12 northern states that have adopted Shari'a Law into their penal codes, adults who are found to have engaged in homosexual intercourse can be stoned to death. Many homosexual men have girlfriends and even marry to be seen to conform to cultural norms, but continue to have covert relationships with other men [21b].

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Secret Societies

6.86 According to the Nigeria section of the ACCORD/UNHCR 2002 Country of Origin Information Seminar Report, secret societies exist in Nigeria but very little is known about them. The most widely reported and studied is the Yoruba Ogboni society. Some of them are linked to particular villages, some to ethnic communities and/or political groups. Membership in a secret society may be advantageous to a person or his family as a means to social integration and to obtain access to resources. There is usually no forced recruitment into secret societies but individuals may feel pressured to join because of the advantages of being part of a secret society. Membership of secret societies is not open to everyone but only to individuals from highly regarded families. Those families who traditionally have had the authority to invite new members to join their society would choose the most suitable candidate. If this person should not wish to join and if there is no other candidate from his or her particular family, he or she might be ostracised and might also lose property or an inheritance, but would not have to fear for his or her life. Human sacrifices for ritual purposes very rarely occur, if at all. Secret societies are widely believed to be attributed with supernatural powers and are feared because of this. If a member of a secret society wished to leave the society, this would not necessarily result in an adverse reaction or persecution. It is possible, however, that a former member of a society may provoke an adverse reaction from society members, if the person concerned divulged secret information to outsiders about the society [31] (pages 166 - 167).

Student Cults

6.87 With regard to student cults, the Nigeria section of the ACCORD/UNHCR 2002 Report states:

"Student cults have become a major security problem on campus since the

1980s. They combine features of traditional Nigerian religion with the public school network of fraternities, seeking to gain influence in the university administration and with faculty and access to funds or examination papers. Most of them have been involved in violent clashes on campus and despite efforts of the Federal police and university administrations to dismantle the cults after 1999 a wave of campus violence in the first part of 2002 has shown that those groups have not ceased to exist. The groups are sometimes formed on [the] basis of ethnicity which can lead to violence between different ethnic communities on campus. [31] (page 167)

“Police action might be thwarted by influential relatives of cult members; thus police protection from violent actions by student cults is likely to be incomplete.”
[31] (page 167).

6.88 Student cult-related violent incidents occurred in August 2004. According to a “Daily Champion” (Nigeria) newspaper report dated 30 August 2004, in the first two weeks of August 2004, 33 students from three Nigerian universities were murdered. These murders were suspected to have been committed by members of student cults. Of the figure, 15 were from the Ebonyi State University whose 8 other students had similarly been murdered in July 2002, by cultists. The other 18 students were from the Enugu State University of Science and Technology and the University of Nigeria Nsukka, whose 5 other students had been shot dead in June 2002, by cultists. According to the newspaper report, government and police efforts to address the problem of violent acts committed by members of student cults, have been ineffective [25].

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Refugees in Nigeria

6.89 Nigeria accepts refugees into the country and co-operates with the UNHCR and other humanitarian organisations in giving assistance to refugees. The USSD 2003 Report states:

“The law provides for the granting of asylum and refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum. The Government co-operated with the UNHCR and other humanitarian organizations in assisting refugees through the NCR, its Federal Commissioner, and the National Emergency Management Agency (NEMA). The Eligibility Committee (on which the UNHCR had observer status), which governed the granting of refugee status, asylum, and resettlement, and reviewed refugee and resettlement applications met in November. The Committee granted 1,983 asylum seekers refugee status; 16 cases were rejected, with 1,124 cases pending at year’s end. [3a] (page 13)

“There were an estimated 9,000 recognized refugees living in the country. At year’s end, 400 refugees were repatriated from the country to Sierra Leone. Remaining refugees included others from Sierra Leone, Liberia, Chad, Rwanda, and the Democratic Republic of the Congo. The NCR reported that it provided

education and health service programs to the refugees. The NCR reportedly also set up micro-credit programs for refugees in the areas of trading, poultry and fish farming, and cassava processing.” [3a] (page 13).

