

COUNTRY OF ORIGIN INFORMATION REPORT

NIGERIA

APRIL 2006

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1. Scope of document

- 1.01 This Country of Origin Information Report (COI Report) has been produced by Country of Origin Information Service, Research Development and Statistics (RDS), 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 10 March 2006.
- 1.02 The 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.
- 1.03 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.
- 1.04 The structure and format of the COI 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 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.
- 1.05 The information included in this COI 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 unless stated.
- 1.06 As noted above, the 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. COI 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. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.
- 1.07 The 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.

- 1.08 This COI Report and the accompanying source material are public documents. All COI Reports are published on the RDS 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.
- 1.09 COI 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 COI 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 of Origin Information Bulletins, which are also published on the RDS website. They also have constant access to an information request service for specific enquiries.
- 1.10 In producing this COI 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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ADVISORY PANEL ON COUNTRY INFORMATION

- 1.11 The independent Advisory Panel on Country Information was established under the Nationality, Immigration and Asylum Act 2002 to make recommendations to the Home Secretary about the content of the Home Office's country of origin information material. The Advisory Panel welcomes all feedback on the Home Office's COI Reports and other country of origin information material. Information about the Panel's work can be found on its website at www.apci.org.uk.
- 1.12 It is not the function of the Advisory Panel to endorse any Home Office material or procedures. In the course of its work, the Advisory Panel directly reviews the content of selected individual Home Office COI Reports, but neither the fact that such a review has been undertaken, nor any comments made, should be taken to imply endorsement of the material. Some of the material examined by the Panel relates to countries designated or proposed for designation for the Non-Suspensive Appeals (NSA) list. In such cases, the Panel's work should not be taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself.

Advisory Panel on Country Information**Email:** *apci@homeoffice.gsi.gov.uk***Website:** *www.apci.org.uk*

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2. Geography

- 2.01 The Nigeria section of europaworld.com states that the Federal Republic of Nigeria is a west African coastal state, and covers an area of 923,768 square km. Nigeria's neighbouring countries are 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. [1]
- 2.02 The US State Department Background Note on Nigeria, published in March 2006, states that the capital city of Nigeria is Abuja. Other major cities include Lagos, Ibadan and Kano. The national population in 2005 was estimated to be 137 million. English is the official language and Nigerians commonly communicate in English, although knowledge of two or more Nigerian languages is widespread. Hausa, Yoruba and Igbo are the most widely used Nigerian languages. 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. The country's main ports are at Lagos, Port Harcourt and Calabar. Most of the roads in Nigeria are in poor condition, but state governments have gradually been improving the road network, using central government funds. Nigeria has four international airports – Lagos, Kano, Port Harcourt and Abuja. There are several private Nigerian air carriers that operate internal flights. [3c] (p1-2 and 9-10)

(A country map of the Republic of Nigeria can be seen at Annex B. Alternatively, a map of Nigeria is available from the following map website: www.com/maps/africa/nigeria_pol93.jpg)

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3. The economy

3.01 The Economist Intelligence Unit 2006 Country Profile on Nigeria states:

“Nigeria displays the characteristics of a dual economy: an enclave oil sector with few links to the rest of the economy, except via government revenue, exists alongside a more typical developing African economy, heavily dependent on traditional agricultural, trade and some limited manufacturing...In recent years, according to official Nigerian government estimates, the oil sector has accounted for 70-80% of federal government revenue (depending on the oil price), around 90% of export earnings and about 35% of GDP, measured at constant basic prices. Agriculture (including livestock, forestry and fishing), which is still the main activity of the majority of Nigerians, constitutes about 30% of GDP.” [10a] (p25)

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4. History

- 4.01 The Nigeria section of europaworld.com states that 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 based on three regions – Northern, Western and Eastern. 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]
- 4.02 The UK FCO Nigeria Country Profile (May 2005 version) states that:
- “The independence constitution provided for a federation of three autonomous regions - Northern, Western and Eastern - each with wide-ranging powers, its own constitution, public service, and marketing boards. The overarching but weaker federal government had powers limited to national issues, including control of the police and army, and economic planning.”
- “...In the early 1960s, the inherited regional structure led to a series of crises and conflicts, both within and between the three ethno-centric regions, as competition grew for control over the federal centre. The 1964 federal elections were marred by violence and rigging. Inter-party and inter-ethnic tensions continued leading ultimately to a military takeover in January 1966, led by Igbo officers. Thereafter Nigeria's post-independence history was marked by a series of military interventions in politics: coups, counter-coups, and a civil war (1967-70) when the Eastern Region attempted to secede as the Republic of Biafra...Nigeria has only enjoyed three short periods of civilian rule - 1960-65, 1979-83, and 1999 to the present. The intervening periods, totalling 29 years, saw military governments in place.” [2d] (p2)
- 4.03 The Nigeria section of europaworld.com states that local municipal elections took place in December 1998 and state legislative elections were held in January 1999. The People's Democratic Party (PDP) secured about 60 per cent of the votes cast in the municipal elections and 50 per cent of the votes cast in the state legislative elections. National legislative elections were held on 20 February 1999. In those elections, the PDP secured 215 seats in the 360-member House of Representatives and 66 seats in the 109-member Senate. A presidential election was held on 27 February 1999, which was won by Olusegun Obasanjo, with 62.8 per cent of the votes cast. Obasanjo was formally inaugurated as President of Nigeria on 29 May 1999. A new constitution was formally promulgated on 5 May 1999, and came into force 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 PDP party won large majorities in the 2003 legislative elections. Following the elections held in April and May 2003, Obasanjo was inaugurated as president on 29 May 2003. A new federal government was set up in July 2003. [1]
- 4.04 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	Name of 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 Progressive Grand Alliance (APGA)	3.3

* turnout of 69.1 per cent

LEGISLATIVE ELECTIONS - 12 April 2003* [16]				
Name of 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

4.05 A BBC News Online report dated 29 March 2004 stated that the ruling PDP party won local elections in 25 out of 30 states. The local elections were marred with claims of massive rigging, violence and a very low voter turnout. The elections did not take place in three local authorities due to a lack of ballot papers and many voters could not vote as a result. About 250,000 police officers were deployed throughout Nigeria to prevent fighting. [8a]

4.06 A United Nations IRIN report dated 2 April 2004 stated that Nigerian security agencies were investigating several military officers and civilians on suspicion of serious security breaches, following media reports of a coup against the Nigerian Government. A *Vanguard* (Nigeria) newspaper report stated that at least 28 military officers had been taken in for questioning by the authorities, on suspicion of recruiting soldiers for an insurrection. The "Vanguard" report further stated that the military officers had sought the support of soldiers who felt disaffected with the present government over unpaid salaries, general insecurity, corruption and malpractice in the 2003 elections. [21a]. A BBC News Online report about the alleged coup, dated 21 October 2004, stated that:

"Three military officers and a businessman have been charged with plotting to assassinate President Olusegun Obasanjo by shooting down his helicopter. Best known is Major Hamza al-Mustapha, the former security chief under late Nigerian dictator Sani Abacha. Despite being in custody over a murder case, the prosecution allege he held prison meetings to plot the coup...The charges are the first official confirmation of a coup plot after months of speculation in

Nigeria about an incident described by the government in April as a 'serious breach of national security'. All troops were recalled to barracks and all leave cancelled when the reports first emerged." [8h]

- 4.07 In October 2004, a four-day general strike began over fuel price rises. A BBC News Online report dated 11 October 2004 stated that many Nigerian shops and offices in the main cities of Abuja and Lagos closed at the start of the strike over fuel prices. Fuel subsidies were removed in 2003 and this led to increases in the price of petrol. As a response to the strike, President Obasanjo set up a task force to look at the effects of the fuel price rises. [8f]
- 4.08 A BBC News Online report dated 15 November 2004 stated that in November 2004, Nigeria's main labour trade union, planned another strike over fuel prices. In the same month, President Obasanjo ordered the state oil firm to cut the cost of kerosene, in an attempt to prevent the general strike from taking place. As a result of the president's actions, the strike was called off. [8g]
- 4.09 A BBC News Online report, dated 21 February 2005, stated that President Obasanjo opened a national political conference in Abuja in February 2005 to discuss constitutional reforms, the control of national resources and federalism. The delegates' recommendations should form the basis of any future constitutional reform. The BBC report adds that the vast majority of the delegates were nominated by the presidency and state governments, resulting in a heavy bias towards the ruling party. [8i]. A BBC News Online report, dated 12 July 2005, stated that the national political conference ended in July 2005. According to the report, the conference decided that the southern Delta region should receive 17 per cent of oil revenues and that the terms of office for the president and regional governors should continue to be four years, renewable only once. [8c]
- 4.10 A news report dated 24 February 2006, published by *The Independent* (UK newspaper), stated that violent clashes between Nigeria's Muslim and Christian communities took place in February 2006. The violent clashes took place in Onitsha and Maiduguri. Nearly 150 people died and thousands became displaced after five days of violence, which was started by Muslims who were angry about the publication of cartoons depicting the Prophet Mohammed. Many of those involved in the violence were arrested by the police. [41]

(For more information about the violence that occurred between Christians and Muslims in February 2006, refer to paras 6.35 – 6.38)

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5. State structures

THE CONSTITUTION

5.01 The Nigeria section of europaworld.com states that a new constitution was formally promulgated on 5 May 1999 and came into effect on 29 May 1999. [1]. The constitution enshrines basic human rights freedoms 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]

5.02 The Economist Intelligence Unit's 2006 Country Profile on Nigeria states that:

"The new constitution has been a source of tension since its introduction in 1999. Critics of the new constitution claim that it concentrates too much power in the central government, defying the aspirations of many Nigerians for a looser federation. Other areas of contention include the dominance of the federal government in the control of state police and the appointment of judges." [10a] (p8)

"...In October 2003 the new National Assembly initiated a fresh review of the 1999 constitution, laying aside the draft review submitted by a National Assembly joint constitution committee a year earlier. The discarded report contained some major recommendations, including a single non-renewable five-year term for the president and state governors, rotation of the presidency among Nigeria's six geopolitical zones (north-west, north-east, west-central, east-central, south-west and south-east) and the election of two vice-presidents, which further reflected the obsession of politicians with power-sharing among the country's rival ethno-political blocs." [10a] (p8-9)

"In a fresh attempt to resolve the issue of the constitution, the government eventually bowed to pressure to hold a National Political Reform Conference in early 2005 to recommend constitutional reforms to strengthen national unity. However, it failed to reach consensus on most of the contentious issues and ended in acrimony after the delegation from the oil-producing Niger Delta region walked out over a row over how to share out Nigeria's petroleum revenue. Meanwhile, more militant political activists have continued to push ahead with a plan to organise their own conference to try to resolve the outstanding issues, although the government is unlikely to pay significant attention to its outcome." [10a] (p9)

"Given the fundamental disagreements, it is doubtful whether Nigeria will be able to produce a constitution that is broadly accepted. Agitation for constitutional change is likely to remain a feature of national politics for some time to come, especially in the run-up to the 2007 elections when the issue of how many terms the president can serve will come to the fore. This is not surprising, however. Nigeria had four constitutions under colonial rule and has had four more since the 1960 independence constitution (1963, 1979, 1989 and 1999), reflecting the country's history of political instability and helping to explain the current ambivalence towards the current constitution." [10a] (p9)

"Whatever its weaknesses, the constitution does guarantee personal freedom, which was absent during the years of military rule. It also stipulates that Nigeria is a secular state, but seems to allow the operation of Sharia (Islamic law) for consenting Muslims." [10a] (p9-10)

CITIZENSHIP AND NATIONALITY

5.03 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]

5.04 The constitution states that 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]

5.05 The constitution states that 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]

5.06 The constitution states that 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

5.07 The Nigeria section of europaworld.com states that 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 universal suffrage 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 universal suffrage for four years. The House of Representatives comprises 360 members,

who are also elected by universal suffrage 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]

THE JUDICIARY

5.08 An article published by the Economist Intelligence Unit in February 2006 states:

"Successive Nigerian constitutions have enshrined the independence of the judiciary. However the judiciary's authority and freedom were considerably impaired during military rule, especially in the Abacha era, by the regime's curtailment of judicial power and flouting of court rulings. The judiciary has regained some of its powers under the present civilian administration. It has also been required to adjudicate in political disputes, particularly those related to elections and the division of power and resources between the different tiers of government, which have proved controversial. However, the judicial system is still deeply undermined by corruption and hugely underfunded. This has resulted in poor administration of justice, including long delays in the hearing of cases, and is one of the main reasons why, for many northerners, the introduction of Sharia is attractive." [10b]

5.09 With regard to the judiciary, the US State Department (USSD) 2005 Human Rights Report on Nigeria, published in March 2006, states that:

"Although the law provides for an independent judiciary, the judicial branch remained susceptible to executive and legislative branch pressure. Political leaders influenced the judiciary, 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."

"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 Shari'a (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, Shari'a courts, and for some specified cases, the state high courts. The law also provides that the Government establish a Federal Shari'a Court of Appeal and Final Court of Appeal; however, the Government had not yet established such courts by year's end."

"...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. While an accused person is entitled to counsel of his choice, there is no law that prevents a trial from going forward without counsel, except for certain offenses such as homicide or other offenses for which the penalty is death. The legal aid act provides for the appointment of counsel in such cases, and [the] trial will not go forward without counsel. However, there was a widespread perception that judges were easily bribed or 'settled,' and that litigants could not rely on the courts to render impartial judgments. 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, and sometimes because of threats against them. In addition, court officials often lacked the proper equipment, training, and motivation to perform their duties, again primarily due to inadequate compensation.” [3a] (Section 1e)

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LEGAL RIGHTS/DETENTION

POLICE POWERS OF ARREST AND DETENTION AND THE RIGHTS OF CITIZENS

- 5.10 With regard to police powers of arrest and detention and the rights of citizens, the USSD 2005 Report states:

“Police and security forces were empowered to arrest without warrant based on reasonable suspicion that a person had committed an offense; they often abused this power. Under the law, police may 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 [the] police must provide suspects with the opportunity to engage counsel and post bail. However, 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. Provision of bail was arbitrary or suspect to extrajudicial influence. In many areas, there was no functioning bail system, so suspects were held in investigative detention for sustained periods. Numerous suspects alleged that police demanded payment before they were taken to court to have their cases heard. If family members attended court proceedings, police often demanded additional payment.”

“Persons who happened to be in the vicinity of a crime when it was committed were sometimes held for interrogation for periods ranging from a few hours to several months. After their release, those detained frequently were asked to repeatedly return for further questioning.” [3a] (Section 1d)

- 5.11 With regard to pretrial detention, the USSD 2005 Report states:

“...Lengthy pretrial detention remained a serious problem. Serious backlogs, endemic corruption, and undue political influence continued to hamper the judicial system. In March [2005] a working group assigned by the attorney general to investigate prison conditions in the country found that 64 percent of inmates were detainees awaiting trial. Multiple adjournments in some cases led to serious delays. Police cited their inability to transport detainees to trial securely on their trial dates as one reason why so many were denied a trial. The National Human Rights Commission (NHRC) reported that some detainees were held because their cases files had been lost. Some state governments released inmates detained for significant periods of time without trial.” [3a] (Section 1d)

THE DEATH PENALTY

- 5.12 Amnesty International (AI) report “The Death Penalty: List of Abolitionist and Retentionist Countries” (October 2005 update) states that Nigeria is a country which has the death penalty in force as a punishment for ordinary crimes. [12b]

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

“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 Service, 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] (p1)

- 5.14 The death penalty is an issue that the Government is concerned about, as noted in the Amnesty International report “The Death Penalty in Nigeria”:

“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] (p2)

- 5.15 An Amnesty International public statement on the death penalty in Nigeria, dated 7 July 2005, states:

“As the National Political Reform Conference in Nigeria prepares to reconvene next week, Amnesty International condemned the recommendations by its Committee on Judicial Reform that juveniles should be executed when they have committed heinous crimes.”

“The statement was supported by the Nigerian Coalition on Death Penalty Abolition (NCDPA), The Human Rights Law Service (HURILAWS), and Legal Resources Consortium.”

“...The Committee’s recommendation further contradicts the recommendations of a moratorium on all executions made by the National Study Group on the Death Penalty, initiated by President Obasanjo and inaugurated by the Federal Minister of Justice in October 2003. In its final report and recommendations, as seen by Amnesty International, the National Study Group on the Death Penalty recommends that all executions should be put on hold until the Nigerian justice system can deliver fair trials and due process.” [12f]

CONVICTED DRUG CRIMINALS AND DECREE 33 OF 1990

- 5.16 The British-Danish Fact-Finding Mission (FFM) Report on Nigeria, dated January 2005, states that:

“Section 12 (2) of Decree 33 of 1990 states that ‘Any Nigerian citizen found guilty in any foreign country of an offence in [sic] involving narcotic drugs and psychotropic substances and who thereby bring the name [of] Nigeria into disrepute shall be guilty of an offence under this subsection.’ The punishment is laid down in Section 12 (3) of the Decree: ‘Any person convicted of an offence under subsection [...] (2) of this section shall be liable to imprisonment for a term of five years without an option of [a] fine and his assets and properties shall be liable forfeiture as provided by this Decree.’ ” [15] (p55-56)

5.17 The FFM Report also states that:

“Odugbesan [Federal Ministry of Justice] explained that those convicted overseas on drug charges could face being tried and sentenced again on return to Nigeria. However, Odugbesan was not aware of anyone being convicted a second time when a ‘full sentence’ had already been served overseas. However, Odugbesan stated that drug offences are being punished sternly in Nigeria and he added: ‘if Nigerian law provides for an additional sentence it will take place.’ ”

“...Obiagwu [Legal Defence and Assistance Project], confirmed that persons, who have served their sentences abroad for drug trafficking, upon return to Nigeria have been prosecuted and convicted again. The legal argument is that ‘bringing the name Nigeria into disrepute’ as stated in the drug trafficking law is another crime and isolated from drug trafficking as such. The principle of double jeopardy is not violated according to this interpretation.”

“...Obi [PRAWA] confirmed that double jeopardy takes place in Nigeria. He explained that not only drug traffickers may be punished upon their return to Nigeria but also persons convicted of money laundering, advance fee fraud, armed robbery, rape and many other offences. The Nigerian authorities do not believe that imprisonment in Europe is ‘real punishment’ and therefore ‘proper disciplining’ in a Nigerian prison is needed. Depending on the investigations the courts may add another two to three years and in extreme cases up to seven years in Nigerian prisons to the term a person may already have served overseas. Such persons will often be put into a maximum-security person.” [15] (p55-56)

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SHARI'A PENAL CODES

5.18 The Human Rights Watch (HRW) report “Political Shari'a? Human Rights and Islamic Law in Northern Nigeria”, published in September 2004, states that:

“Shari'a is a system of Islamic law based on four main sources: the *Qur'an* (God's revelation to the Prophet Muhammed); the *Sunna*, or actions of the Prophet, described in the *Hadith*, the *Qiyas* or process of analogical reasoning based on understanding of the principles of the Qur'an or the Hadith; and the *Ijma*, or consensus of opinion among Islamic scholars.” [22d] (p10)

“Shari'a has been applied in many different countries with large Muslim populations to both criminal and civil law. For many Muslims, it is also a philosophy and entire set of rules and guidelines which extends well beyond the Western concept of law and governs day to day conduct in terms of social

relations, private life, and ethical codes...The majority of Muslims in Nigeria are Sunni. Within Sunni Islam, the four main schools of thought – Maliki, Hanafi, Hanbali and Shafi – have each developed slightly different beliefs and observe different traditions; they have also formulated different prescriptions. The form of Shari'a applied in Nigeria is based in most part on the Maliki school of thought, which is dominant among Muslims in west and north Africa." [22d] (p10-11)

INTRODUCTION OF THE SHARI'A PENAL CODES

- 5.19 An article published by the Economist Intelligence Unit in February 2006 states that:

"In January 2000 the north-western state of Zamfara became the first state in the federation to introduce Sharia, triggering a bitter national row over the constitutional validity of the action in the multi-faith nation that is unlikely to be resolved quickly. By the end of 2001 a dozen northern states had introduced Sharia, which remained in force at the end of 2004. However, its imposition is opposed by many groups within Nigeria and has been a major source of religious and ethnic conflict within the country. In the past year there have been tentative signs that support for Sharia among Muslims is waning, as the hoped-for equality for all before the law has not materialised. However, no state is likely to abolish it." [10b]

- 5.20 The introduction of Shari'a into some states' penal codes has had the general support of Muslims, as noted by the United Nations (UN) Commission on Human Rights Report of the Special Rapporteur on freedom of religion or belief, dated 7 October 2005, which states:

"Many of the Special Rapporteur's interlocutors including Muslims, supported the view that sharia penal codes had been introduced by state authorities seeking to please their populations. Others maintained that the extension of sharia was a result of the Government's failure to address the real problems of Nigerian society. Muslims had progressively turned their backs on the non-religious way of organizing their lives and had found in Islam an appropriate response to their concerns as citizens."

"...A large number of Nigerian Muslims support the imposition of sharia. A number of Muslim leaders emphasized that sharia was a way of life for all Muslims and its non-application would deny Muslims their freedom of religion. In Nigeria sharia was only applicable to Muslims; therefore, it was argued, it did not in any way limit the freedom of religion of non-Muslims. In addition, a number of Muslim leaders believed that English common law had its roots in canon law, making Muslims subject to a legal framework based on non-Muslim norms. Muslim personal law has always been applied in Nigeria. On the other hand, after several years of application, Islamic criminal law has created various problems and is far from enjoying unanimous support, even among Muslims." [26] (p12)

LEGAL FRAMEWORK

- 5.21 The Amnesty International report "The Death Penalty and Women under the Nigeria Penal Systems" states that 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] (p6-7)

5.22 The HRW report on Shari'a and human rights adds further:

"In terms of criminal law, there are three main categories of offenses and punishments under Shari'a. The first are the *hudud* (or *hadd*, in the singular) punishments laid out in the Qur'an and the Hadith; because they are specified by God, they are regarded as fixed and cannot be changed. They include theft (punishable by amputation), armed robbery (punishable by death or amputation), extra-marital sex (punishable by death or flogging), false accusation of extra-marital sex (punishable by flogging), consumption of alcohol (punishable by flogging), and apostasy or renunciation of Islam (punishable by death). However, even these offenses, despite their fixed nature have been interpreted differently by different schools of thought, and in different countries. For example in Nigeria, apostasy is not included as an offense in the Shari'a penal codes, presumably in recognition of the diversity of faiths in the country, even in the north, and the right to freedom of religion."

"The second category are *qisas* and *diya* punishments. *Qisas*, applicable for murder or injury, is based on the notion of retaliation: it involves inflicting the same punishment on the defendant as she or he inflicted on the victim, in some cases using the same methods (for example, a murderer should be killed with the same type of weapon as she or he used to commit the murder). *Diya*, or the payment of blood money, requires financial or material compensation for the crime in cases where the family of the victim does not demand *qisas*. The third category are *ta'zir* punishments, where judges can exercise discretion and choose from a range of punishments, as the state is not bound by the wishes of the victim's relatives."

"In terms of criminal law, according to Shari'a, the accused should always be given the benefit of the doubt. Considerable latitude is provided to Shari'a court judges who are expected to exercise great caution before sentencing, even in the cases of *hudud*, where fixed punishments are specified. For certain crimes, the standard of evidence required for conviction is deliberately set so high as to be almost unattainable, meaning that the law is intended more as a deterrent than a real prospect of punishment." [22d] (p11)

THE SHARI'A COURTS SYSTEM

5.23 As regards the Shari'a courts system, the HRW report on Shari'a and human rights states that:

"There are three types of Shari'a courts dealing with criminal cases at state level. The lower and upper Shari'a courts (of which there are several in each state) hear cases in the first instance. Upper Shari'a courts also have appellate jurisdiction and are able to hear appeals from cases tried in the lower Shari'a courts. Each state then has its own Shari'a court of appeal, which hears

appeals on cases tried by the upper Shari'a courts. Only one judge sits in the lower and upper Shari'a courts – a cause for concern in the case of crimes which carry sentences such as the death penalty or amputations. Between three and five senior judges sit at the Shari'a state court of appeal; these judges are generally more experienced than those sitting in the upper and lower courts."

"After being sentenced by the upper or lower Shari'a court, the defendant is given a thirty day period in which to appeal. In practice, a number of appeals which were filed after the thirty day period had elapsed have been accepted."

"Once defendants have exhausted their avenues for appeal within the state, and if the Shari'a court of appeal has confirmed the sentence, they can then appeal to the Federal Court of Appeal, and ultimately to the Supreme Court. These are both federal institutions and are not Shari'a courts, although they have jurisdiction to hear appeals from Shari'a courts and their appeal panels are supposed to include judges with expertise and knowledge of Shari'a. Some advocates of Shari'a have complained about the absence of a specialized Shari'a court of appeal at the federal level, arguing that the judges of the Federal Court of Appeal and Supreme Court are not well-versed in Shari'a; some also fear, perhaps, that these institutions are too close to the federal government, and therefore likely to be opposed to Shari'a."

"If a death sentence or amputation is confirmed by a state's Shari'a court of appeal and the defendant chooses not to appeal to the Federal Court of Appeal, the state governor must personally authorize the execution of the punishment before it can take place, or can choose to pardon the convicted person."
[22d] (p18)

IMPLEMENTATION AND ENFORCEMENT OF THE SHARI'A PENAL CODES

5.24 The HRW report on Shari'a and human rights states that:

"Following the introduction of the new Shari'a legislation, most state governments set up structures and groups to ensure the implementation of Shari'a. These structures included Shari'a implementation committees and groups known as *hisbah*, whose main role was to ensure observance of Shari'a among the population and to report any breaches. The creation of the *hisbah* was popular in some quarters because of a deep distrust in the Nigeria federal police force, both among the general public and among state politicians. In several states, the *hisbah* have been used to carry out arrests, for example in cases of suspected adultery or fornication, consumption of alcohol and other offenses. As described in this report, members of the *hisbah* have been responsible for a range of human rights abuses in the course of enforcing Shari'a, especially in the one to two years after they were set up." [22d] (p16)

"...Shari'a has been applied inconsistently across the twelve states. The enthusiasm with which it has been enforced, both by the courts and by the *hisbah* and other implementation groups, has also varied greatly, depending on the religious make-up of the state and, to some extent, on the political whims of state governors. At the one end of the spectrum, Zamfara State has applied it the most strictly, although even there, the fervor has eased off since it was first introduced. At the other end of the spectrum, Kaduna State, where about half the population of the state are Christians and where the prospect of the

introduction of Shari'a led to massive riots and killings in 2000, few criminal cases have been brought before the Shari'a courts, and with one or two exceptions, harsh corporal sentences have not been passed." [22d] (p16-17)

"...The Arabic term *hisbah* means an act which is performed for the common good, or with the intention of seeking a reward from God. The concept of *hisbah* in Islam originates from a set of Qur'anic verses and Hadith. It is an obligation on every Muslim to call for what is good or right and to prevent or denounce what is bad or wrong." [22d] (p73-74)

"In the Nigerian context, some observers have compared the role of the *hisbah* to that of vigilante groups operating in other parts of the country...The *hisbah* share some characteristics with these groups but there are also significant differences. Like other vigilante groups, the *hisbah* are made up mostly of locally-recruited young men who usually patrol their own neighborhoods and sometimes instantly administer punishments on people suspected of carrying out an offense, without, or before handing them over to the police. *Hisbah* members have been responsible for flogging and beating suspected criminals, but Human Rights Watch is not aware of reports of killings by *hisbah* members, in contrast with the Bakassi Boys or the OPC. *Hisbah* members may carry sticks or whips but unlike some vigilante groups in other parts of Nigeria, they do not usually carry firearms." [22d] (p74)

5.25 The HRW report on Shari'a and human rights further states that:

"One of the main complaints voiced by Muslims has been that government authorities have not observed the true spirit and original principles of Shari'a, and that religion has been reduced to a political tool because of the way Shari'a has been implemented. Many people we interviewed explained that in the rush to introduce Shari'a and to prove a political point, state authorities had disregarded certain fundamental principles, in particular the state's responsibility towards the population, and the generosity, compassion, and forgiveness which Shari'a advocates towards those accused of crimes. Many Muslims have pointed out that Shari'a promotes fundamental rights including the right to life, to justice, and to equality, but that these were also being disregarded in its application to Nigeria. They claimed that if the governors had been sincere and had wanted to apply Shari'a properly, they would have taken more time and care to prepare and educate the public, and abuses could have been minimized." [22d] (p91)

5.26 The UN Commission on Human Rights Report on freedom of religion states:

"The speed with which the sharia penal codes were adopted has led to many difficulties and concerns regarding their practical implementation. Judges, it was contended, had not been sufficiently trained, a concern because, at the first level of sharia courts, judges do not have to be lawyers. In some cases, following the adoption of these new codes, rules of evidence and procedure had either been disregarded or not correctly followed; defendants had been deprived of legal representation and convictions were arrived at in haste; some defendants did not understand what they were being tried for or the implications of their trials. In this respect, a lack of awareness about the rights and obligations under Islamic law in general, in particular concerning women or vulnerable groups, is a real source of concern." [26] (p12)

“...The strongest reactions to the implementation of sharia penal codes has evidently come from the religious minorities living in the states concerned, in particular the Christians, even though these laws are not applicable to them. Their main accusation is that the practical implementation of sharia may in a number of situations indirectly violate their rights or create discrimination of which they are victims. In this respect, new regulations like the banning of alcohol or segregated public transport indirectly limit their freedom, as they prevent them from living according to their own standards. In states like Zamfara, where the intention is to implement the principles of sharia strictly, segregated transport, health services and public schools have been established, which Christians claim violates their freedom.” [26] (p13)

“Indeed, while Christians or other religious minorities are not expected to observe themselves practise[s] like fasting on Ramadan, they are compelled to close restaurants and eating places during that period. This situation therefore subjects them, at least partly, to a religious obligation by obliging them to eat in their homes. This obligation also reportedly constitutes a significant economic loss for the non-Muslims engaged in the restaurant sector of the economy.” [26] (p13)

“Another difficulty of implementing sharia penal codes in places of mixed population is that it is almost impossible to draw a clear line between who is and is not subject to sharia. For instance, in all interfaith relationships the fact that the Muslim partner may be subject to sharia sanctions while the non-Muslim partner is not will nevertheless affect the entire family. Thus, the application of certain prohibitions affects the rights of non-Muslim populations.” [26] (p13)

- 5.27 Despite the disillusionment that some Muslims have with the implementation of Shari’a, there is still widespread support for it in northern Nigeria, as noted by the HRW report on Shari’a and human rights:

“Many Muslims interviewed by Human Rights Watch in northern Nigeria explained that they had become increasingly disillusioned with the way Shari’a was being implemented in their states. Nevertheless, there is still a strong wish to retain Shari’a among the general public in the north, on condition that it is done faithfully and sincerely.” [22d] (p90)

- 5.28 A Norwegian Fact-Finding Mission Report on Nigeria, published by the Norwegian Directorate of Immigration in October 2004, states that:

“It is important to stress that although the shar’ia legislation to a large extent is identical between the 12 states where it has been implemented since 1999, there is no cooperation to speak of among the shar’ia court systems in the different states – i.e. breaking shar’ia law in Kano state will not mean legal persecution under shar’ia law in Sokoto. If someone on shar’ia-related charges in a Northern state leaves that state, the police will not arrest and bring him/her back to the state – this [is] because the police is a federal institution with no responsibilities for a court system not following federal law. Hisba vigilante groups do [sic] generally [do] not have the resources to follow people across state borders.” [37] (p9)

- 5.29 The Nigeria section of the ACCORD/UNHCR 2002 Country of Origin Information Seminar Report adds further:

“It is possible to avoid the application of Sharia law by moving to another state where Sharia law is not applied. If one has committed a crime which is also punishable under the Northern penal code and the Southern criminal law, one would obviously be charged under these laws, but another state would not prosecute for actions punishable only under the Sharia penal code of a Northern State.” [31] (p164)

SHARI'A PENAL CODES AND THE RIGHT TO CHANGE RELIGION

5.30 The UN Commission on Human Rights Report on freedom of religion states:

“In their present form, sharia penal codes adopted in northern states of Nigeria have not included the conversion from Islam to another religion among the offences punishable by death. This seems to be explained by article 38 of the Constitution, which expressly provides for the right to change religion or belief, but also by the reality of Nigeria, that is, as underlined above, the fact that in many places Christians and Muslims mix to a great extent and interfaith marriages are very common. In the Nigerian reality, it would thus seem difficult to enforce a rule that would completely segregate Muslims from Christians.”

“Nevertheless, leaders of the Muslim community maintained that sharia itself prohibits conversion from Islam to another religion and provides for the death penalty for this act. In this regard, it has been argued that nearly all the sharia penal codes of Nigeria (except Kano State) provide that Muslims may be convicted for offences that are punishable under sharia itself even in the absence of a provision in the penal code.”

“...In addition, besides the legal aspects, the prohibition of conversion also appears to be well rooted in certain minds, especially of those who follow the principles of Islam strictly. A number of Muslim religious leaders whom the Special Rapporteur met categorically rejected the possibility of permitting Muslims to convert or to change their religion. They stated clearly that such persons should be executed. At the same time, they also contended that a Muslim woman could not marry a non-Muslim man. Such a marriage would be null and void in law and constitute the offence of zina. This means that interfaith marriages would no longer be possible in the states that have adopted sharia penal codes and that interfaith couples visiting those states would risk arrest and conviction.” [26] (p16)

THE GOVERNMENT'S POSITION REGARDING THE SHARI'A PENAL CODES

5.31 The HRW report on Shari'a and human rights in northern Nigeria states that:

“From the start, the federal government has adopted a passive attitude towards the introduction of Shari'a. Even at the height of controversy surrounding the issue, it has opted to look the other way, hoping the issue would eventually disappear. Some senior government officials have publicly voiced their personal opposition to certain aspects - in particular sentences of death by stoning - but have stopped short of intervening to prevent such sentences from being passed. They have instead relied on the appeal system, hoping that the courts of appeal would eventually acquit those facing harsh sentences - a lengthy process which only prolongs the psychological suffering of the defendants. Nor has the federal government insisted on changes to the legislation which provides for such punishments. It has continued to allow state governors

complete autonomy in this respect, even when the Shari'a system was used to justify flagrant human rights violations. The federal government has also refrained from taking a position on whether the extension of Shari'a to criminal law is compatible with the Nigerian constitution. Instead, it has waited for a test case to challenge the issue through the federal courts – which, until now, has not been done. The federal government's unwillingness to intervene can be explained principally by political considerations: in 1999, President Obasanjo, a Christian from the southwest of Nigeria, was elected in large part to the northern, predominantly Muslim vote, and he remains unwilling to openly antagonize northern politicians or alienate public opinion in the north. The government may also feel that an open confrontation on this issue could trigger further bloodshed in the north or in mixed Muslim/Christian areas." [22d] (p99)

5.32 The UN Commission on Human Rights Report on freedom of religion states:

"A main problem raised by the adoption of sharia penal codes in Nigeria is one of constitutionality...Many detractors of these codes consider that making religion the only basis for regulating the behaviour of Muslim citizens in the society, including with regard to criminal matters, is equivalent to adopting a state religion."

"...In 2002 the Federal Minister of Justice sent a letter to the northern states that had adopted sharia penal codes pointing out that those laws were unconstitutional on different grounds; however, there has so far not been a constitutional challenge of the sharia penal codes at the Supreme Court level or before the Federal Court of Appeal. This may be explained by various reasons, including the fact that many sentences pronounced by subordinate sharia courts are usually quashed on appeal and that only persons who have a *locus standi*, that is an interest in filing a case because they have been personally affected by the application of these laws, may bring a constitutional claim before the Supreme Court. This therefore precludes non-governmental organizations or other entities from bringing such a case. But a few interlocutors of the Special Rapporteur have also raised the fact that the absence of constitutional challenge is also explained by the fear of most citizens subjected to Islamic laws to legally challenge sharia."

"Sharia law advocates consider that the Constitution has given the states legislative authority to adopt criminal laws and that the constitutionally protected right to freedom of religion entitles citizens of Nigeria to decide whether they want to be governed by Islamic law. Some Muslims told the Special Rapporteur that only the Holy Koran had legal significance for them, and that there could be no other laws, including the Constitution, that could govern their lives."

"So far, the Federal Government, except for the letter of the Minister of Justice mentioned above, has remained passive, sometimes claiming that any kind of intervention would rather worsen the situation. Moreover, a committee has been created by the Federal Government to draft a uniform sharia penal code and code of procedure for the states that adopted Islamic criminal law, without achieving much progress so far." [26] (p14)

FREEDOM TO PUBLICLY EXPRESS CRITICISM OF SHARI'A

5.33 The HRW report on Shari'a and human rights in northern Nigeria states that:

“Human Rights Watch did not find substantial evidence of a systematic repression of criticism on the part of northern state government authorities, but a climate has been created in which people are afraid or reluctant to voice criticism of Shari’a and, by extension, of the policies or performance of state governments. Those affected were Muslims rather than Christians. There were instances, soon after Shari’a was introduced, when government critics, including some Islamic leaders and scholars, were publicly discredited or ridiculed. Open and frank debate about the advantages or disadvantages of introducing Shari’a was strongly discouraged and, in some instances, suppressed.” [22d] (p86-87)

“Although there have been few documented incidents where people have been arrested, detained, or subjected to other forms of serious abuse directly in connection with their views on Shari’a, there is a strong reluctance among Nigerian northern society to express explicit or public criticisms of Shari’a or of the manner in which it is applied. Human Rights Watch researchers observed a form of self-censorship among critics – including academics, human rights activists, members of women’s organizations, lawyers and others – who were willing to express strong reservations about Shari’a in private conversations, but not in public. They claimed that it was not possible, or too dangerous, to express such views in public.” [22d] (p88)

“...Their reluctance to express criticism publicly appear to be based primarily on a fear of being labeled as anti-Islamic – a charge commonly leveled against perceived critics of Shari’a. Very few Muslims in northern Nigeria – however strong their criticisms of Shari’a are willing to take the risk of being perceived in this way. The consequences of this self-censorship have been a virtual silence on the part of northern civil society about the more controversial aspects of Shari’a, including some of the more blatant human rights abuses, and, for a long time, the absence of genuine, open public debate on these questions.” [22d] (p88)

“The politicization of religion has meant that criticism of northern state governments is also automatically labelled as criticism of Islam, even when it is not connected to issues of religion or religious law, and even when it focuses on specific legal or technical points. In the aftermath of the 1999 elections, opposition parties in the north were often described as anti-Islamic if they criticized the state government.” [22d] (p88-89)

“...Since around 2003, the climate appeared to be shifting slightly, with a greater opening of debating space, and some newspapers, such as the Daily Trust, widely read in the north, publishing articles by Muslim writers who were openly critical of the application of Shari’a. A human rights activist and academic in Kaduna explained: ‘The atmosphere is calmer now. People can discuss the issue more freely. In 2000 and 2001, people were either for or against Shari’a. Now there is a more sober discussion.’ ” [22d] (p89)

“However, most nongovernmental organizations in the north, including human rights groups and women’s groups, have still preferred to avoid addressing head-on the controversial issues which are seen as central to Shari’a, such as the nature of some of the punishments, and have concentrated their activities on raising public awareness, training, and other less sensitive areas.” [22d] (p90)

“...As a result, most of the public criticisms of Shari’a have come either from predominantly Christian civil society groups based in the south or other parts of Nigeria, or from foreign or international organizations. This has led to an increased polarization of opinion, and a perception that Christian or Western organizations are leading the ‘attack’ against Shari’a. The more nuanced criticisms of the Muslim population of the north have not been heard.” [22d] (p90)

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INTERNAL SECURITY

OVERVIEW

5.34 With regard to internal security, the USSD 2005 Report states that:

“The National Police Force (NPF) is responsible for law enforcement. 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 societal violence on numerous occasions during the year [2005], and the government continued its reliance on the army in some cases. Each NPF state unit was commanded by an assistant inspector general. The law prohibits local and state police forces. The NPF was responsible for human rights abuses and did not noticeably decrease the incidence of violent crime nationwide. Corruption was rampant, most often taking the form of bribes at highway checkpoints. Police generally operated with impunity in the apprehension, illegal detention, and sometimes execution of criminal suspects.” [3a] (Section 1d)

THE NIGERIAN POLICE FORCE

5.35 The Human Rights Watch (HRW) report “Rest in Pieces – Police Torture and Deaths in Custody in Nigeria”, published in July 2005, states that:

“The Nigerian Police Force is a centralized and federally administered institution. It is headed by an Inspector General of Police appointed by and accountable to the President. The constitution vests the overall operational control of the force in the hands of the President.” [22b] (p16-17)

“...Each of the thirty-six states and the federal capital territory is served by a unit called a command, under a state commissioner of police. Three or four state commands are grouped together to form one of twelve zones, each under an Assistant Inspector General. State commands are divided into smaller area commands, below which are divisional police stations, headed by a Divisional Police Officer (DPO) and finally local police posts. The force size currently stands at approximately 325,000 officers.” [22b] (p17)

“...As a federal institution, the Nigerian Police Force recruits officers from across the country. New recruits are posted to any one of the thirty-six state commands. Under a strict system of rotation officers are transferred to a new post every few years and therefore communities are policed by officers who may be from different ethnic or religious backgrounds to their own.” [22b] (p18)

“Serving alongside the regular police force are the Mobile Police, an especially trained anti-riot unit, numbering 30,000 officers. Known locally as MOPOL, they were originally created to contain civil disturbance or large-scale conflict but

today are also deployed to carry out various other policing duties. The Mobile Police operate under a parallel authority structure with forty-six squadrons, organized into state and zonal commands and headed by a commissioner of police at the force headquarters.” [22b] (p18)

- 5.36 The police are poorly paid, poorly resourced, and are ill-equipped to deal with violent crime, according to the HRW report, which states:

“Like many other state employees in Nigeria, police officers are poorly trained, ill-equipped and poorly remunerated. The average take-home salary for a constable is approximately US\$ 61 per month, slightly less than the average wage for a schoolteacher which is approximately US\$ 77 per month. Indeed partly because of their poor pay and conditions, corruption within the force is rampant as the lower cadres try to supplement their meager incomes. At the other end of the scale however, is a more gratuitous form of corruption, appeared to be motivated purely by greed.” [22b] (p12)

“...Rising poverty, high unemployment and the breakdown of traditional social structures have led to an upsurge of violent crime in recent years which the Nigerian police have been ill-equipped to address...While crime trends are notoriously difficult to analyze or interpret, it is apparent that the public perception is that crime rates in Nigeria are extremely high, particularly armed robbery.” [22b] (p12)

“The police have often been unable to meet the safety and security needs of local communities and are often overpowered by well-armed and often violent criminals. According to Nigerian police reform experts, the police force has insufficient well-trained manpower to adequately address policing needs. The loss of public confidence in the effectiveness of the police has resulted in the emergence of private security outfits and local vigilante groups, the most notorious of which include the Bakassi Boys in the south-eastern states, but also extends to hundreds of smaller groups across the country.” [22b] (p13)

- 5.37 In August 2005, the British High Commission in Abuja obtained information about the police from Prince Emmanuel Ibe, Special Assistant to the Chairman of the Police Service Commission, attached to the Presidency. According to Prince Emmanuel Ibe:

“In terms of protection the Nigerian Police Force is the same all over the country. It is one unified service and there is no variation in treatment. There is no discriminatory policy in the way people are attended to, whether they are rich, poor or [sic] from a particular area or not. There is no state policy to treat people unequally. The only problem that may happen is in the execution, where you may find variation in the individual.” [2a] (p9)

THE POLICE SERVICE COMMISSION

- 5.38 The HRW report about police torture and deaths in custody states that:

“The main body involved in the exercise of external oversight of the Nigerian Police Force is the Police Service Commission (PSC), an independent constitutional body established by law in 2001. The PSC is made up of a retired Justice of the Supreme Court or Court of Appeal, a retired Police Officer not below the rank of Commissioner, and four members of civil society. Section 6 of

the Police Service Commission Act grants the body responsibility for the appointment, promotion, discipline and dismissal of all Nigerian police officers below the rank of Inspector General.” [22b] (p61-62)

“According to the powers granted in the Act, the Police Service Commissioner is mandated to conduct investigations into cases of misconduct by the police in order to recommend internal disciplinary action against officers found negligent...The PSC has no authority to refer cases to the prosecutor. In reality, the commission lacks the political will to conduct investigations into cases of misconduct. All complaints of police misconduct, including serious human rights abuse[s], are currently referred to the police for further investigation. In 2004 the Police Service Commission received over fifty complaints of ill-treatment by the police from members of the public or human rights organizations, all of which were forwarded to the Inspector General of Police. In addition the PSC can recommend internal disciplinary action once an officer has been charged or convicted of a crime, but has rarely fulfilled this function. Rather the PSC merely ratifies recommendations of disciplinary action which have been made by [the] Assistant Superintendent of Police to Deputy Inspector General.” [22b] (p62)

“Many factors inhibit the exercise of the powers of the PSC, including lack of trained staff and equipment, all factors which could be addressed through greater financial support. There should be an appropriately resourced unit within the Police Service Commission to conduct their own independent investigation of crimes by police officers. Crucially this unit must be vested with the power to refer cases for prosecution. This would thus put in check any attempt by the police to derail an investigation of one of their own.” [22b] (p62)

5.39 The British-Danish FFM Report states that:

“The NPC is tasked with the overall organisation, administration and general supervision of [the] NPF. This does not include the appointment, disciplinary control and dismissal of members of [the] NPF. At present there appears to be no political will to establish strong mechanisms for accountability at this political level.” [15] (p32)

“Ayo Obe, member of [the] PSC, considered that the PSC is the very embodiment of the concept of civilian oversight for [the] NPF. PSC is responsible for the appointment, promotion, discipline and dismissal of every police officer in Nigeria other than the IGP. Acknowledging this Alemika [Professor of Criminology and Sociology of Law] considered that if the PSC was to be strengthened – organisationally, financially, materially and staff-wise – and allowed to function as an independent organisation as provided by the constitution, it will [sic] be one of the most powerful and autonomous civilian oversight institutions of the police in the world. However, the potential of the PSC has not been realised for a number of reasons e.g. lack of appropriate structures, directorates, policies [sic] and guidelines due to poor funding. Also as in many other countries the relationship between civilian oversight bodies and [the] NPF is often characterised by tension, suspicion and sometimes open hostility.” [15] (p32)

OTHER LAW ENFORCEMENT AGENCIES

5.40 The HRW report on police torture and deaths in custody states that:

“Several other national agencies carry out law enforcement functions and have the power to arrest and detain suspects, some at their own detention facilities. These include the National Drug Law Enforcement Agency (NDLEA), the Customs and Immigration Service and the Economic and Financial Crimes Commission (EFCC), a body established in 2002 to investigate a range of financial crimes such as money transfer fraud and money laundering. In addition, there are two principal intelligence agencies: the State Security Service (SSS) and the Directorate of Military Intelligence (DMI), dealing with criminal matters affecting the security of the state.” [22b] (p18)

- 5.41 Information obtained from “The Nigerian Immigration Service – A Profile”, published by NigeriaBusinessInfo.com (last reviewed in July 2003), states that immigration controls in Nigeria are the responsibility of the Nigerian 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] (p3-4)

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PRISONS AND PRISON CONDITIONS

- 5.42 With regard to prison conditions, the British-Danish FFM Report states:

“Deputy Comptroller General of Prisons, Paschel Nzerem was of the opinion that the current tempo of reforms in the Nigerian Prisons Service (NPS) has picked up and that there have been big improvements in standards, which, if sustained, will allow international standards to be met. Nzerem did not consider that prison conditions in Nigeria could now be considered as ‘life threatening’.” [15] (p58)

“Ogboxor [Country Director, PRAWA], stated that whilst prison conditions in general remain ‘inhumane, degrading and life-threatening’, he did not doubt the government’s commitment to address the problems. There has been increased funding to improve conditions and more prisons have been built of a high standard including those for specific categories of prisoner (e.g. drug offenders), and both health provision and conflict resolution have improved. The biggest problem does however remain that of overcrowding and in that regard the Presidential Task Force on Prison Congestion has been reconstituted in 2004 to address the issue. Ogboxor also pointed to two Bills currently before the National Assembly – one reforming the Prison Act of 1972 and the organisation of the NPS, and another to establish a Prison Service Commission with the power to recruit, set standards and discipline staff.” [15] (p58)

“...Nzerem pointed to the improvements regarding the availability of medical treatment in prisons. All prisons now have medical clinics with nurses or paramedics working there. Four large prisons have actual hospitals inside the prison (Lagos, Bauchi, Kaduna and Ilesha). Medical doctors are employed in almost all prisons, and where they are not, there is ready access to them. The situation regarding sanitation problems are being addressed and are improving with the introduction of public health officers in most of the prisons. Whilst access to safe drinking water remains a problem in some areas, due to the inability to connect the prison to any public water supplies, bore holes are being drilled to overcome this.” [15] (p59)

5.43 The USSD 2005 Report adds further:

“Prison and detention conditions [in 2005] remained harsh and life threatening. Most prisons were built 70 to 80 years ago and lacked basic facilities. Lack of potable water, inadequate sewage facilities, and severe overcrowding resulted in unhealthy and dangerous sanitary conditions. Some prisons held 200 to 300 percent more persons than their designed capacity. The government acknowledged overcrowding as the main cause of the harsh conditions common in the prison system. Excessively long pretrial detention contributed to the overcrowding.”