6.90 With regard to the refugees established in Nigeria, the US Committee for Refugees World Refugee Survey 2004, published in 24 May 2004, reported that:

“The majority of refugees in Nigeria have lived in the country for many years and support themselves. Some 7,000 refugees resided at Oru camp, in southwest Nigeria’s Ogun State, about 250 miles (400 km) southwest of the capital, Abuja. Oru camp has hosted refugees for 20 years. The 7,000 current residents primarily from Liberia live in cramped conditions in the camp originally meant to house only 1,200 people. [11] (page 2)

“Some 6,000 Liberian refugees lived in camp Oru. Nearly 2,000 Sierra Leonean refugees residing in Oru camp voluntarily repatriated in November 2003 with UNHCR assistance. [11] (pages 2 - 3)

“Several thousand Chadians fled to Nigeria years ago to escape insurgencies and repression in Chad and have lived in Nigeria without humanitarian assistance. Chadian refugees reluctance to repatriate and administrative delays slowed their return. More than 3,000 Chadians remained in Nigeria at year’s end.” [11] (page 3).

6.91 During 2003, many Nigerians fled to other parts of Nigeria and to other countries as a result of communal violence based on political, religious and ethnic differences. The US Committee for Refugees World Refugee Survey 2004 reported that:

“Massive communal violence displaced some 100,000 Nigerians during 2003. An estimated 57,000 people were still internally displaced at year’s end, but accurate information was unavailable. [11] (page 1)

“At least 39,000 Nigerians were refugees and asylum seekers at the end of 2003, including an estimated 17,000 in Cameroon, some 22,000 asylum applicants in industrialized countries and South Africa, and several hundred in various other African nations. [11] (page 1)

“Decisions by state governments - primarily in the north - to adopt Islamic Shar’ia law have aggravated simmering religious tensions. In other areas, disagreements among ethnic groups over land use or local political power have triggered violence. An estimated 5,000 or more people have died in communal riots since the return to democratic, civilian rule in 1999.” [11] (page 1).

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Non-Governmental Organisations (NGOs) and Human Rights Organisations

6.92 The “Country Report for Nigeria NGO Laws and Regulations”, published by the International Centre for Not-for-Profit Law in 2002, states that:

“A broad spectrum of NGOs exist in Nigeria. Prominent are community-based organisations (CBOs) which exist in and draw membership from those who live in particular geographical areas or from among people who have a more or less common ancestry, religious organisations, friendly societies and a host of professionally-run NGOs working in different thematic areas....[33] (page 1)

“The legal framework for non-governmental organisations (NGOs) in Nigeria is defined by provisions of the Constitution of the Federal Republic of Nigeria 1999 as well as federal and state laws....Apart from the enforcing of laws that recognise and regulate these organisations, government departments in some instances require NGOs to register with them for the purpose of collaborating with or working for such departments in some programme areas. [33] (page 1)

“....Many types of organisations are allowed under Nigerian law. These include CBOs, friendly societies, social clubs, women’s groups, youth clubs, religious organisations, cultural associations, professional associations, trade unions, political parties, cooperative societies and specially professionally-run NGOs which work in various thematic areas.” [33] (page 5).

6.93 No general register of all the Nigerian NGOs exist, according to the “Country Report for Nigeria NGO Laws and Regulations”, which states:

“There is no general NGO register in Nigeria. The Corporate Affairs Commission maintains a register of all incorporated trustees and companies it has registered and this may be inspected by a member of the public upon payment of a search fee....To the extent that it does not list the many NGOs, some of which are big and vibrant, it cannot be considered a general register.” [33] (page 10).

6.94 According to the USSD Report 2003:

“A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views. Criticism of the Government’s past human rights’ record was abundant in various media; however, during the year the Center for Law Enforcement Education (CLEEN) sued the Government in Federal Court over the seizure of more than 2,000 copies of the report “Hope Betrayed? A Report on Impunity and State - Sponsored Violence in Nigeria” in 2002, which the court recognised as a potential human rights violation. At year’s end, the court had not heard the case.” [3a] (page 15).

6.95 According to the Human Rights Watch report “Nigeria: Renewed Crackdown on Freedom of Expression”, while most of the time, Nigerian human rights organizations and other civil society groups are allowed to carry out their activities without systematic hindrance, there have been several cases where the authorities have put obstacles in their way, apparently with a view to intimidating them [22b] (page 19).

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ANNEXES

ANNEX A

Chronology of Major Events [1][2][3c]

1861-1914

Great Britain consolidates its hold over what it calls the Colony and Protectorate of Nigeria, governs by "indirect rule" through local leaders.

1922

Part of former German colony Kamerun is added to Nigeria under League of Nations mandate.

1947

A new constitution is established a federal system of government.

1954

The Federation of Nigeria became self-governing.

1960

Nigeria becomes an independent country. Sir Abubakar Tafawa Balewa becomes Nigeria's first Prime Minister, leading a coalition government.

1962-63

Controversial census fuels regional and ethnic tensions.

1966

January - Balewa killed in coup. Major-General Johnson Aguiyi-Ironsi heads up military administration.

July - Ironsi killed in counter-coup, replaced by Lieutenant-Colonel Yakubu Gowon.

1967

Three eastern states secede as the Republic of Biafra, which sparks off a civil war (the Biafran War).

1970

Biafran leaders surrender, former Biafran regions reintegrated into country.

1975

Gowon overthrown, flees to Britain, replaced by Brigadier Murtala Ramat Mohammed, who begins process of moving federal capital to Abuja.

1976

Mohammed assassinated in coup attempt. Replaced by Lieutenant-General Olusegun Obasanjo, the Chief-of-Staff of the armed forces, who helps introduce an American-style presidential constitution.

1979

Elections bring Alhaji Shehu Shagari to power.

1983

August to September - Shagari wins the presidential election and begins a second presidential term.

December - Major-General Muhammad Buhari seizes power in bloodless coup.

1985

August - Ibrahim Babangida seizes power in a bloodless military coup, curtails political activity.

1990

April - coup attempt by Major Gideon Orkar is suppressed. Orkar was arrested, together with about 300 other military personnel, and more than 30 civilians. In July, Orkar and some other prisoners were convicted by a military tribunal, of conspiracy to commit treason, and later in July, Orkar and 42 other prisoners were executed.

1991

December - the seat of the federal government was formally transferred from Lagos to Abuja. Gubernatorial and state assembly elections take place.

1992

May - widespread rioting at sharp increases in transport fares took place, resulting from a severe fuel shortage, which culminates in demonstrations demanding the resignation of the government. The unrest was violently suppressed by the security forces.

July - National Assembly elections take place.

December - bicameral national assembly was formally convened in the new federal capital of Abuja.

1993

June - the military government annuls a presidential election, when preliminary results clearly show a victory by Chief Moshood Abiola.

November - the Head of State resigns and power is transferred to General Sani Abacha.

1998

Abacha dies, succeeded by Major-General Abdulsalami Abubakar.

1999

Parliamentary and presidential elections take place. Olusegun Obasanjo wins the presidential election and is sworn in as president.

2000

Adoption of Islamic (Sharia) law by several northern states in the face of opposition from Christians. Tension over the issue results in hundreds of deaths in clashes between Christians and Muslims.

2001

Tribal war in Benue state, in eastern-central Nigeria, displaces thousands of people.

In October, army soldiers sent to quash the fighting kill more than 200 unarmed civilians, apparently in retaliation for the abduction and murder of 19 soldiers.

2001

October - Nigerian President Olusegun Obasanjo, South African President Thabo Mbeki and Algerian President Bouteflika launch New Partnership for African Development, or Nepad, which aims to boost development, encourage open government and end wars in return for aid, foreign investment and a lifting of trade barriers which impede African exports.

2002

January - blast at munitions dump in Lagos kills more than 1,000.

February - some 100 people are killed in Lagos during bloody clashes between Hausas from the mainly-Islamic north and ethnic Yorubas from the predominantly-Christian southwest. Thousands flee their homes. The city's governor suggests retired army officials stoked the violence in an attempt to restore military rule.

March - an appeals court reverses a death sentence handed down to a woman found guilty of adultery. An Islamic court in the north had ordered that the woman be stoned to death, but the sentence provoked an international outcry including a plea for clemency from the EU.

October - International Court of Justice awards the disputed Bakassi peninsula to Cameroon, but Nigeria is adamant that it will defend its right to the valuable landmass.

November - more than 200 people die in four days of rioting stoked by Muslim fury over controversy surrounding the planned Miss World beauty pageant in Kaduna in December. The event is relocated to Great Britain.

2003

12 April - first legislative elections since end of military rule in 1999. Polling marked by delays, allegations of ballot-rigging. President Obasanjo's People's Democratic Party

wins parliamentary majority.

19 April - first civilian-run presidential elections since end of military rule. Olusegun Obasanjo elected for second term with more than 60 percent of the vote. Opposition parties reject result. EU observers say polling marred by "serious irregularities".

July - nationwide general strike called off after nine days after government agrees to lower recently-increased fuel prices.

August - violence between Ijaw and Itsekiri people in Delta town of Warri kills about 100 people, injures 1,000.

September - an Islamic appeals court in the northern state of Katsina acquitted a woman, Amina Lawal, who had been sentenced to death by stoning for alleged adultery. Amina Lawal's case attracted international concern from human rights campaigners.

2004

January - UN-brokers talks between Nigeria and Cameroon about disputed border: Both sides agree to start joint security patrols.

March - spate of high-profile political killings and attacks by armed bandits in run-up to local elections.