“A working group assigned by the attorney general to investigate prison conditions in the country released its report in March [2005]. The group found that 64 percent of inmates were detainees awaiting trial, and only 25 percent of those detainees had legal representation. Nearly two-thirds of the country’s prisons were over 50 years old. All of the prisons were built of mud brick, and their sewers, food, health care, education, and recreational facilities were well below standard.”

“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 National [non] Governmental Organizations [sic] (NGO) Prisoners Rehabilitation and Welfare Action (PRAWA), dead inmates were promptly buried on the prison compounds, usually without notifications to their families. A nationwide estimate of the number of inmates who died in the country’s prisons was difficult to obtain because of poor record keeping by prison officials.”

“In practice women and juveniles were held with male prisoners, especially in rural areas. The extent of abuse in these conditions was unknown. In most cases, women accused of minor offenses were released on bail; however, women accused of serious offenses were detained. Although the law stipulates children shall not be imprisoned; juvenile offenders were routinely incarcerated along with adult criminals. The Prison Service officially required separation of detainees and convicted prisoners, but in practice the method of confinement depended solely on the capacity of the facility. As a result, detainees often were housed with convicted prisoners.”

“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.” [3a] (Section 1c)

5.44 A United Nations IRIN report dated 11 January 2006 adds further:

“[Human] Rights organisations working in Nigerian prisons – and even prison officials themselves – say the conditions of death row inmates do not fulfil even minimum international human rights standards.”

“In Kaduna prison, death row inmates are locked up all day long, said Festus Okoye, executive director of Human Rights Monitor (HRM), a group based in the northern city.”

“‘They are allowed out only rarely, for a few minutes, one by one,’ he said. Meanwhile some prisoners collect the buckets used as toilets.”

“Most of the death row inmates are utterly alone and never receive visitors – their families living too far away and having abandoned them for fear of being associated with their crimes, [human] rights group sources say. Some simply cannot pay the ‘visiting rights’ fee charged by the wardens.”

“Nigeria this year acknowledged the sorry state of its jails, announcing plans to free some 25,000 inmates still awaiting trial – some for as long as ten years – in a bid to relieve overcrowding and bad conditions.”

“The move could ease conditions for those left waiting on death row for years. Since 1999 only one prisoner has been executed in northern Nigeria, with authorities openly reticent to carry through with executions, according to HRM.”

“Nigeria countrywide has 548 prisoners awaiting capital punishment – 10 of them women – among a total [of] 40,000 detainees, according to Ernest Ogbozor of Prisoners Rehabilitation and Welfare Action (PRAWA), Nigeria’s largest prisoner rights organisation.”

“... ‘The two main problems in Nigerian prisons are congestion and lack of food,’ said Hassan Saidi Labo, assistant to Nigeria’s prison inspector general.”

“Kaduna is a clear example. In December 2005, 957 detainees were crammed in 10 buildings – constructed nearly a century ago – designed for about 550 people.”

“Labo says some prisons hold up to four times their capacity.”

“...Monitoring by outside groups has had some impact. Since prisons were opened to religious and humanitarian organisations more than 10 years ago, the prison death rate has fallen from 1,500 per year in the late 1980s to 89 deaths in 2003, according to authorities.”

“Still the risk of death in prison remains high, particularly because of lack of food, said Harp Damulak, the Kaduna prison hospital doctor.”

“...Lack of food moreover aggravates already poor hygiene conditions. Damulak said that malnutrition makes prisoners highly vulnerable to infectious diseases such as tuberculosis or skin diseases caused by lack of hygiene.”

“The situation is the same for women inmates in Kaduna prison, where 18 women live in two cells, sleeping on iron beds stacked one atop another, some without mattresses. The bathroom has long been without running water.”

“...Prison conditions weigh heavily on the detainees, often causing depression and other psychological problems, according to Damulak. And prison personnel are not trained to handle such issues, he said.”

“...Under the recently announced plan to release prisoners, those who have spent three to 10 years awaiting trial will have their cases reviewed for immediate release. Also eligible will be the elderly, the terminally ill and those with HIV, as well as people locked up for longer than the prospective sentence for their crime.” [21h]

MILITARY SERVICE

- 5.45 Information obtained from the British High Commission in Abuja, dated January 2006, indicates that the Nigerian army does not have a compulsory military service scheme. Recruitment into the army is on a voluntary basis only. Officers and soldiers serve under different terms and conditions of service. If a soldier wishes to leave the army before the mandatory period of service has been completed, he is free to apply to do so. According to the Nigerian Armed Forces Act, the maximum penalty for army desertion in peacetime and wartime, if found guilty by court martial, is two years' imprisonment. In practice, this penalty and lesser ones are enforced by the Nigerian army. [2b]

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MEDICAL SERVICES

GENERAL

- 5.46 The Economist Intelligence Unit's 2006 Country Profile on Nigeria states that:

“Provision of healthcare in Nigeria is poor, and official data indicate that standards have declined in recent years. Limited resources available are being channelled into personnel rather than buildings and equipment. Health spending averaged 4.5% of federal government recurrent expenditure in 2001-04. In order to raise money to fund additional spending, a long-awaited national health insurance scheme was launched in 2003. Under the scheme, for a modest financial contribution, a worker plus spouse and four children can qualify for free health services, excluding treatment for chronic diseases such as cancer and HIV/AIDS. Contributions are voluntary for most workers but compulsory for public sector employees who will pay 5% of their basic salary into the scheme, with the government paying 10%. Those not in formal employment can also join the scheme by forming socially cohesive groups of more than 500 members, with each member paying an agreed flat rate.” [10a] (p18)

“Meanwhile, most indicators of health provision remain poor. Life expectancy is low and, according to CBN [Central Bank of Nigeria] estimates, there was only one hospital bed per 2,925 people in 2004. The person/doctor ratio was extremely high at 19,745:1, as was the person/nurse ratio at 2,872:1.” [10a] (p18)

5.47 The Norwegian 2004 FFM Report on Nigeria states that:

“The difficult situation in the public health service has resulted in the elite going abroad for treatment when able to do so – especially surgery (that is, when suffering from conditions not in need of immediate treatment), the middle class mainly use private clinics and hospitals, whereas those who cannot afford private treatment can only resort to the substandard services of the public health system.” [37] (p16)

5.48 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 National Hospital in Abuja has facilities for ENT, general and internal medicine, general surgery, paediatric surgery, obstetrics and gynaecology. Ancillary services include a seven-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 four-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, ten beds with ICU capability, two ICU ward beds and an emergency room. [30]

5.49 A British-Danish FFM Report states that:

“According to Dr. Abengoe, who is Professor of Cardiology at the National Hospital in Abuja and one of the panel of doctors at the BHC [British High Commission] Clinic, hospitals throughout Nigeria are now generally able to cope with bacterial infections (including HIV, tuberculosis, malaria, typhoid and yellow fever). Non-communical illnesses such as diabetes and high blood pressure - both very common in Nigeria - can also be treated but the costs of medication (drugs) is very high and many patients do not take the drugs because the cost is prohibitive.”

“Dr. Abengoe’s experience is that all hospitals either stock, or can readily obtain, all drugs on the World Health Organisation’s (WHO) Model List of Essential Medicines. Some pharmacies do not store the drugs in the proper conditions. The better quality, more reputable pharmacies do however have proper storage facilities.”

“In Dr Abengoe’s opinion Nigerian hospitals are not well equipped to perform kidney transplants – only two or three hospitals in the country have the facilities for this operation. Kidney dialysis however is widely available.”

“...Dr. Abengoe considered that hospitals in Nigeria do not have adequate facilities to deal fully with complications in pregnancies. Caesarean section can be done but there are otherwise no intensive care facilities or specialised maternity nurses. There is no provision for the care of the elderly who are normally cared for by family members.” [15] (p63-64)

- 5.50 Information dated January 2006, obtained from a doctor by the British High Commission in Abuja, indicates that there is no government-run national health service that provides a good standard of medical care to everyone who needs it in Nigeria. As regards the availability of drugs, people who can afford private medical care can obtain virtually all the drugs they require. The majority of people, however, cannot afford private medical care. [2c]

MALARIA

- 5.51 Medical treatment for people suffering with malaria is available in Nigeria. A United Nations IRIN report, dated 25 January 2005, reported that there was evidence of widespread resistance to the drugs which are used to treat malaria sufferers. The Health Minister, Eytayo Lambo, announced that the use of malaria-resistant drugs such as chloroquine and sulfadoxine-pyrimethamine would be phased out and more effective artemisinin-based drugs would be used. According to the Health Ministry, artemisinin-based drugs currently in use in Nigeria are imported but the Ministry stated that it had approached pharmaceutical firms about producing the drugs in Nigeria. [21f]

SICKLE CELL ANAEMIA

- 5.52 An article published by *This Day* (Nigerian newspaper), dated 31 May 2004, states that 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]
- 5.53 Information dated January 2006, obtained from a doctor by the British High Commission in Abuja, indicates that medical treatment for people suffering from sickle cell anaemia is available in Nigeria. Few people, however, have access to this medical care. There are medical and nursing professionals available who are trained to administer medical care to people with sickle cell anaemia, but there is a shortage of these professionals. [2c]

HIV/AIDS

- 5.54 A Médecins Sans Frontières (MSF) report dated March 2005 report states:

“HIV/AIDS is a growing problem in Nigeria, Africa’s most populous country. According to official estimates, five percent of the country’s adult population is living with the HIV/AIDS virus. This suggests that an estimated 250,000 of the 12 million people living in Lagos, the country’s largest city, are HIV positive. Most of those in urgent need of life-prolonging treatment for AIDS or related illnesses have no way of getting it, because treatment is too expensive or unavailable in their area.” [19a]

- 5.55 A United Nations IRIN report dated 24 January 2005 reported that Médecins Sans Frontières (MSF)-Netherlands launched a HIV/AIDS care and support project at Lagos General Hospital in August 2004 to offer a comprehensive AIDS treatment programme for people with HIV/AIDS. The project, implemented in partnership with the Lagos state department of health, offers a comprehensive range of services, including testing, counselling, medical care, nutritional support and free anti-retroviral (ARV) treatment. MSF stated that it planned to provide free treatment and counselling for more people with HIV/AIDS living in Lagos. [21e]
- 5.56 The MSF 2005 International Activity Report states that:
- “MSF is now treating more than 500 patients with lifeextending [sic] antiretroviral (ARV) medicines at [the] General Hospital [on] Lagos Island. The program also offers voluntary counselling and testing, support programs to encourage adherence to treatment, care for opportunistic infections, and social and psychological support. In total, more than 1,000 people are receiving HIV/AIDS care from MSF.” [19b]
- 5.57 A United Nations IRIN report dated 1 March 2005 adds further:
- “The Nigerian government has said it aims to quadruple the number of people on antiretroviral drugs (ARVs) by mid-2006, enabling up to 250,000 HIV-positive people receive the medication.”
- “ ‘With grants from the Global Fund, the US President’s Initiative PEPFAR, the World Bank and the federal government, our projection is that we’ll be able to treat 250,000 people by June 2006,’ Babatunde Osotimehin, the head of Nigeria’s National Action Committee on AIDS (NACA), told IRIN.’ ”
- “The target was first announced last week at a press conference at the end of a visit to Nigeria by Richard Feachem, the director of the Global Fund to Fight AIDS, Tuberculosis and Malaria.”
- “Nigeria had previously set a goal of providing subsidised ARV treatment to 100,000 people by the end of 2005. About 65,000 already benefit from the scheme.”
- “...Last week the Nigerian Health Minister Eyitayo Lambo got approval from the cabinet to extend subsidised ARV treatment to 100,000 HIV-positive Nigerians by the end of 2005. Three years ago, the government launched the cheap treatment initiative, offering ARV drugs to 15,000 people at a discounted price.”
- “ ‘In addition to those 15,000 people on ARV treatment, there are now another 50,000 thanks to funds allocated by PEPFAR,’ Lambo was quoted as saying in the Nigerian daily, The Guardian, on Monday. ‘We think we will be able to treat 100,000 people by December [2005].’ ”
- “However, despite these aggressive expansion plans, government officials said the country was unlikely to meet its World Health Organisation (WHO) target of putting 400,000 people on ARV treatment by the end of the year.”

“ ‘This initiative seems very ambitious,’ NACA’s Osotimehin told IRIN. Health Minister Lambo was equally cautious, telling The Guardian: ‘I’m not sure that we’ll make it.’ ” [21b]

CORONARY HEART DISEASE

5.58 The British-Danish FFM Report states:

“Dr. Abengoe explained that Nigeria does not have any heart institute and its ability to deal with coronary illness is very limited. Whilst electrocardiogram (ECG) is available in teaching hospitals, there are no facilities available to perform heart by-pass operations or other coronary surgical procedures. Nor are there any intensive care units for those suffering from coronary illness. Those who need these procedures have them undertaken overseas most commonly in Ghana or Israel.” [15] (p63-64)

CANCER

5.59 The British-Danish FFM Report states:

“According to Dr. Abengoe treatment for cancer (breast, prostate, stomach, bone and liver are the most common in Nigeria with very little lung cancer) can be treated but availability of irradiation therapy is very limited, and restricted to a few teaching hospitals. Again the majority of people in need of cancer treatment travel overseas to receive it. Heavy reliance is placed on early detection of cancers available at teaching hospitals.” [15] (p63-64)

5.60 An article about the Obafemi Awolowo University Teaching Hospitals Complex (OAUTHC), published in the Volume 4, No 3 (winter 2003-04) International Network for Cancer Treatment and Research Newsletter states:

“The OAUTHC is one of the first-generation teaching hospitals established by the Nigerian government to deliver quality health care to its people, and until very recently was the only teaching hospital in Osun State, drawing patients from the whole of Ondo, Ekiti and parts of Oyo and Kwara states, a predominantly Yoruba ethnic population of about 20 million.”

“Between January 2001 and December 2002, 860 cancer cases (all ages and sexes) were seen at OAUTHC. The most prevalent cancers seen there are breast, prostate and cervical cancers, followed by non-Hodgkin’s, non-Burkitt’s lymphoma, and Burkitt’s lymphoma, respectively. Other cancers include colorectal cancer, stomach, sarcomas, liver and skin cancers other than melanomas. In recent months, the hospital has been coordinating the free Glivec treatment for chronic myelocytic leukemia and gastrointestinal stromal tumors, under the Glivec myelocytic leukemia and gastrointestinal stromal tumors, under the Glivec International Patient Assistance Program sponsored by the Max Foundation.”

“Dr Muheez Durosinmi is the sole hemato-oncologist on staff at OAUTHC. Other cancer professionals on staff include pathologists, radiologists, gynecologists, general surgeons, and pediatricians.” [39]

5.61 An article published in the Volume 5, No 1 (summer 2004) International Network for Cancer Treatment and Research Newsletter states:

“In Nigeria with a population of 120 million people in 2002, there are fewer than 100 practicing oncologists and no center exclusively focused on cancer research. There are only four active radiotherapy centers giving a ratio of one machine to about 30 million people, as against the recommended one per quarter million. The available spectrum of anti-cancer drugs is very limited and such drugs are not readily available. Imaging facilities for staging patients with cancer, such as computerized tomography (CT) and magnetic resonance imaging (MRI), are difficult to come by, and when available the cost of such studies puts them out of reach of the average citizen. The inability to properly classify the various types of hematological cancers owing to lack of immunophenotypic, immunocytochemical and cytogenetic diagnostic facilities is of great concern to hemato-oncologists practicing in this part of the world.”

“There is no doubt that cancer is a serious public health problem in Nigeria, but regrettably, its management has not been satisfactory due largely to the adverse effects of unfavourable economic factors. This experience is similar to that in other African countries which have similar economic problems.” [40]

MENTAL HEALTH CARE

- 5.62 With regard to mental health care facilities for persons with mental illnesses, the Norwegian 2004 FFM Report on Nigeria states that:

“The Nigerian Red Cross stated there was at least one psychiatric hospital in all of Nigeria’s states, but that the federal government cannot be said to have a state policy regarding psychiatric care. Some private services exist, but they are expensive, and psychotherapy almost non-existent. An additional problem is that psychiatric patients are generally in a very advanced condition when they are brought to psychiatric institutions, and accordingly very difficult to treat. The Nigerian Red Cross considered that the treatment of psychiatric patients often violated their integrity.” [37] (p17)

- 5.63 The British-Danish FFM Report states:

“Dr. Abengoe explained that there are four institutes of psychiatry in Nigeria that are able to deal with general mental health care. Those suffering from Post Traumatic Stress Disorder (PTSD) do not normally seek medical assistance – PTSD carries a stigma for the individual and nor is it recognised as a condition that requires treatment. There are as a consequence no facilities or experts within this area in Nigeria.” [15] (p63)

- 5.64 The Nigeria section of the World Health Organisation (WHO) 2005 Mental Health Atlas states that Nigeria has a mental health policy and a national mental health programme in effect. The Mental Health Atlas states that “psychotropic drugs are available and relatively affordable” but also states that “newer formulations are either unavailable or too expensive.” A month’s supply of the drug “risperidone (2 mg) would cost more than the minimum wage in the public service.” [32]

- 5.65 The WHO 2005 Mental Health Atlas adds further:

“Mental health care is part of [the] primary health care system. Actual treatment of severe mental disorders is available at the primary level. However, relatively few centres have trained staff and equipment to implement primary health care. Regular training of primary care professionals is carried out in the field of mental health. Each state has a school of Health Technologists for [the] training of primary care professionals including health care workers.”

“There are community care facilities for patients with mental disorders. Community care is available in a few states. Providers include private medical practitioners, NGOs, especially faith-based organizations and traditional healers.”

“...The following therapeutic drugs are generally available at the primary health care level of the country: carbamazepine, phenobarbital, phenytoin sodium, amitriptyline, chlorpromazine, diazepam, fluphenazine, haloperidol, biperiden. Benzhexol (5mg) is [also] available.” [32]

PEOPLE WITH DISABILITIES

5.66 The USSD 2005 Report states that:

“There were no laws that prohibited discrimination against persons with physical and mental disabilities in employment, education, access to health care or the provision of other state services. There were no laws requiring physical accessibility for persons with disabilities. Children and women with disabilities faced social stigma, exploitation, and discrimination, and were often regarded as a source of shame by their own families. Children with disabilities who could not contribute to family income were seen as a liability, and in some cases were severely neglected. Significant numbers of indigent persons with disabilities beg on the streets. Literacy rates among various categories of persons with disabilities were significantly lower than among the general population, for both men and women. The federal government ran vocational training centers in Abuja to provide training to indigent persons with disabilities. The individual states also provided facilities to assist blind and physically incapacitated individuals to become self-supporting, and persons with disabilities established a growing number of self-help NGOs.” [3a] (Section 5)

THE EDUCATION SYSTEM

5.67 The Nigeria section of europaworld.com states that primary education begins at six years of age and lasts for six years. Secondary education begins at 12 years of age and lasts for a further six years. Education to junior secondary level (from six to 15 years of age) is free and compulsory. [1]

5.68 The USSD 2005 Report states that:

“Public schools [in 2005] continued to be inadequate, and limited facilities precluded access to education for many children. The law calls for the government, ‘when practical,’ to provide free, compulsory, and universal primary education; however, compulsory primary education rarely was provided...In many parts of the country, girls were discriminated against in access to education for social and economic reasons. When economic hardship restricted families’ ability to send girls to school, many girls were directed into

activities such as domestic work, trading, and street vending. Many families favored boys over girls in deciding which children to enrol in secondary and elementary schools.” [3a] (Section 5)

5.69 The Economist Intelligence Unit's 2006 Country Profile on Nigeria states:

“According to Central Bank of Nigeria (CBN) data, education spending averaged 8% of federal government recurrent expenditure and 3% of capital expenditure in 2000-04. According to most local sources, over the past decade standards of education in the public sector have plummeted. As a result, there has been significant growth in the number of private secondary schools, which, because of their high fees, are accessible only to the elite. The university system, once highly rated, is in poor shape, struggling with dilapidated facilities, lack of funding and the loss of its best teachers.” [10a] (p17)

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6. HUMAN RIGHTS

6A. HUMAN RIGHTS ISSUES

GENERAL

6.01 The British-Danish FFM Report states:

“The BHC [British High Commission] emphasized that the government of Obasanjo has a professed commitment to improve the human rights situation in Nigeria. Many of the serious abuses that have occurred since the restoration of democracy [in 1999] are a result of the security forces’ use of excessive force and their poor treatment of protesters, criminal suspects, detainees and convicted prisoners. This reflects the scale of the problems Obasanjo inherited from his military predecessors, particularly rebuilding the police force from scratch in a country facing so many other urgent and complex issues, such as inadequate infrastructure, endemic corruption and severe levels of poverty. The law enforcement agencies suffer from a lack of resources, particularly inadequate training. But Obasanjo has ended the pattern of systematic state-sponsored human rights abuses that were prevalent under military rule.” [15] (p4)

“...Kabiru A. Yusuf, Editor-in-Chief, Daily Trust Newspaper, Abuja, considered that there has been a significant improvement in human rights since 1999. People are able to freely express their views and organise themselves. There are only a ‘very, very small number’ of incidents in which individuals have been detained because of their political views. Now and then individuals have been suspected of subversive activities, but such cases are extremely few. The cases have mostly been related to religious extremism in Muslim areas and those detained have all been released after a few months’ detention. Yusuf emphasised that the pattern of human rights violations of the days of military rule is completely gone.” [15] (p5)

“...Clement Nwankwo, Attorney-at-Law and former Director of the civil rights group Constitutional Rights Project, did not consider that deliberate persecution by state agents takes place in Nigeria. However, he stated that it is a serious human rights problem that the governmental institutions are not in place and ‘the bull has not yet been tackled by the horn’. The problem is that the authorities still permit human rights violations and that the government structures are suffering from shortcomings especially regarding regulations of police investigations into ill-treatment and harassment committed by the authorities.” [15] (p6)

“Nwankwo considered that Nigeria has moved far into the democratisation process since 1999 and that constitutional rights have been restored. However, in reality there are still problems as the NPF and the security service to a large extent have continued its own traditions from the period of military rule.” [15] (p6)

6.02 Although there has been an improvement in the human rights situation since democratic rule was restored in 1999, human rights abuses continue to be reported, as the USSD 2005 Report states:

“The government’s human rights record remained poor [in 2005], and government officials at all levels continued to commit serious abuses. Inadequate infrastructure, endemic corruption, and general economic mismanagement hindered economic growth. Much of the country’s wealth remained concentrated in the hands of a small elite. More than 70 percent of citizens live on less than one [US] dollar per day. The following human rights problems were reported [in 2005]:

- abridgement of citizens’ right to change their government
- politically motivated and extrajudicial killings by security forces and use of excessive force
- vigilante violence
- beatings of prisoners, detainees, and suspected criminals
- harsh punishments by Shari’a courts
- impunity
- harsh and life-threatening prison conditions
- arbitrary arrest and prolonged pretrial detention
- executive interference in the judiciary and judicial corruption
- infringements of privacy rights
- restrictions on freedom of speech, press, and assembly
- limited freedom of religion and movement
- domestic violence and discrimination against women
- female genital mutilation (FGM)
- child abuse and child prostitution
- communal violence and ethnic, regional, and religious discrimination
- trafficking in persons for purposes of prostitution and forced labor
- restrictions on workers’ rights
- child labor.” [3a] (Introduction)

6.03 The Human Rights Watch “Human Rights Overview” 2005 report on Nigeria, published in January 2006, states that during 2005:

“Nigeria’s most serious human rights problems remain unresolved. The government has largely failed to tackle the impunity that often attaches to serious human rights abuses, particularly abuses committed by the security forces and government officials. No one has yet been brought to justice for the massacre of hundreds of people by the military in Odi, Bayelsa state, in 1999, and in Benue state, in 2001, and members of the Nigerian police force are very rarely held accountable for widespread abuses including torture and murder. While the federal government has made some efforts to tackle corruption, it remains a pervasive problem even as the vast majority of Nigerians continue to live in extreme poverty. Widespread corruption leads directly to violations of social and economic rights and exacerbates other causes of violence and intercommunal tension.”

“In recent years, Nigeria has repeatedly been shaken by devastating outbreaks of intercommunal violence that are often fueled by government mismanagement and political manipulation. Many unresolved tensions are likely to be made even more explosive by intense political competition surrounding landmark presidential primaries in 2006 and general elections in 2007. Concerns exist that many politicians may resort to the same violent tactics in the upcoming elections that undermined the legitimacy of the last nationwide polls in 2003.”

“Intercommunal violence along ethnic, religious and other lines has claimed thousands of lives since the end of military rule in 1999. While 2005 saw no large-scale outbreaks of communal violence comparable to the worst incidents of recent years, smaller local-level clashes, for example in Kwara, Delta and Edo states, during which scores of people were believed to have died, occurred throughout 2005. Human Rights Watch estimates that between two thousand and three thousand people have been killed in outbreaks of intercommunal violence in Plateau State alone since 2001, including seven hundred people in 2004.”

“The continuing tensions underlying Nigeria’s endemic intercommunal clashes – including conflicts over citizenship rights, environmental and population pressures, basic state failure to provide needed services, religious extremism, economic decline, corruption and cynical political manipulation of intercommunal divisions – are as complex as they are volatile. But Federal and State government officials in Nigeria have generally failed to heed warning signs that might allow them to prevent episodes of violence and have failed to respond effectively to violence when it occurs. Security forces are often notably absent when violence erupts, and widespread impunity for human rights violations contributes to the cycle of violence and emboldens perpetrators. For example, since the 2004 violence in Plateau and Kano, those responsible for instigating and planning the attacks appear to have escaped justice.” [22e] (p1)

THE NATIONAL HUMAN RIGHTS COMMISSION

- 6.04 The Human Rights Watch report “Rest in Pieces – Police Torture and Deaths in Custody in Nigeria”, published in July 2005, states that:

“The National Human Rights Commission (NHRC) is a parastatal body established in 1995 and charged with the promotion and protection of human rights in Nigeria. It is granted powers to monitor and investigate cases of human rights violations, including torture. The commission is fundamentally handicapped in two ways: it is acutely under-resourced, and lacks judicial power to enforce redress and can only make recommendations to the government. It is thus unable to effectively carry out its functions. Despite efforts to publicize its role, the NHRC is still relatively inaccessible to ordinary Nigerians. Many people are not aware of its existence and regional offices are understaffed. This is reflected in the low number of complaints of torture that the commission receives. For example it received just twenty-five cases of torture by law enforcement agents in 2003.” [22b] (p62-63)

“Once commission investigators have verified the facts of each case, details are sent to the Inspector General of Police via a Police/Human Rights Commission committee. Held at regular intervals, this committee provides a formal channel through which cases of torture and other abuse can be directed to the police authorities for the purpose of recommending internal discipline. Senior commission staff told Human Rights Watch that through their intervention a number of officers have been dismissed or given corporate sanction for perpetrating abuses, including torture, although none have been prosecuted.” [22b] (p63)

- 6.05 Regarding the NHRC, the British-Danish FFM Report states that:

“Tony Ojukwu, Assistant Director and Legal/Special Assistant to the Executive Director, NHRC, explained that [the] NHRC is the only governmental human rights body in Nigeria. There are no government human rights institutions at state level but a number of regional NHRC-offices have been established. These are located in Lagos (Lagos State), Maiduguri (Borno State), Port Harcourt (Rivers State), Kano (Kano State) and Enugu (Enugu State). An additional office will soon be established in Jos (Plateau State).”

“Ojukwu explained that NHRC records human rights violations, receives complaints from individuals and advises the government and the authorities regarding human rights. Within the last twelve months NHRC received approximately 800 complaints regarding extra-judicial killings, domestic violence, authorities misuse of power, illegal arrests and detention, police violence, pension and co-operative matters and environmental complaints. Only two such complaints were brought to the courts within the same period.”
[15] (p36)

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PERSECUTION FROM NON-STATE AGENTS AND INTERNAL RELOCATION

- 6.06 The British-Danish FFM Report states that individuals who fear persecution from non-state agents can seek police protection, but also states that:

“The NPF is however reluctant to challenge groups or individuals who may be better armed than the police and as a consequence the police do not take any action. The NPF is also sometimes reluctant to take action against such groups because these groups have the backing of senior government officials. Any prosecutions which are brought as a result of police action will invariably be in favour of the wealthier party to the complaint.” [15] (p31)

- 6.07 As Nigerians can freely move within Nigeria, it is possible for Nigerians to relocate to another part of Nigeria to avoid persecution from non-state agents. Those Nigerians who do relocate, however, may encounter problems. The British-Danish FFM Report states:

“The BHC believed that internal relocation to escape any ill treatment from non-state agents was almost always an option. Some individuals may, however, face difficulties with regard to lack of acceptance by others in the new environment as well as lack of accommodation, land etc. The situation would be considerably easier if the individual concerned has family or other ties on [sic] the new location.” [15] (p37)

“According to the Minister of Internal Affairs, Dr Iorchia Ayu there is no longer any state persecution in Nigeria. Persons that encounter any difficulties from non-state agents are able to relocate internally. There is free movement for all citizens within the country. Those who travel overseas to claim asylum have no reason to do so. Although claiming asylum overseas reflects badly on the country returnees will not encounter any problems upon return.” [15] (p37)

“A senior representative of the IGP stated that NPF does not return anyone to the jurisdiction of a *Shari'a* court if he or she has relocated elsewhere in Nigeria in order to escape *Shari'a* jurisdiction.” [15] (p37)

“Momoh [Channels Television] explained that it is possible to evade ‘social persecution’ e.g. FGM, forced marriage, *Shari’a* punishment etc by relocating inside Nigeria. Momoh saw only one obstacle for escaping FGM in the form of lack of means for a person from the rural hinterland. Regarding forced marriages Momoh explained that it is possible to escape such arrangements by relocating. Forced marriage is predominantly a phenomenon in the northern part of Nigeria and a woman can escape a forced marriage by relocating to the south. It was emphasised that there is freedom of movement throughout Nigeria.” [15] (p37-38)

- 6.08 The Nigeria section of the ACCORD/UNHCR 2002 Country of Origin Information Seminar Report adds further:

“If a person relocates within Nigeria, he or she will usually seek to find shelter with a relative or a member of his or her community of origin. This means, however, that the same network which accord protection can become a source of persecution if some body has run afoul of his or her community. Informal communication networks function very well in Nigeria, and it is not too difficult to find a person one is looking for. This is true also for so-called big cities whose neighbourhoods are structured along village and community lines.” [31] (p169)

“The viability of an internal relocation alternative therefore depends on whether anybody would be interested to follow someone to e.g. Lagos. It is very hard to make a general statement for such cases. People might be able to relocate if they have run into trouble with a rival ethnic community or a vigilante group or if they flee violent conflict.” [31] (p169-170)

“...People who have difficulties with their own community – a woman refusing to enter a marriage or to undergo FGM – might not easily be harboured by their relatives or members of their community in another part of the country. Leaving their family signifies social and economic exclusion for the large majority of Nigerians and in particular for women. There are women NGOs who might take her in for a while, but they will not be able to support her forever. The only option for women in such cases would be prostitution.” [31] (p170)

HUMAN RIGHTS ABUSES COMMITTED BY THE POLICE

- 6.09 The British-Danish FFM Report states that:

“A senior representative of the IGP confirmed that members of the police using excessive force is a problem and that there are many complaints made. The law only permits ‘minimum reasonable force’ to be used. When complaints are made, the police officers concerned are suspended pending the investigation. If the complaint is substantiated the officer concerned will be dismissed and action initiated in respect of the particular offence, e.g. charged with using threatening behaviour, actual bodily harm etc and dealt with through the criminal courts. The source was not able to provide no [sic] exact figures on the number of complaints made, investigated and their outcomes, against policemen by the public. Although the source undertook to provide the delegation with the information before the end of the mission, it was not unfortunately forthcoming.”

“Momoh [Channels Television] confirmed that bribery and extreme violence is often committed by the NPF. Normally the government does not intervene and Momoh considered NPF abuses as a major human rights problem. He added that the SSS harass persons for no particular reason and mass arrests are taking place in order to extract money from those arrested.”

“Asiwaju [CLEEN] explained that police brutality is much more common in rural areas than in major urban centres such as Lagos or Abuja but no statistics are available to document the scale of police brutality in Nigeria. In general the NPF has a long history of abuse and violence and it is difficult to change its course and transform it into a democratic institution.” [15] (p29)

- 6.10 There have been reports of extra-judicial killings committed by the police, as stated in the British-Danish FFM Report:

“Yusuf [*Daily Trust* newspaper] said that there are reports of several hundred incidents of NPF officers arresting and executing armed robbers, instead of taking the culprits through the courts. He explained that a court case can take many years and as accused armed robbers might be able to avoid trial through bribery the police officers might take suspects out of town and shoot them. According to Yusuf such extra-judicial killings are frequent and widespread.”

“In addition Yusuf explained that well-to-do people often use NPF to settle their personal disputes and it is in this connection that extra-judicial killings can take place. The use of bribery is also widespread.”

“LEDAP distinguishes between summary executions and extra-judicial killings. Summary executions refer to unlawful killings by non-state actors; extra-judicial killings refer to killings carried out by state agents, such as law enforcement agents like the police, military, drug enforcement agents, customs and security outfits. LEDAP reported that more than 700 victims of summary and extra-judicial killings in Nigeria were reported during the two-year period between December 2001 and December 2003.” [15] (p30)

- 6.11 The HRW report on police torture and deaths in custody in Nigeria states that:

“During interviews with Human Rights Watch, local NGOs, lawyers and prison officials report little improvement in the treatment of criminal suspects by the police or the reduction of torture since the end of military rule in 1999. Indeed, thirty-six of the fifty people interviewed represented urban areas, which, due to high crime rates, have a higher proportion of criminal cases, as well as remote rural areas where poor infrastructure and communication mean the activities of [the] police go largely without scrutiny by local human rights groups.” [22b] (p26)

“...The most common types of abuse committed by the police in Nigeria described to Human Rights Watch by victims and perpetrators includes repeated and severe beatings with metal rods and wooden sticks or planks, as well as other implements described above. Other violations reported include the tying of arms and legs tight behind the body; suspension by hands and legs from the ceiling or a pole; resting concrete blocks on the arms and back while suspended; spraying of tear gas in the face and eyes; electric shocks; death threats, including holding a gun to the victim[’s] head; shooting in the foot or leg; stoning; burning with clothes irons or cigarettes; slapping and kicking with

hands and boots; abusive language or threats; and denial of food and water.” [22b] (p28)

“Ordinary criminal suspects who have been detained and accused of crimes ranging from petty theft to armed robbery and murder are those most vulnerable to torture and death in custody, according to local human rights organizations, lawyers and members of the judiciary. Forty-one people, the majority of those interviewed by Human Rights Watch, fell into this group.” [22b] (p29)

“Numerous victims, witnesses and local NGOs described to Human Rights Watch how police unlawfully arrested, detained and tortured friends or relatives in place of a suspect who, at the time, was unable to be located. This appeared to be aimed at bringing forward the suspect or for the purpose of extortion, a fact recently recognized by the Acting Inspector General of Police. According to national media reports, the Acting Inspector General, at a meeting with force investigative heads in February 2005, criticized the practice and told the officers present: ‘If you go to arrest a suspect and could not get him, devise a technique, such as keeping surveillance instead of arresting his maternal or paternal relations.’ ” [22b] (p32-33)

“Other categories of detainees, such as protestors against government policies and members of self-determination groups, have sometimes been subjected to beatings or other ill-treatment in police custody. In these cases the abuse appears to be aimed at punishing them for involvement with groups which threaten or clash with the policies of the state or federal government. Over the last few years Human Rights Watch has documented human rights abuses against members of organizations advocating greater autonomy for distinct ethnic, regional or religious group[s], such as the Igbo organization, Movement for the Actualisation of the Sovereign State of Biafra (MASSOB) and the Yoruba, O’odua People’s Congress (OPC).” [22b] (p33-34)

“...In the vast majority of the cases of criminal suspects interviewed by Human Rights Watch the primary function of torture was to extract confessions or information about an alleged crime. The attitude that torture is an accepted tool of interrogation appears to pervade all levels of the police force...Typically, those interviewed described being beaten until they admitted to the alleged crime, after which the investigating police officer wrote or dictated a confessional statement for them to sign. Many victims described signing the statement without knowing what it said, either because they were illiterate or because the document was withheld from them, and first hearing of their charge when arraigned before a court.” [22b] (p36-37)

“...One of the most challenging obstacles to the eradication of torture is the deeply engrained societal attitude to violence and the powers of the police. For many Nigerians, who have experienced years of oppression and brutality by military rulers, the use of violence by the institutions of the state is accepted, even seen as normal. Even where they know the police action was wrong and illegal, they appear to feel powerless to register a complaint or seek redress. The attitude was evident in the course of interviews with victims, who time and time again expressed a resignation to their fate...It was also evident in attitudes within the police force, where the perpetrators themselves see torture as acceptable. The Kano State commissioner of police even told Human Rights Watch that members of the public would recommend a subject is tortured.” [22b] (p64-65)

- 6.12 The Human Rights Watch “Human Rights Overview” 2005 report on Nigeria, published in January 2006, states:

“During 2005, as in years before, torture, ill-treatment, extra-judicial killings, arbitrary arrest and detention and extortion by the police, often perpetrated by or with the knowledge of senior police, remained widespread and routine. Impunity from prosecution remains the biggest single obstacle to combating this problem. In June 2005 six people were killed at a police checkpoint in Abuja. In response to a nationwide outcry over the killings, federal authorities took the highly unusual step of bringing five police officers to trial on charges of homicide. According to statistics provided by the Nigerian police, several thousand ‘armed robbery’ suspects have been killed by the Nigerian police in recent years. The police have also killed scores of people in custody or in the course of routine duties such as traffic control. There is no independent mechanism to ensure that abuses by the police are addressed or even properly investigated. Since the end of military rule there have been no successful prosecutions against Nigerian police officers alleged to have committed torture.”

“In August 2005, President Obasanjo publicly acknowledged that Nigerian police officers have committed murder and torture. It remains to be seen whether this statement will be followed up with a serious push for badly needed reforms.” [22e] (p2)

- 6.13 The USSD 2005 Report adds further:

“In January [2005], following the firing of Inspector-General of Police Tafa Balogun for corruption, Acting Inspector-General Sunday Ehindero disbanded the Federal anticrime taskforce known as ‘Operation Fire for Fire,’ which was responsible for numerous human rights abuses in previous years. Unlike in the previous year, the organization did not announce its killing statistics; however, observers noted no difference in the number of extrajudicial killings committed by police and anticrime taskforce personnel during the year. In most cases police officers were not held accountable for excessive or deadly force or for the deaths of persons in custody. Police generally operated with impunity in the apprehension, illegal detention, and sometimes execution of criminal suspects.”

“Abuses by poorly-trained, poorly-equipped, and poorly-managed police against civilians were common human rights violation[s], and the police were rarely held accountable. During the year [2005] police, military, and anticrime personnel continued to use lethal force against suspected criminals.”

“...Criminal suspects died from unnatural causes while in custody, usually as the result of neglect and harsh treatment. For example on May 1 [2005], in Kubwa, police beat bus driver Gabriel Agbane while arresting him. When Agbane’s family went to the police station the next day, they found him unconscious. Police released him to the family, who took him to a hospital, where he died four days later. Police announced to journalists that Agbane had been drunk during the arrest, had not been healthy, and had fainted on his own.”

“...Violence and lethal force at police and military roadblocks and checkpoints continued during the year, despite the January [2005] announcement by the acting inspector-general of police that police roadblocks would be eliminated. Police generally ignored the order, and roadblocks continued nationwide.

Security forces frequently killed persons while trying to extort money from them.”

“...Police and military personnel used excessive force and sometimes deadly force in the suppression of civil unrest, property vandalism, and interethnic violence. There were reports of summary executions, assaults, and other abuses carried out by military personnel and paramilitary mobile police across the Niger Delta.” [3a] (Section 1a)

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GOVERNMENT REMEDIES AND RESPONSE TO POLICE HUMAN RIGHTS ABUSES

- 6.14 Individuals who have been ill-treated by the police can formally complain about the ill-treatment they have experienced, as stated in the British-Danish FFM Report:

“The BHC stated that the Nigerian government does not tolerate ill-treatment by the police and that any such activity is by rogue elements within the police. Individuals who encounter ill-treatment are able to make formal complaints about the treatment they received but action is not always taken to investigate the complaint and few prosecutions are brought.”

“...A senior representative of the IGP explained that the NPF is a federal force. Nigerian law requires the NPF to investigate all complaints made to them. If a person makes a complaint to the Divisional Police, and he or she is not satisfied with the response or action of the NPF then the case can be appealed to the Area Commanders. If the person is still not satisfied the case can be taken to the State Police Headquarters. If still not satisfied the person can take the matter to the IGP (i.e. the Force Headquarters).”

“As previously stated, the senior representative of the IGP acknowledged that the use of excessive force by members of the NPF was a problem and that many complaints are made. When complaints are made, the police officers concerned are suspended pending the investigation. If the complaint is substantiated the officer concerned will be dismissed and action initiated in respect of the particular offence, e.g. charged with using threatening behaviour, actual bodily harm etc. and dealt with through the criminal courts.”

“Asiwaju [CLEEN] confirmed that the NPF is assigned to investigate allegations that are made about police brutality and other violations committed by NPF officers. Asiwaju explained that a police officer might be suspended and/or demoted in cases where accusations of use of excessive force were substantiated. If the victim of police brutality has died the case will be referred to the Ministry of Justice (Director of Public Prosecutions). The policeman will be treated as anyone else and enjoy the same rights. In cases where a police officer has been tried and found guilty he or she will be dismissed automatically from the NPF.” [15] (p31)

- 6.15 The HRW report on police torture and deaths in custody in Nigeria states that:

“Independent involvement in the investigation of criminal conduct by police officers and oversight of the prosecution of these acts is a key component of democratic policing which appears to be lacking in Nigeria. Where acts of

serious misconduct, including human rights abuse[s], are lodged with the police by an individual, organization or lawyer, the police themselves are charged with conducting an investigation. Where the alleged act of misconduct qualifies as a crime under the criminal code, an Investigating Police Officer (IPO) within the command is assigned to investigate and, where sufficient evidence is found, refer the case to the Director of Prosecutions. In practice, however, very few cases of serious misconduct such as torture have ever been fully investigated by the police or referred to the prosecutor's office for further action. This is due to an apparent lack of political will on the part of the police and, as the only channel for referral to the prosecutor, results in a serious accountability vacuum within the Nigerian Police Force." [22b] (p58)

"In the rare cases where prosecution of a police officer commences, obstruction and lack of co-operation from the police have usually prevented the fair dispensation of justice. The Lagos State Director of Prosecutions told Human Rights Watch she knew of cases in which the accused police officer had gone missing or other police witnesses had refused to come forward to give evidence. Similarly the Kano State Minister of Justice told Human Rights Watch researchers it is rare to get co-operation from the police. He said that they may carry out an investigation but refuse to comply with actions necessary to bring about prosecution, for example by withholding case files." [22b] (p58)

"In 2003, police authorities announced the opening of the Police Complaints Bureau (PCB), where members of the public can report incidents of misconduct for internal investigation in each state command, charged with dealing with complaints relating specifically to human rights abuses by [the] police. While Human Rights Watch welcomes the initiative in practice, the PCBs and Human Rights Desks, where they exist, are barely functional; they lack staff, training and office equipment. The Kano State commissioner of police told Human Rights Watch that the PCB at the state command does not receive many complaints and has never received a complaint of torture against a police officer." [22b] (p60)

"The Nigerian police appear to have relied exclusively on internal 'peer-view' to ensure accountability for serious crimes including torture. In theory, once a formal complaint has been lodged by the Police Complaint Bureau, Human Rights Desk, or through a written petition to any level of police authority by an individual or organization, the closest superior officer is assigned to undertake an investigation. Cases of minor misconduct are dealt with immediate disciplinary action. In cases of serious misconduct the superior officer will authorize the peer-review of officers of junior rank." [22b] (p60)

"This process is known as an 'orderly room trial' and is an internal police trial, similar to [a] military court martial, where the accused officer is cross-examined by peers. This is separate and parallel to a criminal investigation. For senior officers of Assistant Superintendent of Police rank and above, the Inspector General sets up [a] panel of senior officers to hear the case. In both cases recommendations of disciplinary action such as dismissal, suspension or demotion are made before forwarding to the Police Service Commission for sanction. In reality however, local human rights organizations told Human Rights Watch researchers that few such peer reviews take place and where they do rarely result in disciplinary action or prosecution." [22b] (p61)

- 6.16 In August 2005, the British High Commission in Abuja obtained information from Innocent Chukwuma, CLEEN [Centre for Law Enforcement Education] Foundation, about police discipline. According to Chukwuma:

“Discipline is multi-layered. Internally, there [sic] complaints about officers can be made to seniors. There is the Police Public Complaints Bureau in the Public Relations Department of every State Command. There is also monitoring by the ‘X Squads’ of plain-clothed officers who undercover ‘sting’ operations. The Inspector-General also has a special Monitoring Unit which is deployed in special cases when the State-based mechanisms are not working. But, in practice, even with these measures, the system is not very effective because they are short of resources and discipline is not a high enough priority in the Nigerian Police Force. But in the last 3-4 years they have made fresh efforts, especially against extortion at street level, which is mainly done by the X Squads. About 1,000 officers have been dismissed in the last three years, which is the maximum penalty under internal disciplinary procedures.”

“In cases of extra-judicial killing the Director of Public Prosecutions can prosecute but in many cases such things are explained away as an exchange of fire incident, where the police have killed someone by returning fire against armed robbers.”

“Torture is not widely frowned upon in the absence of alternative methods of investigation, such as forensics. Society puts the police under pressure to produce results and often the police simply don’t believe that anyone they interview will tell the truth – a rather perverted belief.”