March - suspected coup attempt. President Olusegun Obasanjo's government announced on 2 April 2004 that security agencies were investigating several Nigerian army officers and civilians in connection with "serious security breaches".

May - communal violence breaks out in Plateau State between Christians and Muslims. President Obasanjo declares a state of emergency in the state.

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ANNEX B

List of the Main Political Organisations

The main Nigerian political organisations are as follows:

Abia Democratic Alliance [1]

Based in Umuahia. Formed in 2001. Allied to the People's Democratic Party.

All Nigeria's People's Party (ANPP) [1][26]

Alhaji Yusuf Garbah Ali is the National Chairman and George Moghalu is the National Secretary. The ANPP was established in 1998 by a number of groupings which had formerly participated in the Abacha regime's programme for the reintroduction of civilian rule. In the January 1999 state elections its best results were achieved in central and some northern areas of Nigeria. The party agreed to support the presidential candidate of the Alliance for Democracy in the February 1999 federal elections. In the 2003 legislative and senatorial elections, the party won 95 seats in the House of Representatives and won 28 seats in the Senate. The ANPP's presidential candidate in the April 2003 presidential election came third.

Alliance for Democracy (AD) [1][26]

Based in Abuja. Acting Chairman - Chief Bisi Akande. Formed in late 1998, the AD was the most radical of the three parties that won registration to contest the Nigerian elections of January and February 1999. In the 2003 elections, the AD won 31 seats in the House of Representatives and 6 seats in the Senate.

National Conscience Party [1]

Based in Abuja. Leader - Gani Fawehinmi.

National Democratic Party [1]

Based in Abuja. Formed in 2002. Chairman - Aliyu Habu Fari.

National Frontier [1]

Formed in 2001 by former governors and military officers in 2001. Chairman - Chief Edwin Ume Ezeoke.

National Solidarity Party [1]

Formed in 2001 by former military officers. Chairman - Saleh Jambo.

O'odua People's Congress [1]

Formed in 1994. Banned in October 2000. Yoruba nationalist organisation. Divided into

two factions, led by Frederick Faseun and Ganiyu Adams.

People's Democratic Party (PDP) [1][26]

Party of current President Obasanjo. Chairman Audu Ogbah. Founded in August 1998 by a broad range of political interest groups, represented mainly by 34 former senior political figures who had come forward earlier in 1998 to challenge the legality of Sani Abacha's bid to secure the civilian presidency of Nigeria. The PDP candidate Olusegun Obasanjo won the 1999 presidential election with 62.8 per cent of the vote, and was re-elected as president on the 2003 presidential election. The party also won substantial majorities in the House of Representatives and the Senate, both in the 1999 and 2003 legislative elections.

People's Redemption Party [1]

Formed in Abuja in 2002. Leader - Balarabe Musa.

People's Salvation Party [1]

Formed in 2002. Chairman - Alhaji Wada Nas.

Progressive Liberation Party [1]

Formed in 2001. Leader - Ezekiel Izuogu.

United Nigeria Development Forum [1]

Formed in 2001 by former military officers of former president Sani Abacha. Chairman – Brigadier-General (retd) Lawal Ja'afar Isa.

United Nigeria People's Party [1]

Formed in 2002 in Abuja. Leader - Saleh Jambo.

United Progressive Grand Alliance [1]

Based in Enugu. Formed in 2001. Chairman - Chekwas Okorie.

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ANNEX C

Prominent People Past and Present

General Sani Abacha [1]

Army Chief of Staff in Babangida's regime. Took power on 17 November 1993. Died on 8 June 1998.

General Abdusalam Abubakar [1]

He became the head of state on 9 June 1998, after the death of Sani Abacha, and remained the head of state until 29 May 1999.

Tafawa Balewa [1]

He was the country's first prime minister when Nigeria became independent in 1960.

Olusegun Obasanjo [1]

Current President of Nigeria. As Chief of Army Staff, succeeded General Murtala Mohammed. Returned country to civilian rule in 1979. Arrested on 13 March 1995 and sentenced to life imprisonment for concealment, later commuted to 15 years. Released by General Abubakar in June 1998. He won the 1999 Presidential Election, and took office on 29 May 1999, and was re-elected as president in the 2003 Presidential Election.

Ken Saro Wiwa [1]

He was once the President of the Movement for the Survival of the Ogoni People (MOSOP). Arrested in May 1994 in connection with murder of 4 Ogoni chiefs. Executed in November 1995 along with 8 other MOSOP members.

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ANNEX D

List of Source Material

[1] Nigeria section from the 2004 edition of “Africa South of the Sahara” - published by Europa Publications in 2004

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