“...Wealth and social status matter. If you report a crime you have to fund the police investigation. If you are a poor man who complains to the police about a rich man and you don’t have money to fund the investigation, and the rich man has money to pay the police, the case will be closed.” [2a] (p4)

- 6.17 Regarding the effectiveness of the police complaints procedures, the British-Danish FFM Report states:

“Yusuf [*‘Daily Trust’* newspaper] did not believe that the government is doing enough to bring the NPF under proper control. Only when there is an outcry among the local people affected some investigation of police brutality may take place. Having said that Yusuf referred to reports of police officers being suspended, dismissed and prosecuted when they have acted improperly. These cases usually see the light of day when the victims are influential people or well connected to such people, which ensure that action is taken against the police officers concerned.” [15] (p33)

“According to CLEEN it is usually only when the NPF is being criticised by the media for serious violations of human rights such as extra-judicial killing or when the victim is a prominent person that one mostly hear about NPF’s internal disciplinary system. On these occasions NPF would either dismiss the erring officers from service or quickly convoke orderly room trials.” [15] (p33)

“Asiwaju confirmed that specific cases of police brutality and impunity would be dealt with only if NGOs or other observers are able to generate attention by mobilising the media and politicians.” [15] (p33)

“Alemika [Professor of Criminology and Sociology of Law] also confirmed that the NPF routinely use the internal mechanism to address problems that are identified by the public. However, the outcomes of the disciplinary procedures resulting in dismissals of hundreds of officers for corruption and other forms of abuse of power are not made available to the public, thereby inadvertently creating the impression of a police force that is complacent towards public complaints against abusive exercise of power.” [15] (p33)

“Regarding impunity LEDAP reported that the violation of the right to life and the failure to bring those responsible for unlawful killings to justice is prevalent. Most of the perpetrators of 700 victims of summary and extra-judicial killings in Nigeria between December 2001 and December 2003 have not been prosecuted and neither have the families of the victims been compensated. The Nigerian government does not only lack the capacity to apprehend the culprits but also the will to prosecute violaters.” [15] (p35)

“Professor Utomi considered that there is a strong government commitment to deal with police impunity in Nigeria but in practice improvements are only slowly being taken forward.” [15] (p35)

SUPPORT AND ASSISTANCE PROVIDED BY NGOS TO VICTIMS OF HUMAN RIGHTS ABUSES

- 6.18 Independent Nigerian NGOs offer support services, including legal protection and assistance, to victims of human rights abuses. The British-Danish FFM Report states that:

“During the mission to Nigeria the delegation held meetings with the following NGOs: LEDAP, PRAWA, Women Trafficking & Child Labour Eradication Foundation (WOTCLEF), WACOL and BAOBAB. The representatives of these five organisations all stated that in one way or another they provide legal assistance and support to individuals that are victims of injustice, harassment from non-state agents, e.g. violent husbands, forced marriages, FGM, trafficking agents or madams as well as rulings by *Shar’ia* courts.” [15] (p36)

“The five NGOs mentioned operate in various locations throughout Nigeria and they cooperate with a number of other local NGOs so that individuals in need of protection and/or legal assistance will find such kind of assistance available to them. However, it was also emphasised that poor, illiterate or uneducated people may be unaware of the existence of the legal system and the avenues to seek redress or the availability of support from and protection provided by the extensive network of NGOs in Nigeria.” [15] (p36)

“Being one of the most important women’s NGOs in Nigeria BAOBAB co-operates with a number of women’s NGOs and the representatives of BAOBAB explained that its co-operation with the following has been rewarding:

Girl Power Initiative: located in Benin City, Calabar (Cross River), Asaba (Delta) and Uyo (Akwa Ibom).

Project Alert on Violence Against Women (Project Alert): located in Lagos.

Catholic Secretariat: located in Lagos.

Women Consultants of Nigeria: located in Lagos, Abeokuta (Ogun State) and Enugu.”

“In addition WOTCLEF explained that it co-operates with the Abuja-based NGO Daughters of Ibrahim. Daughters of Ibrahim assist victims of trafficking and prostitution.”

“According to BAOBAB between 10 and 15 NGOs in Nigeria are exclusively devoted to support women, as there is no government system to support women.” [15] (p37)

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FREEDOM OF SPEECH AND THE MEDIA

6.19 The USSD 2005 Report states that:

“The law provides for freedom of speech and of the press; however, the government at times restricted these rights in practice. While there were numerous private presses that published freely, there were also numerous attacks carried out by security forces during the year. Some journalists practiced self-censorship.”

“...There was a large and vibrant private domestic press that was frequently critical of the government. Only one national, government-owned daily newspaper was published, the *‘New Nigerian’*. Several states owned daily or weekly newspapers that also were published in English. These publications tended to be poorly produced, had limited circulation, and required large state subsidies to continue operating. By year’s end there were more than 14 major daily newspapers, 6 weekly newsmagazines, and several sensational evening newspapers and tabloid publications.”

“...The government owned and controlled most of the electronic media. There was a government-owned national radio broadcaster, the Federal Radio Corporation of Nigeria, which broadcast in English, Hausa, Yoruba, Igbo, and other languages; and 51 state radio stations, which broadcast in English and local languages. The National Broadcasting Commission (NBC) was the body responsible for the deregulation and monitoring of the broadcast media. There were nearly a dozen private radio stations operating during the year [2005]. The government also operated the Voice of Nigeria that broadcasted internally, to neighboring West African countries, and to South Africa.”

“...The government suspended radio stations or confiscated newspapers during the year. For example on February 10 [2005], SSS agents in Onitsha, Anambra State, confiscated numerous copies of magazines with articles regarding MASSOB. Members of the Newspapers Distributors and Agents Association held a rally in Onitsha to protest against SSS intimidation of the newspaper vendors.”

“...Editors reported that government security officers sometimes visited or called to demand information regarding a story or source. Local NGOs suggested that newspaper editors and owners underreported actual human rights abuses and killings due in part to self-censorship. State broadcasters and journalists remained important tools for governors; these officials used the

state-owned media to showcase the state's accomplishments and to promote their own political goals."

"Libel is criminalised in the country and requires defendants to prove the truth of opinion or value judgment contained in news reports or commentaries. This limits the circumstances in which media defendants rely on the defense of 'fair comment on matters of public interest', and restricts the right to freedom of expression. Criminal Code penalties ranged from one to seven years' imprisonment (seven years, if the libelous material was published to blackmail)." [3a] (Section 2a)

6.20 The BBC Country Profile on Nigeria, published in January 2006, states that:

"Nigeria's media scene is one of the most vibrant in Africa. State-run radio and TV services reach virtually all parts of the country and operate at a federal and regional level. All 36 states run their own radio stations, and most of them operate TV services."

"The media regulator reported in 2005 that more than 280 radio and TV licences had been granted to private operators. However TV stations in particular are dogged by high costs and scarce advertising revenues."

"Radio is the key source of information for many Nigerians. Television viewing tends to be centred more in urban areas, and among the affluent. International radio broadcasters, including the BBC, are widely listened to."

"There are more than 100 national and local newspapers and publications, some of them state-owned. They include well-respected dailies, popular tabloids and publications which champion the interests of ethnic groups. The lively private press is often critical of the government."

"Media freedom improved under President Obasanjo. But restrictive decrees remain in force; in 2004 rebroadcasts of foreign radio stations were banned and concern was expressed over a proposed media law."

"Citing high levels of violence, the media rights body Reporters Without Borders has said Nigerian journalists operate amid a 'prevailing culture of brutality'." [8d]

6.21 The Human Rights Watch "Human Rights Overview" 2005 report on Nigeria, published in January 2006, adds further:

"Despite significant gains in civil liberties since the end of military rule, several restrictions on freedom of expression remain. Throughout 2005 Federal Police and State Security Service (SSS) forces continued to harass and occasionally detain publishers, editors and journalists in 2005. In at least two such cases in 2005, security forces raided newspaper offices in response to articles that accused politically prominent individuals, including the wife of President Olusegun Obasanjo, of corruption." [22e] (p3)

HUMAN RIGHTS ABUSES COMMITTED AGAINST JOURNALISTS

6.22 The USSD 2005 Report states that:

“Security forces beat journalists on several occasions during the year [2005]. For example on January 4, at an emergency meeting of the National Executive Council of the ruling PDP, police beat 11 journalists and broke cameras while an assistant inspector general of police watched; a *Nigerian Tribune* journalist was hospitalized. Police claimed they were acting on orders of PDP officials not to allow journalists to cover the closed meeting.”

“...Security forces also detained journalists during the year [2005]. In June following the publication of an article that reported a Kogi State police commissioner’s humiliation by armed bandits, Kogi State police occupied the headquarters of the Nigerian Union of Journalists (NUJ) in the state capital, Lokoja, and harassed, intimidated, and arrested journalists. The police left the NUJ headquarters after three days, following negotiations with the NUJ National Secretariat, and released all arrested journalists without charges.” [3a] (Section 2a)

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FREEDOM OF RELIGION

CONSTITUTIONAL RIGHTS

- 6.23 The USSD 2005 Report on Religious Freedom, published in November 2005, 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 through worship, teaching, practice, and observance. While the Federal Government generally respects religious freedom, there were some instances in which limits were placed on religious activity to address security and public safety concerns.”

“The Government remained a member of the Organization of the Islamic Conference during the period covered by this report. However, there is no state religion.”

“There are 36 states; governors have substantial autonomy in all decision making but derive the vast majority of their resources from the Federal Government. The Constitution prohibits state and local governments from adopting an official religion; however, some Christians have alleged that Islam has been adopted as a de facto state religion in several northern states, citing the reintroduction of criminal law aspects of Shari’a and the continued use of state resources to fund the construction of mosques, the teaching of Kadis (Shari’a judges), and pilgrimages to Mecca (Hajj). However, several states, including northern states, use government revenues to fund Christian activities, including pilgrimages to Jerusalem. In general, state governments, whether dominated by Christians or Muslims, tend to lean toward the faith practiced by the majority of residents.” [3b] (Section 2)

GOVERNMENT INTERFERENCE AND RESTRICTIONS ON FREEDOM OF RELIGION

- 6.24 The UN Commission on Human Rights Report on freedom of religion states:

“The Government of Nigeria generally does not deliberately violate the right to freedom of religion or belief. Although Nigerian authorities have often limited or

restricted important religious gatherings or religious ceremonies or, in some places, prohibited the use of microphones, in order to prevent interreligious tensions, the Special Rapporteur has not received indications of the existence of a policy that would directly limit the right to freedom of religion or belief of Nigerians.” [26] (p9)

“This however does not mean that Nigerians do not suffer from violations of their right to freedom of religion or belief. There are indeed strong and consistent indications that violations of this particular right occur in many parts of Nigeria and are either committed by non-State actors - or are the consequences of acts committed by non-State actors - or indirectly result from the Government’s policy or, on the contrary, from the absence of appropriate measures to protect.” [26] (p9)

“It would therefore be wrong to consider that in the apparent absence of direct violations of the right to freedom of religion or belief by the Government, that it is relieved of its international obligations related to this and other rights. As the Special Rapporteur and her predecessor have recalled in many reports to the Commission on Human Rights or to the [UN] General Assembly, the internationally accepted standards of freedom of religion or belief include a relatively extensive catalogue of positive obligations.” [26] (p9)

“Many of the Special Rapporteur’s interlocutors from all religious communities agreed that the Federal Government as well as state governments interfered excessively with the religious life of Nigerians. For most of them, this attitude is the main explanation for the current problems faced by religious communities in Nigeria. Some examples of this interference are the selective subsidizing of religious communities, including by financing pilgrimages for both Christians and Muslims, the use of public money to build places of worship and the appointment of persons to government positions or in public services on the basis of their religion.” [26] (p9)

“...Both Christians and Muslims complained of limitations on the rights to freedom of religion or belief suffered by members of their respective community. Generally, the limitations affecting Christians occurred in predominantly Muslim areas. Most of the time, the limitations were imposed by either non-State actors, in particular religious groups, or state governments, or a combination of both, but rarely were there complaints of limitations imposed by the Federal Government, apart from those restricting rights in situations that could potentially foment religious violence. Nigerians who are neither Muslim nor Christian complain of neglect by the Government and of being ‘overpowered’ by the tensions between the Muslim and Christian communities.” [26] (p10)

“...In many cases, the examples of limitations brought to the attention of the Special Rapporteur were related to the building of places of worship, or their confiscation or transformation for a different purpose. Although it appeared that restrictions on building were justified by invoking zoning laws, it was often claimed that the zoning laws were usually not closely followed and that only in the case of places of worship were the regulations applied, resulting sometimes in the complete destruction of the places built. In some instances, the difficulties related to the construction of a place of worship have been resolved through the mediation of an organized interreligious dialogue at the local level.” [26] (p10-11)

6.25 The USSD 2005 Report on Religious Freedom adds further:

“Christian and Islamic groups planning to build new churches or mosques are required by law to register with the Corporate Affairs Commission (CAC). The CAC did not deny registration to any religious group during the period covered by this report. Many nascent churches and Islamic congregations ignored the registration requirement, and a small number, most notably those in Abuja, had their places of worship shut down or demolished when the zoning laws were enforced.”

“...The Government required permits for outdoor public functions; government authorities and those assembling often ignored this requirement. In June 2005, an Abuja High Court ruled that long-standing legal provisions banning gatherings whose political, ethnic, or religious content might lead to unrest were unconstitutional.”

“Several state governments continued to ban public mass-rally proselytizing to avoid ethno-religious violence. However, some proselytizing groups remained active despite these formal bans, which generally were enforced on a case-by-case basis, and large outdoor religious gatherings were still common.”

“...Although distribution of religious publications was generally unrestricted, the Government sporadically enforced a ban against broadcasting religious advertisements on state-owned radio and television stations.” [3b] (Section 2)

RELIGIOUS GROUPS

6.26 The UN Commission on Human Rights Report on freedom of religion states:

“According to different sources, approximately half of the population is Muslim, about 40 per cent is Christian and the remaining 10 per cent practice traditional African religions or other beliefs, or have no religion. Religious affiliation is usually but not always linked to ethnicity. While most Hausa/Fulanis are Muslim, Yorubas and Igbos are mainly Christians. Geographically, the majority of the population of the north of the country is [sic] Muslims while most of the Christians live in the South. States of the so-called ‘middle belt’ have both Christians and Muslims in different proportions.”

“Most Muslims are Maliki Sunnis, but there are other Muslim groups like Shias and Ahmadiyyas. The Ahmadiyya community is mainly located in the South. Christian denominations include Roman Catholics, Anglicans, Methodists, Presbyterians, Pentecostals, Evangelicals and the Organization of African Indigenous Churches.” [26] (p6)

INCIDENTS OF VIOLENCE BETWEEN DIFFERENT RELIGIOUS GROUPS

6.27 The UN Commission on Human Rights Report on freedom of religion states:

“Over the last few years, a number of violent riots and other attacks have occurred in several locations in Nigeria and caused the deaths of several thousand people, probably constituting one of the most serious human rights concern [sic] in the country.” [26] (p17)

“...Most interlocutors at governmental level as well as from the civil society stated that those events were the result not only of religious intolerance but

also, if not mainly, of political, economic and ethnic factors. In Jos, for example, the riots were explained as a conflict between the indigenous people and settlers and their respective rights, particularly in terms of land acquisition and property.” [26] (p17)

“The Special Rapporteur notes that the reasons for this violence are manifold and complex, but she also observed that in many cases the violence has unfolded along religious lines: it is noticeable that the instigators of this violence have found that they can gain more support if they put their arguments in religious terms. Religious beliefs not only constitute a very emotional issue in Nigeria, but also provide a relatively simple and easy way to identify an opponent.” [26] (p18)

“These instances of violence are striking in their intensity. In each case, a great number of killings occurred in only a few days. This also shows that a very significant portion of the population took part in the killings or has been affected by them. For this reason among others, the killings are still very much in the minds of all those living in the places affected by the violence.” [26] (p18)

“...In the many consultations held during her visit, especially with representatives of religious groups, the Special Rapporteur clearly felt a high level of tension and strong indications that the situation could degenerate into a conflict of much larger intensity. Members of religious communities and representatives of non-governmental organisations often expressed their fear of further violence and their exasperation with regard to the current situation.” [26] (p18)

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INCIDENTS OF VIOLENCE BETWEEN CHRISTIANS AND MUSLIMS FROM 2001 TO 2004

- 6.28 In recent years, incidents of communal violence between Christians and Muslims have occurred in Plateau State and Kano State. Human Rights Watch (HRW) published details of the communal violence that have taken place in those two states in its May 2005 “Revenge in the Name of Religion – The Cycle of Violence in Plateau and Kano States” report. Concerning the communal violence that took place in Yelwa in Plateau State, the HRW report states:

“Yelwa is a market town located in the southern part of Plateau State. As it is an important commercial center, people from different ethnic groups have settled there over the years. However, the majority of Yelwa’s residents are Muslim. Yelwa is under the administrative control of Shendam local government area, which has its headquarters in the town of Shendam, about 20 kilometres away. Shendam, which is roughly the same size as Yelwa, is a predominantly Christian town and the residents of the villages in the surrounding area are also predominantly Christian. Most local government officials and traditional leaders in Shendam are Christian.” [22c] (p10)

“The disputes in Yelwa and Shendam have involved several ethnic groups. The principal protagonists in the conflict have been the Gamai, the majority ethnic group in Shendam local government area, and the Jarawa.” [22c] (p10)

“The Gamai, who include both Christians and Muslims, consider themselves to be ‘indigenes’ and regard the Jarawa as ‘settlers’. The Jarawa, who are predominantly Muslim, claim to be the original founders of Yelwa.” [22c] (p11)

“...Witnesses interviewed by Human Rights Watch described three major outbreaks of violence in Yelwa town: the first on June 26, 2002, the second on February 24, 2004, and the third on May 2-3, 2004. All three incidents involved deliberate attacks. In all three cases, the victims included both Christians and Muslims. However, the majority of victims in the February 24, 2004 attack were Christians, while the majority of victims in the May 2004 attack were Muslims.” [22c] (p12)

“The first outbreak of violence in Yelwa occurred on June 26, 2002...That evening, at around 9 p.m., a masquerade (a traditional celebration or parade in which people wear masks) came through Yelwa town...Eye-witnesses said a large crowd was following the masquerade, and that many of them were carrying machetes and other weapons. Several witnesses claimed that these armed people taunted and threatened Muslims and challenged them to come out. They noticed a mosque on fire in the Angwan Pandam area, then saw another building burning in a different area. Muslims reportedly came out of their homes, confronted the people in the masquerade, and the violence began...The fighting lasted until 4 a.m. the following morning, when soldiers were sent to Yelwa to restore peace.” [22c] (p13)

- 6.29 The HRW report on violence in Plateau and Kano states that further violence occurred in Yelwa in February 2004:

“In February 2004, after nineteen months of relative peace in Yelwa, violence in the area escalated again. The trigger for the escalation appears to have been an incident on February 21 or 22 in Yamini, a predominantly Muslim village about thirty kilometres from Yelwa. A clash occurred between some Fulani, who were angry at the theft of their cattle. Christians from Langtang South then killed several people in Yamini, including the local chief, a Sa’adu, a Muslim Gamai in his fifties, and around eight others. They burned many houses in Yamini as well as in other villages including Lakushi, Sabon Layi and Ajikamai...On February 24, at about 6.30 a.m., Yelwa was attacked. The fighting lasted until around 3 p.m. or 4 p.m. Christians claimed the attack was initiated by Muslims, while Muslims claimed it was initiated by Christians. Human Rights Watch was not able to confirm which side started the fighting, but our research indicates that the majority of victims were Christians.” [22c] (p14-15)

“There were a number of smaller attacks on predominantly Christian villages around Yelwa between February and May, mostly attributed to armed Muslims. A chart compiled by the district head of Shendam and submitted to Shendam local government lists 22 separate incidents which took place between February 21 and May 6, 2004 in at least 17 different locations.” [22c] (p19)

- 6.30 The HRW report on violence in Plateau and Kano states that further violence occurred in Yelwa in May 2004:

“On May 2 [2004], Yelwa was attacked again. This attack, which lasted two days, was on a larger scale than any of the previous attacks in the area. Despite claims by some Christian leaders that it was ‘spontaneous,’ on the basis of the testimonies of eye-witnesses and residents of Yelwa, it would

appear that the attack was carefully coordinated and involved not only Christian residents of the immediate area, but also Christians from other local government areas.” [22c] (p20)

“...The attackers were operating in different groups and their mode of operation indicated a high level of coordination. A witness said that on May 3, ‘the attackers came and retreated. They had a system: one group attacked and retreated, then another group attacked.’ Most of the attackers were bare-chested and just wearing shorts or trousers. They carried a variety of weapons, including firearms, such as Kalashnikovs and G3s, and machetes, knives, cutlasses, and bows and arrows.” [22c] (p21)

“...The attackers specifically targeted the Muslim population of Yelwa. One witness said: ‘They were just killing like that [...] They [the victims] were all Muslims. The attackers were shooting at random. I also saw women and children who had been killed [...] They were just shooting, not picking them out.’ [22c] (p23)

“...Muslim residents of Yelwa estimate that around 660 Muslims were killed on May 2 and 3. On the basis of its own research and detailed testimonies from residents, including some who buried the bodies and others who were present as the bodies were counted, Human Rights Watch believes this figure to be credible, and that the real figure may be closer to seven hundred. These figures refer only to the Muslim deaths. The number of Christians who died over the two days is not known.” [22c] (p23)

6.31 The HRW report on violence in Plateau and Kano states:

“Large-scale inter-communal violence is a more recent phenomenon in Plateau State than in some other parts of Nigeria. There had been longstanding grievances between different communities for several decades, but it was not until 2001 that people began turning to organized violence to express their frustrations at perceived political and economic marginalization. The turning point was the massive violence in the state capital Jos in September 2001 (commonly referred to as the Jos crisis) which claimed around 1,000 lives. Most of the violence which followed, from 2002 to 2004, can be seen as directly or indirectly connected to the events in Jos.” [22c] (p6)

“...To date, the violence has not been carried out by recognized groups or militia with a clear structure. No individual or organization has openly claimed responsibility for the killings...Ever since the 2001 Jos crisis, the situation has been fluid: the violence goes in waves, and it may not be the same individuals participating on every occasion. Yet the pattern of the larger attacks, in particular, indicates a high level of organization, forethought and planning. Claims by sympathizers of both sides that these attacks were spontaneous lack credibility.” [22c] (p6)

“...At the root of the conflict in Plateau State is the competition between ‘indigenes’ and ‘non-indigenes.’ Throughout Nigeria, groups considered ‘indigenes’, or the original inhabitants of an area, are granted certain privileges, including access to government employment, scholarships for state schools, lower school fees, and political positions...The definition of the term ‘indigene’ is commonly understood to be based on a person’s place of origin, but many

people born and brought up in a particular area are not accorded that status, even though they may never have lived in any other part of Nigeria.” [22c] (p8)

- 6.32 In reaction to the religious violence in Plateau State, President Obasanjo declared a state of emergency in the state, as noted in an Afrol News report dated 18 May 2004:

“The federal government of Nigeria today [18 May 2004] declared a state of emergency in the central Plateau state after massacres between two ethnic groups were turning into a religious war. President Olusegun Obasanjo feared the violence here could ‘spread across the country.’ Federal President Obasanjo announced the decision in Abuja today, after he had suspended state governor Joshua Dariye – whom he accused of being ‘weak and incompetent’ – and other Plateau state officials. Governor Dariye yesterday had been rapidly called to Abuja, the federal capital.”

“...During the last months, the unrest in Plateau state has built up from a lesser dispute over land rights and livestock between the Tarok people – a mostly Christian people of cultivators – and the Fulani livestock breeders, who are mostly Muslim. The conflict turned violent early this year.”

“In February, an armed Fulani group massacred 50 Taroks while in church. This was revenged as a larger Tarok group attacked several Fulani villages earlier this month, killing an estimated 300 villagers. As the violence has escalated in Plateau state, a religious element has grown stronger.”

“State governor Dariye is accused of siding with the Tarok people based on religion. Christianity is the majority religion in Plateau state and Mr Dariye is reported to recently have encouraged Muslims to leave the state. Religious leaders not belonging to the two clashing peoples have increasingly become involved in the conflict.”

“Last week, the Plateau unrest started spreading to other Nigerian states. In the predominantly Muslim state Kano in northern Nigeria, large crowds on 11 May demonstrated against the attacks on fellow Muslims in Plateau. The protests soon turned violent against Christians. According to Christian leaders in Kano, over 600 people were killed and 12 churches burnt in two days.”

“In Kano, the state government has issued several curfew orders to control the escalating violence. Tension is reported to have eased somewhat during the weekend after local authorities have done their best in controlling the violence.”

“In Plateau, however, President Obasanjo was not convinced by the efforts of state authorities and traditional and religious leaders.”

“...We need to take serious steps to stem the tide of what has become a near-mutual genocide, President Obasanjo said, declaring the state of emergency. Retired General Chris Ali was appointed the new interim governor of the state for a period of six months. The federal President nevertheless will have ample powers in Plateau as long as the state of emergency is upheld.” [9]

- 6.33 Regarding the May 2004 state of emergency in Plateau State, the HRW report about the violence in Plateau and Kano States adds further:

“As the situation remained relatively calm over the following months, some of the initial objections to the state of emergency gradually dissipated. Fears that the security forces would abuse their powers under the state of emergency by harassing or ill-treating the population did not materialize. Critics began to acknowledge that the state of emergency may have contributed to restoring calm, at least temporarily, while reiterating their in-principle objections to the manner in which it was imposed.” [22c] (p41)

“On November 18, 2004, the state of emergency was lifted, and Joshua Dariye was returned to the post of Governor of Plateau State. Since then, the situation in Plateau State has remained relatively calm. The state of emergency might have played a part in restoring calm, or the violence may simply have run its course, as happened on earlier occasions, for example after the Jos 2001 crisis. However, the fundamental problems which gave rise to the conflict – in particular, the different communities’ longstanding grievances over the control of economic resources and political positions and the definition of ‘indigeneship’ – have still not been addressed in an effective or sustained way.” [22c] (p42)

6.34 The HRW report about the violence in Plateau and Kano States states:

“On May 11 [2004], Muslims in Kano began rioting and attacking Christian residents of the city, in direct response to the news of the killings of Muslims by Christians in Yelwa. More than two hundred people were killed on May 11 and 12 in Kano. The majority were Christians killed by armed Muslims seeking revenge for the events in Yelwa. When the security forces eventually intervened, supposedly to quell the riots, the death toll rose even further, as police and soldiers killed dozens more people, most of them Muslims.” [22c] (p50)

“Kano, the largest city in northern Nigeria and the capital of Kano State, is a predominantly Muslim city but is home to many different groups, including a large Christian minority, many of whom have settled there for trade. Kano is viewed as one of the main centers of northern political opinion and, to some extent, acts a barometer of the mood across northern Nigeria. Like Kaduna, the other large northern city, Kano remains one of the more volatile towns in the north, where violence is most likely to erupt when there are tensions elsewhere in the country.” [22c] (p50)

“During [the] two days of violence in Kano, Christians were hunted down and killed; their houses, churches and other buildings were burnt. A Muslim journalist commented that unlike previous outbreaks of violence in Kano, some of which had been more economically than religiously motivated, this time ‘they were just out to kill. The primary aim was killing. Looting was incidental.’ ” [22c] (p53)

“...On the basis of its own research, Human Rights Watch believes that around 200 to 250 people, and possibly more, were killed in Kano on May 11 and 12. Most of the victims of the violence were men, but a number of women and children were also killed, as illustrated by the testimonies in this report.” [22c] (p55)

INCIDENTS OF VIOLENCE BETWEEN CHRISTIANS AND MUSLIMS IN FEBRUARY 2006

- 6.35 In February 2006, violent incidents between Muslims and Christians occurred again. A news report dated 24 February 2006, published by *The Independent* (UK newspaper), described what occurred:

"Clashes between Nigeria's Muslim and Christian communities have left nearly 150 people dead and thousands displaced after five days of violence sparked originally by the publication of cartoons depicting the Prophet Mohamed."

"In the southern city of Onitsha, where the worst of the killing took place, Christians yesterday burnt the corpses of their victims and defaced mosques in revenge for attacks on Christians in the north of the country earlier this week."

"...Last Saturday [18 February], violence broke out in Maiduguri, northern Nigeria, leaving at least 15 Christians dead and 11 churches in flames. The riots were led by Muslims furious at the cartoons, published in Danish and other European newspapers. More than 100 people were arrested and the army was called in to help the police. In revenge, on Tuesday [21 February] morning, riots broke out against the Muslim population in the Christian city of Onitsha."

"...The Anambra state governor, Chris Ngige [Onitsha is in Anambra State], has deployed 2,000 policemen on the streets and appealed for calm."

"Nigerian analysts believe much of the violence is fuelled by political tensions concerning national elections in 2007."

"...The country is rife with rumour that President Olusegun Obasanjo may try to change the constitution and seek a third term, while others seek to use violence to further their political influence and position in the forthcoming elections." [41]

- 6.36 A CNN World News Online report, dated 24 February 2006, reported on violent incidents that took place in other parts of Nigeria in February 2006:

"Muslim and Christian mobs took to the streets of three Nigerian cities on Friday [24 February] and killed at least four people, extending a week of tit-for-tat religious riots that have claimed at least 150 lives."

"Uncertainty over Nigeria's political future is aggravating regional, ethnic and religious rivalries ahead of elections next year."

"Christian youths armed with machetes and clubs attacked Muslims in the southeastern city of Enugu, beating one Muslim motorcycle taxi driver to death."

"In the northern town of Kotangora, Muslim mobs killed three people, torched nine churches and looted shops, police said."

"The Christian rioters in Enugu laid siege to a bank where two Muslims from the Hausa ethnic group were hiding. Police fired tear gas at the crowd, but failed to dislodge them."

"...In northeastern Potiskum, Islamic youths burned shops, churches and houses belonging to minority Christians early on Friday [24 February]. Police said 65 rioters were arrested." [42]

- 6.37 A news report published by the *Daily Champion* (Nigerian newspaper), dated 27 February 2006, reported on violent incidents between Muslims and Christians that took place in Bauchi in February 2006:

“Islamic fundamentalists, said to be protesting over the caricatures of [the] Prophet Mohammed in a Danish and other European newspapers, went on the rampage in Maiduguri, Borno State and Katsina, in Katsina State about 10 days ago.”

“...The nation was still trying to come to grips with this unfortunate incident when, on Monday, last week, another round of riots erupted in Bauchi, the Bauchi State capital. As with the Maiduguri and Katsina incidents, this also has religious connotations. The Bauchi riot was allegedly sparked by the refusal of a female student of Government Day Secondary School in the town, to heed her teacher’s instruction to drop the copy of the Quran that she (the student) was reading while the teacher was teaching in the class to enable her [to] concentrate. Before one could say Jack Robinson, the incident that transpired in the class has become a public issue over which property were destroyed and lives reportedly lost, too. It is difficult to say categorically how many lives were lost in these riots and in the reprisal attacks in the city of Onitsha on Tuesday and Wednesday, last week because of conflicting figures from many quarters.”
[25b]

THE RESPONSE OF THE GOVERNMENT AND THE POLICE TO THE INCIDENTS OF VIOLENCE OF FEBRUARY 2006

- 6.38 A *Vanguard* newspaper (Nigeria) report, dated 24 February 2006, about the Government’s response to the incidents of violence that took place in February 2006 states:

“The Federal Government, yesterday [23 February], directed the General Officers Commanding the Army divisions to team up with the police immediately to stop the wave of religious attacks and/or reprisals in parts of the country. Already, soldiers have been deployed on the streets of Onitsha, which was the scene of two days of reprisals against northerners, to check further violence.”

“...Vanguard gathered that the Presidency fearing that the attacks might spread to other parts of the country directed the Chief of Defence Staff, General Alexander Ogomudia, to activate the internal security apparatus of the military for the purpose of quelling the sectarian/religious violence.”

“Consequently, the Service Chiefs were told to deploy troops to flash points at the slightest hint of possible confrontation.”

“...Security in and around the city [Onitsha] is still tight. Battle-ready soldiers were yesterday seen patrolling the city to ensure that nobody caused further trouble.”

“...Police were yesterday also deployed across Katsina’s neighbouring towns, including Kano, Kaduna and Zaria.”

“‘We are on red alert. All state commissioners of police are under instructions to monitor developments and prevent any violence,’ federal police spokesman Haz Iwendi said.”

“...Meanwhile the Police in Abuja yesterday moved to forestall attempts by some religious groups to cause [a] crisis in the Federal Capital City over what a Moslem cleric described as the circulation of a book written by a Lebanese Christian from Lebanon, containing some derogatory remarks about the holy Prophet Mohammed.”

“Commissioner of Police in charge of the Federal Capital, Mr Lawrence Alobi, who summoned a meeting with over 100 religious, traditional and community leaders including leaders of thought in Abuja, warned the leaders against inciting any religious or ethnic crisis in the city, pointing out that [the] Police were alert to deal with anybody who takes the law into his hands.”

“ ‘The purpose of our gathering is to call on residents of Abuja not to be part of the crisis that is happening in other parts of the country. We won’t allow that to happen here. I want to enjoin all FCT residents especially religious and community leaders to preach and ensure peace and tranquillity.’ ”

“ ‘We will not tolerate anybody bringing hoodlums from any where to come and cause problems here,’ Alobi said.” [29b]

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INCIDENTS OF VIOLENCE BETWEEN THE YAN-GWAGWARMAYA ISLAMIC SECT AND THE GOVERNMENT’S SECURITY FORCES DURING 2004

- 6.39 A BBC News Online report, dated 5 August 2004, reported on a violent incident involving an Islamic sect called the Yan-Gwagwarmaya and Government security forces, that occurred in August 2004:

“Several people have been killed after Nigerian police raided the headquarters of an Islamic sect, whose members exchanged their wives.”

“Members of the Yan-Gwagwarmaya sect battled the police with guns and machetes before being overwhelmed, the police say.”

“Residents of the remote north-western town of Birnin Kebbi complained after they tried to recruit local youths.”

“Five policemen, including an assistant commissioner, were seriously injured.”

“The group’s leader, Sanusi Makera-Gandu was also badly hurt in the clashes.”

“The BBC’s Elizabeth Blunt in the capital, Abuja, says this is the latest in a series of such incidents in Nigeria involving Muslim youths who set up their own communities and refused to accept conventional civil or religious authority.”

“The authorities refuse to say how many people were killed in the raid.”

“The sect, which is reported to have thousands of followers, had incensed other local Muslim groups by calling their bases the Kabah – after Islam’s holiest site in the Saudi Arabian town of Mecca.” [8b]

INCIDENTS OF VIOLENCE BETWEEN THE AL SUNNA WAL JAMMA ISLAMIC SECT AND THE GOVERNMENT’S SECURITY FORCES DURING 2003 AND 2004

- 6.40 A Global Security report dated July 2005 reported on incidents of violence that took place in 2003 and 2004 between a Nigerian Islamic sect known as Al Sunna Wal Jamma and the Government's security forces. The report states:

"Al Sunna Wal Jamma – Arabic for 'followers of Mohammed's teachings' – is an Islamic movement of university students fighting to create a Taliban-style Muslim state in Nigeria, Africa's most populous nation. Since 2002 the group has campaigned for an Islamic state and publicly criticized officials it saw as lax in implementing Islamic law. The movement enjoys a following among university students in Maiduguri, the main city in northeastern Nigeria."

"...Nigerian officials reported on 03 January 2004 that the government had put down an armed uprising after running battles that killed at least eight people. Two police officers and at least six of the militants died in five days of clashes in three towns in predominantly Islamic Yobe state, including the capital, Damaturu. Violence started on 31 December 2003, when roughly 200 militants attacked two police stations in Geidam and Kanamma, killing a policeman. The attackers targeted police stations and took their weapons, chiefly AK-47 assault rifles, which they then used against security forces. Following this initial confrontation with the security forces in Kanamma on 31 December, the militants attacked three police stations in the Yobe state capital Damaturu and set fire to a government building there. A further battle with the security forces took place on the outskirts of Maiduguri, 135 km east of Damaturu, the following day."

"The militants are self-professed admirers of the Taliban in Afghanistan. They flew flags bearing the word 'Afghanistan' during their brief occupation of Kanamma."

"The attacks marked the first time the movement has been known to take up arms. This was the first armed push for an Islamic regime in Nigeria's predominantly Muslim north since 12 states in the region – including Yobe – began adopting the Islamic Shariah legal code in 1999. At least 10,000 people fled their homes in northeastern Nigeria over the two weeks following clashes in the region between the security forces and armed Islamic militants." [33c]

- 6.41 Violent clashes between the Government's security forces and members of the Al Sunna Wal Jamma Islamic sect also took place in September 2004, as reported in a United Nations IRIN report dated 22 September 2004:

"An armed Islamic militant group inspired by the Taliban in Afghanistan has launched a fresh series of attacks on police stations in northeastern Nigeria, nine months after it first took up arms in the region."

"Government officials said armed militants of the Al Sunna wal Jamma sect attacked police stations in two towns in Borno state on Monday night, killing six people, including four policemen."

"The group, whose name means 'Followers of the Prophet' in Arabic, first came to public notice in December 2003 when it launched a series of attacks on remote towns in neighbouring Yobe state and went on to attack the state capital Damaturu."

“That group of around 200 militants, was rapidly broken up by the security forces. Many of its members were killed or arrested, but some escaped into nearby Niger and Cameroon.”

“The latest attacks took place in the towns of Bama and Gworza in the east of Borno state, close to the Cameroonian border, Borno state police commissioner Ade Adekanye told reporters.”

“In Bama, 73 km southeast of the state capital Maiduguri, a group of about 20 militants killed the local police commander and two other policemen, he said.”

“In Gworza, some 40 kilometres further south, a similar armed band killed one policeman and two civilians and abducted four other people, he added.”

“The Al Sunna wal Jamma sect was formed by university and polytechnic students in Maiduguri, two or three years ago, but drew adherents from all over Nigeria. Many of them were the children of wealthy and influential people.”

“...Political analysts saw the emergence of Al Sunna wal Jamma as a sign that violent, extremist groups may be gaining a significant foothold in religiously and ethnically divided Nigeria. They expressed fears that they could make the country a theatre for acts of terrorism and worse sectarian violence that it has seen in recent years.”

“Although four members of the group were killed while attempting to break out of jail in Damaturu in June, Monday’s [20 September 2004] attacks on Bama and Gworza were the first since the militants were routed in early January [2004].” [21i]

- 6.42 Further violent clashes between the Government’s security forces and members of the Al Sunna wal Jamma sect took place in October 2004, as reported in a United Nations IRIN report dated 11 October 2004:

“Armed Islamic militants killed three policemen and took 12 others hostage when they ambushed a police patrol near Lake Chad in northeastern Nigeria at the weekend, police said.”

“Borno State police commissioner Ade Ajakaiye said Islamic fundamentalist fighters modeling themselves on Afghanistan’s Taliban movement attacked a group of 60 policemen in the town of Kala-Balge, near the Lake Chad on Friday night [8 October 2004].”

“The police had been sent there to pursue the militants following battles with them last month near the Cameroonian border, he added.”

“Ajakaiye said a police vehicle carrying munitions was stuck in deep mud and while the policemen were pushing it, they were fired upon by the militants. This caused the vehicle to explode, killing three policemen on the spot and injuring others.”

“Twelve of the police contingent remained unaccounted for after ‘a fierce battle’ and were believed to have been captured by the militants, he said.” [21j]

INCIDENTS OF VIOLENCE BETWEEN MEMBERS OF THE SUNNI AND SHI'ITE ISLAMIC SECTS DURING 2005

- 6.43 A United Nations IRIN report, dated 6 June 2005, reports that violent incidents between two Islamic sects occurred in 2005. The report states that:

"Hundreds of armed riot police have been deployed in Nigeria's northern city of Sokoto, where Sunni protestors razed a government building in escalating violence with rival Shi'ites that could engulf the mainly Islamic region, government officials said on Monday."

"Hundreds of protesters who besieged the Sokoto North local government secretariat and set it alight on Friday were angered by the arrest of a Sunni cleric Uma Dan-Masidhiyya, accused by the authorities of inciting violent attacks against the Shi'ite minority, Soko state governor spokesman Mustapha Shehu said."

" 'In their anger they completely burned down the secretariat building,' Shehu told reporters. 'The government has reacted by deploying policemen to prevent further violence,' he added."

"More than a dozen people have died in Sokoto since February [2005] in tit-for-tat violence between the Sunni majority and Shi'ite minority, centred on demands by Shi'ites for access to the city's biggest mosque to preach their brand of Islam."

"...In the past three weeks there has been fighting every Friday, the Islamic day for prayers, between the two groups at the city's main mosque as Shi'ites tried to gain access and Sunnis tried to keep them out."

"Two weeks ago a Sunni mob attacked the Shi'ite seminary in the city and burnt it down, and last Thursday a prominent Shi'ite leader was attacked and killed in his house."

"...Sokoto police commissioner, Abdul Bello, said on Sunday that 20 people were arrested for Friday's violence but have yet to be charged."

"Last week 38 people arrested for previous violence were taken to court for public order offences." [21g]

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THE BELIEF IN AND PRACTICE OF WITCHCRAFT IN NIGERIA

- 6.44 An article about witchcraft by Umebe Onyejekwe, Curator of the National Museum in Lagos, published in January 2003, states:

"Nigerians believe in witches and spend time, effort and money in the attempt to counter their malevolence. Traditional doctors are paid to divine and diagnose malign influences, to supply the medicines of protection or revenge. To the average Nigerian, witchcraft is an actionable wrong and culprits are punished severely."

“...In Nigeria, the following people, rightly or wrongly, fall into the category of witches or potential witches. They are old people: native and traditional doctors; people who exhibit strange behaviour; wicked and malevolence [sic] people; young people; unsociable people; people with disagreeable behaviour; people who stare fixedly at other people; people who are easily offended; people with red eyes; people with evil eyes and evil countenance; people who avoid looking at others straight in the face; people who eat alone and do not share food; people who do not rejoice with others at their good fortune; people who are happy at other's misfortune etc.”

“...It is believed that virtually everybody is a potential witch. Being a potential witch is very different from actually being a full-fledged, practicing witch.”

“...Witches are said to be capable of disrupting and changing the course of one's success in life and turning it into extreme failure. They stop good things from happening e.g. marriages, promotions and healings. Most importantly, they are said to ‘suck’ human blood and ‘eat’ human beings. They are said to have an insatiable appetite or lust for human meat. It is believed that at their meetings they must dance naked to the tunes of a ‘native piano’ made of ‘strong medicines’. It is also believed that at their meetings (when they are held in each other's houses), the hostess must offer one of her children to be killed and eaten by [the other] members.” [44]

TRADITIONAL NIGERIAN RELIGIONS AND RITUAL KILLINGS

6.45 An article by Leo Igwe published by Earthward in 2005 states:

“Generally, ritual killing is a common practice in Nigeria. Every year, hundreds of Nigerians lose their lives to ritual murders, also known as head-hunters. These head hunters [sic] go in search of human parts – head, breast, tongue, sexual organs – at the behest of witchdoctors, juju priests and traditional medicine men who require them for some sacrifices or for the preparation of assorted magical portions [sic]. Recently, there have been several reported cases of individuals who were kidnapped, killed or had their bodies mutilated by ritualists in Nigeria.”

“...And now, the question is: why do Nigerians still engage in such bloody, brutal and barbaric acts and atrocities even in this 21st century? For me [Igwe], there are three reasons for that. 1. Religion: Nigerian is a deeply religious society. Most Nigerians believe in the existence of supernatural beings, and that these transcendental entities can be influenced through ritual acts and sacrifices. Ritual making constitutes part of the people's traditional religious practice and observance. Nigerians engage in ritual acts to appease the gods, seek supernatural favours or to ward off misfortune. Many do so out of fear of unpleasant spiritual consequences, if they default. So at the root of spiritual killing in Nigeria is religion, theism, supernaturalism and occultism. 2. Superstition:- Nigeria is a society where most beliefs are still informed by unreason, dogmas, myth making and magical thinking. In Nigeria, belief in ghosts, juju, charms and witchcraft is prevalent and widespread. Nigerians believe that magical portions [sic] prepared with human heads, breasts, tongues, eyes, and sexual organs can enhance one's political and financial fortunes; that juju, charms and amulets can protect individuals against business failures, sickness and diseases, accidents and spiritual attacks. In fact, ritual-

making is perceived as an act of spiritual fortification. 3. Poverty:- Most often, Nigerians engage [in] killing for money-making purposes. Among Nigerians, there is this popular belief in a special kind of ritual, performed with human blood or body parts that can bring money or wealth, even though such a belief lacks any basis in reason, science or common sense [sic].”

“For example, there has never been a single proven instance of any Nigerian who became rich through a money making ritual. And still the belief in ‘ritual wealth’ or ‘blood money’ remain strong among the people, and features prominently in the nation’s media and film industry. Most times, what we hear are stories and speculations founded on ignorance and hearsay. For instance Nigerians who enrich themselves through dubious and questionable means, like the scammers who swindle foreigners, are said to have indulged in money-making rituals using the blood or body parts of their parents, wives, children or other close relations. So driven by ignorance, poverty, desperation, gullibility and irrationalism, Nigerians murder fellow Nigerians for rituals.” [36]

- 6.46 A recent case of a killing for ritual witchcraft purposes was reported by a BBC News Online report on 17 March 2005:

“A Nigerian man who killed his friend in central Plateau state to sell his body parts for ritual witchcraft purposes has been sentenced to death by hanging.”

“Jacob Wakfan, 35, confessed to luring his victim into the bush and stabbing him and removing his penis and tongue.”

“‘The convict’s desire to make quick money led him to commit this heinous and treacherous act,’ judge Felicia Dusu said, AFP news agency reports.”

“Belief in witchcraft or ‘juju’ is widespread in Nigeria.”

“According to the BBC’s Yusuf Sarki Muhammad in Abuja, despite condemnation of traditional ritual killings, they are common across the country – in the Muslim north and the Christian south.”

“Last week, police in the south-western city of Ibadan found three headless bodies in what they suspect are ritual killing murders.”

“Traditional healers are widely consulted for cures of various ailments and magical powers to protect their clients from a wide range of misfortunes, or to bring luck.”

“In some traditional practices, human body parts are used to make the charms more powerful.” [8k]

FREEDOM OF ASSEMBLY AND ASSOCIATION

- 6.47 The USSD 2005 Report states that:

“The law provides for freedom of assembly, and the government generally respected this right for progovernment rallies, while opposition gatherings continued to be restricted. In areas that experienced communal violence, police

and security forces permitted public meetings and demonstrations on a case-by-case basis.”

“In June [2005] an Abuja high court struck down the 1990 Public Order Act that required a police permit to be issued for all public rallies and processions. Security forces had regularly suppressed opposition rallies, citing the failure to obtain police permits, although rallies in support of the ruling party were normally allowed. Although the acting inspector general of police immediately announced that the police would appeal the ruling, he also stated the police would respect the court’s injunction prohibiting police from interfering with peaceful rallies. After the ruling, police generally did not interfere with rallies, but in December [2005] in Lagos police fired tear gas at a rally of women protesting [about the] December 11 [2005] plane crash that killed many children.”

“The government occasionally banned gatherings whose political, ethnic, or religious nature might lead to unrest. Open-air religious services held away from places of worship remained prohibited in many states due to fears that they might heighten inter-religious tensions. The Kaduna State government ban on processions, rallies, demonstrations, and meetings in public places still was enforced on a case-by-case basis. A security forces committee ban on all political, cultural, and religious meetings in Plateau State continued to be implemented on an ad hoc basis.”

“...Security forces forcibly dispersed demonstrations during the year [2005]. In February [2005] soldiers from the joint task force used excessive force against protesters at the Escravos oil terminal in Delta State. According to witnesses, security personnel fired tear gas, then live ammunition to disperse a crowd of approximately 300 protesters. At least 30 persons were injured, and at least one demonstrator was killed. There was no government investigation or prosecution of those responsible by year’s end.”

“On May 2 [2005], in Yauri town, Kebbi State, police fired into a crowd of protesters, killing four persons. Demonstrators had gathered at the local emir’s palace to protest [about the] police involvement in armed robberies; residents had apprehended several armed robbers and turned them over to the police, only to find out that the robbers were themselves police officers. No action was taken against the police who fired into the crowds.” [3a] (Section 2b)

POLITICAL ACTIVISTS

6.48 The USSD 2005 Report states that:

“The law provides for the right to associate freely with other persons in political parties, trade unions, or special interest associations and the government generally respected this right in practice. The law allows the free formation of political parties. There were 30 parties registered with the Independent National Election Commission during the year.” [3a] (Section 2b)

6.49 The British-Danish FFM Report states:

“According to Professor Utomi opposition politicians can freely express their views. However, a problem among opposition politicians is that they all desire to be close to power and they limit their criticism towards the government. There

are close personal relations between members of the government and members of the opposition.” [15] (p9)

EMPLOYMENT RIGHTS

6.50 The USSD 2005 Report states that:

“The law provides all citizens with the right to form or belong to any trade union or other association for the protection of their interests, and while workers exercised this right in practice, several statutory restrictions on the right of association and on trade unions restricted this right.”

“Workers, except members of the armed forces and employees designated as essential by the government, may join trade unions. Essential workers included government employees in the police, customs, immigration, prisons, the federal mint, and the Central Bank. Employees working in a designated Export Processing Zone (EPZ) may not join a union until 10 years after the start-up of the enterprise. The government’s application of the ‘essential worker’ designation was broad compared with the ILO designation.”

“...The new Trade Union (Amendment) Act, passed on March 30 [2005], eliminated the previously mandated single-labor-federation structure for workers, organized under the Nigerian Labor Congress (NLC). Trade union federations, now called ‘central labor organizations,’ must be registered formally by the government. Each federation must consist of 12 or more trade unions, and trade union membership in a federation must be exclusive. A minimum of 50 workers per enterprise is required to form a trade union. All unions and federations officially recognized prior to the law’s passage were allowed to retain their status. The government formally recognised 29 such unions under the NLC, 18 under the Trade Union Congress (TUC) and 8 under the Congress of Free Trade Unions (CFTU).” [3a] (Section 6a)

6.51 Workers have the right to strike, but this right is subject to some restrictions, as noted in the USSD 2005 Report:

“Workers outside the legally defined category of ‘essential’ had the right to strike, although they were required to provide advance notice of a strike. During the year [2005] workers exercised this right sparingly and with very little scope, encompassing only individual factories or other work places. According to the March labor law, the right to strike is limited to matters pertaining to breach of contract or wages and conditions of work, prohibiting strikes over matters of national economic policy. A worker under a collective bargaining agreement could not participate in a strike unless his union complied with the requirements of the law, which included provisions for mandatory mediation and for referral of the dispute to the government. Workers are specifically prohibited from forcing persons to join a strike or from closing airports or obstructing public by-ways. Stiff fines and/or prison sentences are imposed on law-breakers. While strikes continued to occur in localized areas after the law passed in March, no national strike was called. Instead a new strategy of organising peaceful protest rallies was implemented.” [3a] (Section 6b)

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PEOPLE TRAFFICKING

OVERVIEW

6.52 Nigeria is a country where people trafficking is prohibited by law but is practised, and is a serious problem. People are trafficked into and out of the country as well as within the country. The USSD 2005 Report states that:

“Although the law prohibits trafficking in persons, persons were trafficked to, from, and within the country.”

“The law prohibits human trafficking and provides for penalties including monetary fines, imprisonment, deportation, forfeiture of assets and passport, and liability for compensation to victims in civil proceedings. Imprisonment terms range from 12 months to life, while fines range from \$375 (50 thousand naira) to \$1,500 (200 thousand naira).”

“...The country was a source, transit, and destination country for trafficked persons during the year [2005]. No government or NGO estimates on the extent of trafficking were available, but the magnitude of the problem was believed to be significant. This was based on several factors, including the number of deportees returned to the country and reports of Nigerians stranded along trafficking routes, particularly in North African countries. The International Labor Organization (ILO) estimate that 40 percent of child street peddlers were trafficking victims.”

“Nigerians were trafficked to Europe, the Middle East, and other countries in Africa for the purposes of forced labor, domestic servitude, and sexual exploitation. Girls and women were trafficked for forced prostitution to Italy, France, Spain, the Netherlands, Cote d'Ivoire, and Benin. Children were trafficked for involuntary domestic and agricultural labor and street peddling within the country and to countries in West and Central Africa. Both women and children were trafficked to Saudi Arabia. The country was a destination country for children trafficked for forced labor from other West African countries, primarily Benin.”

“Women and children were most at risk of being trafficked. Boys were trafficked primarily to work as forced bondage laborers, street peddlers, and beggars, while girls were trafficked for domestic service, street peddling, and commercial sexual exploitation. Trafficking in children, and to a lesser extent in women, occurred within the country's borders. Children in rural areas were trafficked to urban centers to work as domestics, street peddlers, merchant traders, and beggars.”

“The United Nations Office of Drugs and Crime (UNODC) reported that individual criminals and organized criminal groups conducted trafficking, often involving relatives or other persons already known to the victims. Traffickers employed various methods during the year [2005]. Many were organized into specialities, such as document and passport forgery, recruitment, and transportation. To recruit young women, traffickers often made false promises of education, training, and salary payments. Once away from their families, children were subjected to harsh treatment and intimidation. Traffickers subjected victims to debt bondage, particularly [with] victims forced into prostitution. In some cases, traffickers employed practitioners of traditional magic, or juju, to threaten victims with curses to procure their silence. NAPTIP estimated that 90 percent of the girls trafficked through Benin routes were threatened by juju practitioners.

Victims were transported by air, land, and sea. Established land routes to Europe transited Benin, Togo, Ghana, Cote d'Ivoire, Guinea, Mali, Niger and Morocco.” [3a] (Section 5)

GOVERNMENT EFFORTS TO TACKLE PEOPLE TRAFFICKING

- 6.53 The Nigerian Government is concerned about the problem of people trafficking and has set up a national agency to tackle it, as noted in the British-Danish FFM Report:

“Ndaguba [Executive Secretary/Chief Executive, (NAPTIP)], explained that the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act was enacted in 2003 and in August the same year NAPTIP [National Agency for the Prohibition of Trafficking in Persons] was established under the provisions of that legislation.”

“NAPTIP is the focal point for the fight against human trafficking and child labour and the rehabilitation of the victims of trafficking in Nigeria. NAPTIP’s remit includes co-ordinating of all laws on trafficking in persons, enforcement of the laws and to taking charge, supervising, controlling and co-ordinating efforts on the rehabilitation of trafficked persons. Ndaguba explained that the punishment for trafficking is imprisonment of between five years and life.”

“Through its National Investigation Task Force, NAPTIP conducts investigations and monitoring activities as well as bringing prosecutions of traffickers. The task force has the mandate to operate anywhere in Nigeria using both NPF and immigration facilities at state and local level and even in neighbouring countries.” [15] (p42)

- 6.54 The USSD 2005 Report states that NAPTIP was active in tackling people trafficking in 2005:

“Enforcement efforts continued during the year [2005]. The government took several steps during the year to correct the issue of inadequate resources and tripled its NAPTIP funding. The number of trafficking cases investigated and prosecuted during the year increased, and record keeping had improved as NAPTIP, NPF, and NIS roles were more clearly defined through a series of NAPTIP-sponsored meetings, conferences, training sessions, and networking events.”

“Preliminary data indicated that NAPTIP investigated 75 new cases during the year [2005]; many of the new cases were pending at year’s end. NAPTIP made arrests in 25 cases, 15 of which went to court, and 2 additional cases were pending at year’s end. Four additional convictions under the antitrafficking law were delivered during the year from cases in Kano and Ogun States, and the verdict was pending in a case in Benin State. In the Ogun case, a Ghanaian and a Togolese were convicted on charges of pandering. The men were sentenced to a minimum of seven years’ imprisonment.”

“In the most prominent case of the year, 40 trafficking victims, involving young girls between the ages of 7 and 19, were recovered. All of the victims were returned to their homes and to school, or were given training in various skills. The trafficker was charged and a trial was pending at year’s end.” [3a] (Section 5)

6.55 A January 2006 *Daily Independent* (Nigerian) newspaper report states:

“The Nigeria[n] Immigration Service (NIS) last year [2005] rescued 60 people from human traffickers at the Seme border In Badagry, Lagos.”

“It also arrested two persons including an Italian over alleged involvement in the illicit business. In addition, the command received 31 victims of Nigerian origin, repatriated from Burkina Faso, Ghana, Republic of Beneni, Togo and Cote d’Ivoire [Ivoire].”

“Record[s] at the command shows that the human trafficking victims were between the ages of 11 and 37, mostly teenage girls promised greener pastures abroad. At least 44 Togolese, who were on their way to Oyo and Ekiti states, were intercepted at the border and the victims repatriated to Togo.”

“...The Deputy Controller of Immigration, Mudrik Ogidan, said human trafficking had reduced considerably through the border.”

“ ‘The alertness of our officers and men who are wise to the antics of these unscrupulous people has curtailed the crime. Our anti-human trafficking patrols are still vigilant and suspected foreigners without valid documents are turned back.’ he said.”

“Ogidan explained that during the period, two foreign nationals who bribed their ways and used bush paths were arrested.” [43]

6.56 The USSD 2005 Trafficking in Persons Report adds further:

“The government made strong strides in improving its anti-trafficking law enforcement efforts over the reporting period. Comprehensive anti-trafficking law enforcement statistics were not available. NAPTIP investigated more than 40 cases of suspected trafficking, leading to eight new prosecutions. In November 2004 a court handed down the first conviction under the 2003 anti-trafficking law, sentencing a female trafficker to three years’ imprisonment for attempting to traffic six girls to Spain. The police anti-trafficking unit expanded its coverage to 11 state offices, rescued 35 victims of trafficking, opened 27 investigations, and arrested 40 suspected traffickers. The government provided over \$1 million in funding for NAPTIP in 2004, allowing it to hire staff; expand cooperation with other countries, including Benin, Niger, Saudi Arabia, Italy and the United Kingdom; and train its own dedicated prosecutors. Trafficking-related corruption is a serious obstacle to Nigerian anti-trafficking efforts. Although NAPTIP began investigating a number of law enforcement officials suspected of trafficking complicity over the last year, no prosecutions were initiated.” [3d]

6.57 Although the Government has made efforts to tackle people trafficking, corruption by government officials has hindered these efforts, as noted in the USSD 2005 Report:

“At the institutional level, government authorities did not facilitate or condone trafficking; however, reports continued to surface from informants and foreign officials that law enforcement officers and individuals in the immigration and airport authorities collaborated in trafficking across the country’s borders. The majority of instances were attributed to ignorance of the trafficking law and difficulties overcoming traditional practices. The law provides punitive measures

for officials who aid or abet trafficking; however, during the year [2005] NAPTIP and [the] NPF found no evidence of official complicity, and no officials were prosecuted, tried, or convicted of trafficking-related charges.” [3a] (Section 5)

GOVERNMENT EFFORTS TO PROVIDE ASSISTANCE TO THE VICTIMS OF PEOPLE TRAFFICKING

6.58 The USSD 2005 Report states:

“The government provided limited funding for assistance to victims. NAPTIP served as the point of contact for immigration and police officials when victims were found. Seventy-three victims passed through the agency during the year. NAPTIP directly provided overnight shelter to victims, and agency officials connected victims to nongovernmental or international organizations for shelter, counseling, and reintegration assistance. NAPTIP established a hot line for victims and anyone seeking or wanting to provide information regarding trafficking. In some cases the government helped victims repatriate to the country and reunited trafficked children with their families.”

“The Ministry of Labor and Productivity, in collaboration with the ILO, NAPTIP, the police, and other federal agencies, provided food, transportation, and other logistical assistance to reunite internally and externally trafficked children with their families.”

“The government continued to operate the 120-bed shelter in Lagos, with involvement by the International Organization for Migration. NAPTIP also operated a second facility as a secure location in Benin City, Edo State, as a victim shelter. At the state level, the government of Akwa Ibom donated a shelter for trafficked children. The government of Kano State, in association with UNICEF, also donated a shelter for trafficked children.”

“The government provided some funding for protection activities. For victims serving as witnesses, divisional police officers were appointed to serve as witness protection officers. NAPTIP officials and the officer worked together to provide assistance. NAPTIP outreach efforts were based on a series of ‘town hall’ meetings with community leaders, traditional leaders, teachers, school children, and other groups to raise awareness of the dangers of trafficking, legal protections, and available resources. Several state governments in the south continued strong efforts to protect victims. Victims were no longer charged with crimes or detained with criminals in cells as they were in previous years.” [3a] (Section 5)

SOCIETAL ATTITUDES TO PEOPLE TRAFFICKING

6.59 The British-Danish FFM Report states:

“Usman [NHRC] considered that women who had worked as prostitutes abroad would not in general face negative social attitudes from their community. Some people, the more well-off and highly educated, in the predominantly Muslim northern part of Nigeria, may feel offended. Most people will hold the women in high regard due to the fact that they have been to Europe and probably have more financial means. Often her relatives consider her a breadwinner. Usman emphasised that sexual morality is not as strict in the south as in the north.”

“Momoh [Channels Television] believed that there is a general understanding in Nigeria of why women might travel abroad to work and end up in prostitution. No authority in Nigeria would persecute such persons when they return, even if they might have applied for asylum abroad.”

“Finally, Akinmoyo did not consider that returned victims of trafficking are subject to any kind of social stigmatisation in Nigeria society merely because they have worked as prostitutes abroad. In some cases stigmatisation may occur but this will be on an individual level and not on a social level. The returned victim’s local community will not seek to exclude or ostracise her.” [15] (p44)

TREATMENT OF TRAFFICKED WOMEN RETURNED TO NIGERIA

6.60 The British-Danish FFM Report states:

“Usman [NHRC], explained that upon return to an international airport in Nigeria the returnees are not detained but can be held for questioning and their travel documents and papers seized. They are always released after a short time. Usman pointed to several cases where large groups of women were deported from foreign countries on chartered planes. In April and in May 2004 a group of 371 Nigerian women were deported from Italy. They were held for a couple of days while their families were contacted and brought in, along with some Catholic priests, in order to provide support to the victims of trafficking. The women were shown on television and the newspapers carried articles and pictures of the incident. Usman considered that this did not take place in order to expose the women but as a warning for others against engaging in trafficking. None of the women were later prosecuted.” [15] (p45)

PERSECUTION OF TRAFFICKED WOMEN RETURNED TO NIGERIA

6.61 The British-Danish FFM Report states:

“Carol N. Ndaguba, Executive Secretary/Chief Executive, National Agency for the Prohibition of Traffic in Persons and Other Related Matters (NAPTIP), considered that trafficked women and girls abroad might fear being forced to return to Nigeria. She explained that very often these victims have sworn a blood oath to a ‘juju shrine’ and to the juju priest of their local community. The victims are most likely in debt to a madam who may have sponsored their travels abroad. Because of the victim’s fear of her compulsion to the juju shrine and the possible risk of being persecuted by the madam or the priest the victim might feel a genuine fear of returning home. However, Ndaguba considered such kind of fear as unfounded.” [15] (p41)

“...Momoh [Channels Television], stated that only on rare occasions have returned victims of trafficking been ill-treated by agents of trafficking. In some cases the trafficked persons, may possibly be at risk of ill treatment or revenge if the trafficked person[s] returns to Nigeria before the madam or the agent have been satisfied with payments. However, Momoh had no records of any such incidents and believed that if this were a problem he would be aware of it. It was added that in Edo State as well as in some other states shelter facilities are available to female victims of trafficking.” [15] (p43)

“According to BAOBAB, agents of trafficking are able to kill a woman who has been returned to Nigeria if they desire to do so and that agents have a strong network. However, BAOBAB was aware of only one case of reprisals being made and this involved an agent killing the sister of a victim of trafficking. The sister was residing in Italy when she was killed.” [15] (p43)

“Usman expressed some concern about a woman’s security if she is returned to Nigeria before the contract with the madam has expired. The woman would at least have a genuine if not well founded fear of her security because she is still bound by her oath to the shrine. However, her fear could indeed be well founded if she has not been able to pay back the madam or the agent the full amount as agreed in the contract. If the madam or the agent feel that their standing in society is threatened they can send out people to look up the woman or her family and pose threats in order to collect the debt.” [15] (p43)

“The madam or the agent can also trace a woman if they suspect that she intends to co-operate with the authorities. In such cases the madam or the agent may hire persons from militant groups like the Bakassi Boys, Egbesu Boys or OPC and in this way have the woman killed as a deterrent to others. This will particularly be the case if the victim is considered as a threat against the agent, for example if the victim is co-operating with NAPTIP in disclosing the identity of agents of trafficking.” [15] (p43)

“Usman was convinced that madams or agents would be able to trace a returned victim of trafficking. Only in few cases have the authorities prosecuted traffickers. It is very likely that women who agrees [sic] to testify against a madam or an agent of trafficking would face intimidation or acts of revenge pending the hearing of any court case because of the delays in the judicial system.” [15] (p43)

“Akinmoyo [The Presidency], believed that the biggest problem facing victims of trafficking was the traumatic experience they have undergone living as prostitutes in a foreign country, but believed that the victims were not at risk of persecution from any Nigerian authority if they return home. Akinmoyo considered that in general returning victims would be secure and that agents of trafficking or madams would not be in a position to persecute returned victims of trafficking in Nigeria. Akinmoyo believed that returned victims of trafficking should always have access to a protection programme upon returning to Nigeria to help the victims deal with their traumatic experiences. No long-term shelters for returned or deported victims of trafficking are available in Nigeria. The existing shelters only offer protection and rehabilitation for a maximum of two weeks. After this period victims are expected to manage on their own and for some victims this could prove itself to be very difficult.” [15] (p43-44)

“Umaru [WOTCLEF], was unaware of whether or not any agent or madam had ever been able to trace and persecute a returned victim of trafficking in Nigeria. She did not believe that even agents have a sufficiently organised network to trace a returned woman. Umaru was convinced that she would have been informed had there been any cases where agents had been able to persecute returned victims of trafficking.” [15] (p44)

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FREEDOM OF MOVEMENT

- 6.62 Regarding the right to travel within the country, to travel abroad and to return to Nigeria, the USSD 2005 Report states that:

“The law provides for these rights, and while the government generally respected them police occasionally restricted freedom of movement by enforcing curfews in areas experiencing ethno-religious violence.”

“Law enforcement agencies used 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 might instigate retaliatory violence. There were no reports that government officials restricted mass movements of individuals fleeing ethnic unrest. Security and law enforcement officials continued to use excessive force at checkpoints and roadblocks and engage in extortion and violence.”

“The law prohibits the expulsion of citizens, and the government did not use forced exile. Ismaila Gwarzo, national security advisor to former president Abacha, remained restricted to his hometown in Kano State at year’s end.” [3a] (Section 2d)

- 6.63 The British-Danish FFM Report states that:

“Musa Baraya, Acting Comptroller General, Comptroller General of Immigration, Nigerian Immigration Service (NIS), acknowledged that border control – particularly along the borders to the north of the country – was a serious problem. There are official border crossing points but in practice anyone could easily cross at any point. Economic Community of West African States (ECOWAS) agreements provide for free movement with neighbouring countries but there is still a requirement for individuals to have proper travel documentation. NIS, in an effort to tackle the problem of illegal border crossing, has put in place mobile border patrol units on land and introduced air patrols. They have also developed close working relationships with counterparts in neighbouring states and these initiatives are proving to be successful.” [15] (p65)

TREATMENT OF RETURNED FAILED ASYLUM SEEKERS

- 6.64 Regarding how returned failed asylum seekers are treated by the Nigerian authorities, the British-Danish FFM Report states that:

“Ndaguba [NAPTIP] emphasised that there are no laws in Nigeria which make it illegal to leave the country and that no Nigerian asylum seeker has been persecuted or punished after having returned from abroad as a consequence of having applied for asylum.”

“Yusuf [*Daily Trust* newspaper] confirmed that during the democratic elected government in Nigeria no returned rejected asylum seeker has been arrested or detained only because he or she had applied for asylum abroad.”

“Baraya [NIS] confirmed this but added that those who are perceived as having damaged the reputation of Nigeria, by for example claiming that the government has persecuted them are ‘not liked’. Although in theory such individuals might

be facing prosecution for 'defamation', Baraya could not recall any example of this ever having happened in practice." [15] (p65)

- 6.65 Regarding how returned failed asylum seekers arriving in Nigeria with emergency or temporary travel documentation are treated, the British-Danish FFM Report states:

"Nick Newman, Visa Section, BHC, Abuja, explained that failed asylum seekers who are returned on UK emergency travel document[s] are questioned on arrival in Nigeria in order to establish why the person concerned had been in the UK and why he or she had been deported. The interview would usually last on average 15 to 20 minutes. Newman was not aware, or has ever heard, of any returned failed asylum seekers being held in detention or having encountered any ill treatment or other problems upon his return to Nigeria. Individuals deported back to Nigeria are subsequently allowed to apply for and be issued with full Nigerian passports in the normal way to allow further travel overseas. Those however who are wanted by the Nigerian authorities for, in particular drug smuggling, are likely to be arrested on return and prosecuted by the police for those criminal offences."

"The delegation was able to hear first hand from two returned failed asylum seekers who were separately attending the BHC in connection with visa applications to return to the UK. The first applicant had been returned to Nigeria with a certificate of identity issued by the UK authorities. The applicant said that he was questioned by the immigration authorities on return and held for about two or three hours while his identity was confirmed; he was not questioned by the SSS or anyone else. As soon as the applicant's identity was confirmed the person in question was admitted to Nigeria. The applicant said that he had not encountered any problems or difficulties subsequently and has been issued a replacement passport through normal channels."

"The second applicant had been returned to Nigeria on an emergency travel document issued by the Nigerian High Commission in London. The applicant said that he had passed through immigration control at Murtala Mohammed International Airport in Lagos without being questioned and had not experienced any problems from any government body since returning to Nigeria. The applicant had also been issued a full replacement passport in the usual way." [15] (p66)

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6B. HUMAN RIGHTS - SPECIFIC GROUPS

ETHNIC GROUPS

6.66 The Nigeria section of reference.com states that:

“The variety of customs, languages, and traditions among Nigeria’s 250 ethnic groups gives the country a rich diversity.”

“The dominant ethnic group in the northern two-thirds of the country is the Hausa-Fulani, the overwhelming majority of whom are Muslim. Other major ethnic groups of the north are the Nupe, Tiv, and Kanuri. The Yoruba people are predominant in the southwest. Over half of the Yorubas are Christian and about a quarter are Muslim, with the remainder following mostly traditional beliefs. The predominantly Christian Igbo are the largest ethnic group in the southeast. Roman Catholics are the largest denomination, but Pentecostal and other Evangelical denominations are also strong. The Efik, Ibibio, and Ijaw (the country’s fourth-largest ethnic group) communities also comprise a substantial segment of the population in that area.” [20]

6.67 Nigeria’s ethnic diversity is reflected in the makeup of the federal government and state governments, as noted in the USSD 2005 Report:

“The law 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. The government was an example of the diversity: President Obasanjo is a Yoruba from the southwest, the vice president is a Fulani from the northeast, and the senate president is an Igbo from the southeast. The government also attempted to balance other key positions among the different regions and ethnic groups. The Senate used its oversight role to reject many of President Obasanjo’s ambassadorial appointments and insisted on at least three appointments from each state. The political parties also engaged in ‘zoning,’ a practice of rotating positions within the party among the different regions and ethnic groups to ensure that each region was given adequate representation. Despite this effort, with more than 250 ethnic groups, it was difficult to ensure representation of every group in the government.” [3a] (Section 3)

ETHNICITY AND SOCIETAL DISCRIMINATION

6.68 The USSD 2005 Report states that:

“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 neighbourhoods, and a continuing paucity of marriages across major ethnic and regional lines. There was a long history of tension among some ethnic groups.”

“Many groups complained of insufficient representation. The law prohibits ethnic discrimination by the government, but claims of marginalization, particularly by members of southern groups and Igbos, continued. In particular, the ethnic groups of the Niger Delta continued their calls for high-level representation on petroleum problems and within the security forces. Middle Belt and Christian officers dominated the military hierarchy, and some persons in the North

believed that the northern Hausa were underrepresented in the military. 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 favour their own ethnic groups for important positions and patronage.” [3a] (Section 5)

6.69 A Global Security report dated April 2005 states:

“Conflicts spurred by competition over economic opportunities have been part and parcel of life for more than 150 years in the area now known as Nigeria. Such competition has long been managed with varying degrees of success in many places in the country, but it can erupt at any moment into violent confrontations. Both Kano and Lagos, Nigeria’s two largest urban centers, attract immigrants from most other parts of the country. They come seeking economic opportunities, and frequently gain access to employment through kin networks or, failing that, through membership in any ethnic group. This means that economic competition often occurs between groups organized on ethnic bases. In consequence, such conflicts incorporate powerful potential to destabilize Nigeria’s transition to democracy as well as the political situation more broadly, and to wreak havoc with the economy. At the same time, such economic competition, like other forms of dispute, can be managed successfully if local leaders have the training and institutional facilities that allow them to diffuse ethnic tensions before they boil over into open violence.”

“The diverse groups of Nigeria generally co-exist peacefully in mixed ethnic neighborhoods throughout the country’s urban areas. Nonetheless, members of different ethnic groups often look with suspicion on one another. They remember the violence of the past, and remain sensitive to slights, insults, and ‘unfair’ advantages. They frequently interpret the actions of members of other groups as efforts to assert (or reassert) domination over them. Each group has its own history of perceived slights, injuries, and disadvantages experienced at the hands of other groups. Each group has militants to mobilize those most ready to engage in intergroup violence, and each group has hurt members of the others.” [33b]

INCIDENTS OF VIOLENCE BETWEEN DIFFERENT ETHNIC GROUPS

6.70 Incidents of violence between various ethnic groups sometimes occurs in Nigeria. The Global IDP Project “Internal displacement in Nigeria: a hidden crisis” report, published on 1 February 2005, states:

“With a population of about 130 million and more than 250 ethnic groups, Nigeria is Africa’s most populous nation – with a multitude of religious, ethnic and political fault lines that periodically erupt into communal violence. This has created a sizeable, albeit fluctuating, internally displaced population – particularly since the return of democracy in 1999. Conservative estimates put the number of people killed in communal violence across Nigeria since 1999 at around 10,000; some government figures stand at more than 50,000 for central Plateau state alone (BBC, 7 October 2004).”

“...Perhaps the most significant cause of communal violence in Nigeria is the entrenched divisions throughout the country between people considered indigenous to an area, and those regarded as settlers. Even though settlers may have lived in an area for hundreds of years, they are consistently

discriminated against in terms of land ownership, control of commerce, jobs and education. In predominantly Christian Plateau state, for example, the majority of 'settlers' belong to the northern Hausa-Fulani ethnic group, nomads who have gradually moved southwards as the expanding Sahara desert has dried up their traditional grazing land. Hausa-Fulani Muslims have long complained that predominantly Christian farmers steal their cattle and prevent them from grazing, whilst the farmers counter that cattle encroach on their land. At the same time there are indigenous Muslim ethnic groups fiercely opposed to the perceived expansionist tendencies of the Hausa-Fulanis." [13] (p8)

- 6.71 Violent inter-ethnic conflicts based on disputes over land rights and ownership occurred during 2005. The USSD 2005 Report states:

"Competing economic aspirations among ethnic groups each seeking control of state and local governments, led to violent conflicts during the year [2005]."

"On March 5-6 [2005], ongoing communal conflict along the border of Jigawa and Bauchi States flared up, injuring dozens and killing up to eight persons. The conflict occurred over the location of a 300-year-old public market that had been controversially relocated in 2004 from a village in Jigawa State to a neighboring village in Bauchi State. Fighting between the two groups was reportedly sparked by a Bauchi legislator's comment that the market would never be returned to Jigawa. In response to the violence the Jigawa State government set up an ad hoc committee, headed by the state commissioner of information, to identify the root causes of the conflict and recommend solutions. Although the committee submitted its report to the governor in March [2005], the report was not made public."

"...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 claimed by their opponents to have migrated to the country later than other inhabitants of the disputed area, were regarded as interlopers by the other groups, which consider themselves 'indigenous'. Tivs are the largest ethnic group in much of Benue and parts of other states."

"In April [2005] in eastern Benue State, the site of numerous communal clashes in the past, an estimated 10 to 20 persons were killed in fighting between ethnic Tivs and Fulanis, reportedly sparked by the rape of a Tiv girl by a Fulani cattle herder. Many Fulanis fled into neighboring Taraba State. The state police command deployed additional mobile policemen to the area, preventing further violence."

"Communal violence between members of the Ogori and Ekpedo ethnic groups in Kogi and Edo states continued over boundary and land disputes. Kogi and Edo state governors declared the disputed land a 'buffer zone,' and the matter was referred to the National Boundary Commission in 2003. No further action was taken during the year."

"Clashes between herdsmen and indigenous farmers were common as they competed for diminishing land resources during the year. Farmers expanded their croplands onto traditional cattle migration routes, while nomadic herdsmen moved herds from overgrazed land onto farm areas. In February [2005] at least 10 persons were killed in clashes between farmers and herdsmen in Demsa,

Adamawa State. Also, in Ringim LGA [Local Government Area] of Jigawa State, 4 to 10 persons were killed in clashes between farmers and herdsmen. About 20 persons were arrested but no charges were filed.” [3a] (Section 5)

INTER-ETHNIC VIOLENCE IN THE DELTA REGION

- 6.72 The Niger delta is a region of Nigeria where there have been long-standing ethnic tensions that have sometimes resulted in violence. A Norwegian 2004 FFM Report on Nigeria states that:

“According to the Nigerian Red Cross and others, the Niger Delta is one of the main areas of ethnic conflict in Nigeria. The Nigerian Red Cross mentioned a number of underlying reasons for the conflict, the main one being resource control – i.e. who controls the vast oil resources in the area. In addition to this, there are enormous social problems in the area – some directly related to the oil business, some not: generational conflicts, huge unemployment and crime – organised and other kinds – as alternative ways of finding income. They pointed to general thuggery, gangs involved in ‘bunkering’ of oil from pipelines as well as dealing in narcotics as widespread problems in the area.” [37] (p10)

“...The areas where conflicts mostly erupt into violence are Warri Town and the swamp area along the coast. The local populations’ main interest was seen to be to state a claim to local resources, and to focus on being able to control their own future. They focus much of their attention on the international oil companies operating in the area.” [37] (p10-11)

“...The strong sentiments in the population of being unfairly treated, make people - especially the youth - prone to manipulation. An opinion commonly held in the region is that the oil companies should stop compensation schemes benefiting individuals, and rather invest in education, health services and other kinds of infrastructural development projects.” [37] (p11)

“...They [the Nigerian Red Cross] pointed to several interested parties in the conflict - local authorities, international oil companies, local ethnic groups, central government and others. Local organisations are also active, both political parties and ethnicity-based organisations. There are many splinter groups, and [they] operate in a manner similar to cults. The level of conflict between different ethnic groups is high, but it is also considerable within ethnic groups, where subgroups and clans may be in conflict - also armed.” [37] (p11)

- 6.73 Information published by Global Security, dated April 2005, states that:

“Organizations like the Movement for the Survival of Ogoni People (MOSOP), the Movement for the Survival of Ijaw Ethnic Nationality (MOSIEN), and Ijaw Youth Council have been at the fore of popular mobilization in the Niger Delta. Since the implosion of MOSOP, Ijaw youths have increasingly taken centerstage. Ijaw youth groups are leading a struggle for the right to share their land’s oil wealth. They have organised into groups, the most daring being the Egbesu Boys of Bayelsa, the Chicoco Movement, the Ijaw Youth Council, Federated Niger Delta Ijaw communities and the Niger Delta Volunteer Force. Several splinter groups have turned to extortion, hijacking, sabotage and kidnapping for private gain. Many of the Ijaw youths who are fighting are also idlers for whom violence has become a source of daily entertainment.”

“The Ijaw National Congress is involved in the struggle to achieve cultural change and free the people of the Niger Delta, and the Ijaws in particular from decades of environmental pollution, corporate violence, unjust socio-economic structure and political oppression.”

“Moujahid Dokubu-Asari, who heads the Niger Delta People’s Volunteer Force, is seen as a folk hero by many poor residents who complain they’ve never shared in the country’s oil wealth. Dokubu-Asari claims to be fighting for self-determination in the region and greater control over oil resources for more than 8 million Ijaws. The NDPVF says it is seeking a better deal for the Ijaw people, the largest tribe in the Niger Delta which accounts for most of Nigeria’s oil production. But the government says it is nothing more than a criminal gang which finances itself by stealing oil from pipelines and selling it clandestinely to tankers offshore.” [33a]

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VIOLENCE COMMITTED BY ARMED MILITIA GROUPS IN THE DELTA REGION

- 6.74 The HRW Briefing Paper “Rivers and Blood: Guns, Oil and Power in Nigeria’s Rivers State”, published in February 2005, reports that:

“On September 27, 2004, the leader of a powerful armed group threatened to launch an ‘all-out war’ in the Niger Delta – sending shock waves through the oil industry - unless the federal government ceded greater control of the region’s vast oil resources to the Ijaw people, the majority tribe in the Niger Deltas. The threat, made by Alhaji Dokubo Asari, leader of the Niger Delta People’s Volunteer Force (NDPVF), followed the deployment of federal government troops to quell months of intense fighting between the NDPVF and a rival armed group, the Niger Delta Vigilante (NDV), led by Ateke Tom. The threat also provoked an immediate response from multinational oil companies, global financial markets, and Nigerian government officials.” [22f] (p2)

“...A Human Rights Watch fact-finding mission to Rivers State in November 2004 found that months of fighting between the armed groups has led to serious human rights abuses against ordinary Nigerians. The violence between Asari’s NDPVF and Tom’s NDV [Niger Delta Vigilante] occurred mainly in riverine villages southeast and southwest of Port Harcourt, known as the oil capital of Nigeria, and within Port Harcourt itself. Since 2003, the running fight for control of these villages and towns has resulted in the deaths of dozens of local people and forced tens of thousands to flee their homes. Schools and businesses have closed, and homes and property worth millions of dollars has [sic] been destroyed. Hundreds of mostly young male fighters have also been killed. The violence has created a profound climate of fear and insecurity in Rivers State, leaving local people reluctant to return to their homes or to seek justice for the crimes committed.” [22f] (p2)

“The recent violence in Rivers State is primarily the result of a struggle between the NDPVF and rival NDV for control over illegal oil revenues. Underlying the conflict are several key issues that fuel the violence, including: the manipulation of frustrated youth by political leaders, traditional elites, and organized crime syndicates involved in oil theft; the impact of oil money on community politics; crushing poverty and youth unemployment; and the widespread availability of

small arms and other lethal weapons. Human Rights Watch found strong evidence to suggest that senior members of the state government at one time gave financial or logistical support to Asari and Tom, laying the foundations for a later conflict that would spin out of control. Both the leaders of armed groups and their backers have been emboldened in their acts of brutal violence by the prevailing culture of impunity. Across the Niger Delta, as throughout Nigeria, impunity from prosecution for individuals responsible for serious human rights abuses has created a devastating cycle of increasing conflict and violence.” [22f] (p2-3)

“Although the violence across the Niger Delta has manifested in different forms - in Warri it is seen as a conflict between Ijaw and Itsekere ethnic militias, in Rivers State as a battle between Ijaw groups - it is essentially a fight for control of oil wealth and government resources. The violence in Port Harcourt has been perpetrated by two rival armed groups and their affiliates who battled to control territory and lucrative oil bunkering routes.” [22f] (p3-4)

“...Both Asari’s NDPVF and Tom’s NDV are primarily comprised of young Ijaw men from Port Harcourt and nearby villages. In addition to these two groups, there are, according to the state government, more than 100 smaller armed groups, known locally as ‘cults’.” [22f] (p4)

THE GOVERNMENT’S RESPONSE TO THE VIOLENCE

6.75 The HRW Briefing Paper states:

“During the course of the [sic] 2004, violence in the villages in and around Port Harcourt, the police army and navy failed to take sufficient action to secure the lives and property of the local residents. In almost all areas, local people reported to Human Rights Watch the absence or inability of the security forces to deal with the violence. Several participants and eyewitnesses to the clashes in Port Harcourt told Human Rights Watch that although they attempted to contact the police during the clashes, they arrived on the scene well after the attackers had left, if at all. When questioned about this the State Commissioner of Police told Human Rights Watch, ‘the police don’t have the fire power in comparison to the militia.’ Several members of Asari’s NDPVF described to Human Rights Watch how the police, rather than act to stop the clashes or protect lives and property, stood by while Tom’s NDV attacked during clashes between the two armed groups.” [22f] (p17)

“...Moreover, very few individuals responsible for organizing or carrying out the attacks appear to have been arrested or prosecuted. Although the State Commissioner of Police told Human Rights Watch that over 200 people had been arrested and charged since the passage of the ‘Secret Cult and Similar Activities Prohibition Law’ in June 2004, local NGOs and members of the Port Harcourt communities affected by the violence in August 2004 reported to Human Rights Watch that very few people had been arrested in the aftermath of those attacks. From interviews with members of both the NDPVF and NDV, Human Rights Watch concludes that of the few arrests made during the clashes, most were of low-level fighters or, in some cases, those unconnected to the incidents, seemingly in an attempt to show action was being taken. In other cases, members of the armed groups told researchers how their fellow fighters were released shortly after arrest or following the payment of a bribe to police officers.” [22f] (p17-18)

“...In May 2004, the state government constituted a joint internal security operation, involving the army, navy and police in response to the rising tide of violence in the state. As fighting between Asari’s NDPVF and Tom’s NDV, intensified, security forces carried out operations in Ogbakiri, Buguma, Tombia and Amadi Ama between June and August. The objective of the operation, under the overall command of the police, was to ‘maintain law and order and ensure the militia members were brought to book.’ ” [22f] (p18)

“...National and international press at the time reported the death of scores of people killed by Nigerian security forces, in particular during operations in Ogbakiri at the beginning of June 2004. The difficulty in locating villagers who witnessed these events and, given their fear of the armed groups, prepared to talk about their experiences presented a challenge to Human Rights Watch researchers to confirm the precise nature of these incidents and the number of people killed.” [22f] (p18-19)

“Following the attacks by Asari’s NDPVF on Port Harcourt at the end of August 2004, Rivers Governor Peter Odili requested the intervention of the federal government. On September 4, 2004, President Obasanjo approved *Operation Flush Out 3*, a joint operation comprising the Nigerian army, navy, airforce and police. According to an army public relations officer, Captain Onyema Kanu, the operation’s objective was, ‘to cleanse the state of illegal weapons’. Around the same time, the governor’s chief of staff, initiated a behind-the-scenes effort to forge a peace agreement among several of the ‘cult’ groups affiliated with Asari’s NDPVF and Tom’s NDV in 2003.” [22f] (p19)

THE 2004 AGREEMENT TO END THE VIOLENCE

6.76 The HRW Briefing Paper states:

“The Nigerian government first publicly dismissed Asari’s September 2004 threat of ‘all out war,’ calling him a ‘gangster’ and ‘criminal.’ Later in the month, however, Nigerian President Olusegun Obasanjo invited Asari and Tom to the capital, Abuja, to broker an agreement to end the fighting. On October 1, 2004, Asari and Tom agreed to an immediate ceasefire, the ‘disbandment of all militias and militant groups,’ and total disarmament. At this writing, attacks have sharply diminished. However, the agreement - as currently structured - offers only short-term prospects for stability and the protection of the local population.” [22f] (p3)

“The federal government initiative, headed by President Obasanjo to bring Asari and Tom to the negotiating table resulted in the signing of the October 1, 2004 agreement between the two armed groups...Since then [1 October 2004] there have been several meetings between government officials, leaders of the various armed factions, and civil society representatives. The parties drafted a more comprehensive agreement which addressed two major issues: the disarmament of Asari’s NDPVF, and Tom’s NDV, and their affiliated ‘cult’ and youth group members, and the re-integration of these groups into society. In addition, numerous local committees have been established to monitor progress on these issues and examine the underlying causes of violence.” [22f] (p20)

“To encourage disarmament, the state government offered U.S. \$1800 for the return of each assault rifle surrendered. The state government also offered

members of the armed groups amnesty from prosecution and the release of members held in detention in exchange for weapons. Although at this writing disarmament was progressing - as of mid-December [2004] the army claimed some 1100 weapons had been turned in - this number is a small fraction of the weapons believed held by the armed groups. There are also reports that very old weapons are being traded to claim the financial reward, while newer, more sophisticated models remain in the hands of the fighters.” [22f] (p20)

“To help rehabilitate and re-integrate former fighters, the government has embarked on a process to register youths for a program of ‘employment generation,’ which thus far has meant interviewing youths about their employment or schooling preferences. Although the state government has pledged 4000 jobs to the youth, officials have not developed specific proposals to create these jobs.” [22f] (p21)

INCIDENTS OF VIOLENCE IN THE DELTA REGION IN 2005

6.77 The USSD 2005 Report states that:

“Interethnic fighting has long been a problem in Warri, Delta State, resulting in casualties and the displacement of tens of thousands of local inhabitants. The ceasefire in Warri, negotiated in 2004, remained largely in effect during the year [2005], and there were fewer incidents of violence.”

“Interethnic fighting elsewhere in the Delta also displaced tens of thousands of local inhabitants. In 2004 militia groups operating in Port Harcourt and other areas around the Delta region carried out violent operations that ended when officials from the presidency negotiated directly with militant leaders and reached a cease-fire agreement. The agreement was implemented by the government of Rivers State and largely held until September [2005], when violence was reignited by the arrests of Bayelsa State Governor Diepreye Alamieyeseigha and militia leader Asari Dokubu. Following the October [2005] arrest of Dokubu, leader of the Niger Delta People’s Volunteer Force, tensions remained high for several weeks with increased threats and instances of crime, particularly against foreign interests, that could have been politically motivated. However, these threats also may have been the result of groups taking advantage of the heightened tensions for monetary gain.” [3a] (Section 5)

6.78 The Human Rights Watch “Human Rights Overview” 2005 report on Nigeria, published in January 2006, adds further:

“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 security forces sent to restore order in the area. Violence between ethnic militias often occurs within the context over control of the theft of crude oil. The violence is aggravated by the widespread availability of small arms, a problem which exists throughout Nigeria but is particularly acute in the Delta. Despite a robust military and police presence in the region, local communities remain vulnerable to attack by militias, criminal gangs, and the security forces themselves. Oil companies rarely speak out publicly about such abuses; indeed, some of their own practices have contributed to ongoing conflict in the region.” [22e] (p1)

INCIDENTS OF VIOLENCE COMMITTED BY THE MOVEMENT FOR THE EMANCIPATION OF THE NIGER DELTA (MEND) MILITIA GROUP IN 2006

- 6.79 An ISN Security Watch report dated 3 February 2006 about a militia group called the Movement for the Emancipation of the Niger Delta (MEND) states:

“Over the past two decades, there has been a build up of anger among local people [in the Delta region]...This resentment has often manifested in angry protests by villagers, sabotage of oil installations, kidnapping of oil workers for ransom, and other forms of disruptive violence by a growing army of heavily armed militants in the region.”

“However, attacks unleashed by militia forces in the past month in the delta that cut Nigeria’s oil exports by about 10 per cent, indicate a new level of violence targeting international oil companies and closely tied to political demands. A previously unknown group calling itself the Movement for the Emancipation of the Niger Delta (MEND) claimed responsibility for an 11 January [2006] attack on an offshore oil platform during which four oil workers were taken hostage.”

“MEND also claimed attacks on pipelines and other oil installations in which more than two dozen people died during [the] same period, part of its fight to stop Nigeria’s oil exports in order to press for local control of oil wealth. Ruling out the usual ransom demanded by militants for hostages in the oil region, the group demanded the release of ethnic Ijaw leaders detained by President Olusegun Obasanjo’s government in exchange for the hostages; a demand rejected by the Nigerian leader.”

“The group also demanded that Shell honor a Nigerian court ruling three years ago that it pay US\$1.5 billion to a group of ethnic Ijaw communities for environmental damage caused by the company’s oil operations. Shell had appealed against the ruling, which is yet to be determined.”

“After 19 days in captivity, the militants on Monday [30 January 2006] freed American boat captain Patrick Landry, ship engineers Milko Nichev from Bulgaria and Harry Ebanks from Honduras (all employees of New Orleans-based Tidewater Incorporated working as a contractor for Shell), as well as Nigel Watson, a former paratrooper and security expert employed by British firm Ecodrill to work on a contract with Shell. MEND said it had released the hostages ‘purely on humanitarian grounds’ and had not taken any ransom.”

“ ‘This release does not signify a ceasefire or softening of our position to destroy the oil export capability of the Nigerian government,’ MEND said in an email to reporters. The group said it soon would launch fresh attacks aimed at cutting Nigeria’s exports by 30 per cent in February [2006]. It warned all foreign oil workers to leave as new hostages taken by the group would not be freed.”

“Both the military sophistication and the ferocity of the attacks have surprised the Nigerian military and oil industry officials already used to militant violence in the Niger Delta. The militants launched a commando raid on Shell’s EA platform just over nine kilometres into the shallow waters of the Atlantic off the Delta coast, evading navy patrols in the area, in order to take hostages including a security expert hired to prevent that very type of occurrence.”

“In the attack on Shell’s Benisede facility four days later, the militants fired rockets on the quarters housing troops stationed to guard the installation to put them out of action, before using explosives to level the facility. The Nigerian military said four soldiers were killed in that attack, while another 11 are still missing and presumed dead.”

“...Close observers of the Niger Delta say there are numerous armed groups active in the region. Some of them act independently, while others, especially in the Ijaw areas, are loosely federated; all are united in their anger against the central government with each group obtaining weapons through an illegal trade in oil trapped from pipelines into barges and sold to rogue vessels offshore.”

“ ‘What we are seeing in MEND is an attempt to marry the anti-government rhetoric to military action in the form of guerrilla warfare,’ said Niger Delta rights activist Pius Waritime.” [14]

6.80 A BBC News online report dated 21 February 2006 states:

“The Movement for the Emancipation of the Niger Delta, which has threatened ‘total war’ in Nigeria’s main oil-producing region and is behind the recent kidnapping of oil workers is a shadowy group, about which little is known.”

“The BBC’s Abdullahi Kaura Abubakar managed to meet one of the group’s leaders, who used the alias Major-General Godswill Tamuno.”

“But he refused to be interviewed on tape or for his location to be disclosed.”

“Our correspondent says the ‘general’ was not visibly armed and you could easily walk past him in the streets without noticing him.”

“Mend’s leaders like to be faceless, our reporter says, and they usually send statements to the media via e-mail.”

“Yet their threats and attacks on oil installations in the region have caused a 15% cut in Nigeria’s oil output and a surge in world oil prices.”

“Mr Tamuno told our reporter that Mend was fighting for ‘total control’ of the Niger Delta’s oil wealth, saying local people had not gained from the riches under the ground and the region’s creeks and swamps.”

“He said the Delta region had been exploited for the benefit of other parts of Nigeria and foreign companies and ordered all oil companies and Nigerians whose roots lie elsewhere to leave the region.” [81]

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VIGILANTE GROUPS

6.81 The Amnesty International (AI) report “Nigeria - Vigilante Violence in the South and South-East”, published in November 2002, states:

“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] (p1)

- 6.82 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:

“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] (p9)

- 6.83 The AI Report on vigilantes adds further:

“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.”

“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 Egbesu 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] (p2)

- 6.84 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 criminals 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] (p2)

- 6.85 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] (p2)

- 6.86 Vigilante groups were active during 2005, as noted by the USSD 2005 Report:

“Killings carried out by gangs of armed robbers remained common during the year [2005]. In most southeastern states, state governments supported vigilante groups, the most well-known of which was the ‘Bakassi Boys,’ officially known as the Anambra State Vigilante Service. Like most vigilante groups, the Bakassi Boys sometimes killed suspected criminals rather than turn them over to the police. Although some killings continued, the influence of the Bakassi Boys and other vigilante groups in the Southeast diminished during the year.”

“Other organized vigilante groups continued to commit numerous killings of suspected criminals. For example, on May 14 [2005], a vigilante group in Yobe State killed a shop owner, claiming he had confessed to armed robbery. The same group killed two others, allegedly for being ‘godfathers’ to gangs of armed robbers. The Yobe State governor publicly praised the leader of the group, Sarkin Baka, for his actions.” [3a] (Section 1a)

VIGILANTE GROUPS AND THE POLICE

- 6.87 The British-Danish FFM Report states:

“A senior representative of the IGP confirmed that vigilante groups had in the past been prevalent in taking the law into their own hands because the police, until recent years had not had the capacity. However, since 1999, the NPF has grown in size and capacity and now has a much higher profile. Former vigilante groups have now been brought within and under the control of the NPF. They are registered with and operate under the supervision of [the] NPF and are akin to services like the ‘neighbourhood watch’ scheme in the UK and elsewhere operating principally at night. The accounts of those that claim to be ill-treated by such groups can be easily verified by asking for the particular name, location and dates of any such incidents and these can be checked with the NPF.” [15] (p13)

“Usman [NHRC] considered that any former vigilante groups or movement that has registered and is co-operating with the authorities would have to be screened by the police. NHRC does not receive complaints about groups that have been registered and integrated within the NPF, and they do not cause any problems.” [15] (p14)

“...In contrast to the above-mentioned registered groups Usman mentioned a number of non-registered vigilante groups, which he described as ‘outlaws’ or ‘militias’. These groups are to be found in various locations throughout Nigeria and included the OPC, Bakassi Boys, Yan Daba, Egbesu Boys etc. as well as various warlords, militias and cult gangs in the Delta and other regions.” [15] (p14)

“...A senior representative of the IGP explained that membership or association with these groups or economic support for them is not illegal but many illegal acts those groups or members of those groups might commit are of course criminal offences and will be treated as such. For example, threatening behaviour or otherwise preventing people from going about their normal lives will be treated appropriately. There have been prosecutions for such destructive behaviour and the courts have handed down sentences that have ranged from between two and six years according to the seriousness of the offence. Many though have been charged and are still awaiting trial. On the other hand the source was not aware of any complaints made by individuals in respect of the Bakassi Boys or similar vigilante groups. The source repeated that any member of [the] Bakassi Boys or any other vigilante group would be arrested if he or she had committed any crime or has acted in a destructive manner. The NPF deals with individuals within these groups in the context of any illegal activities committed by the individual.” [15] (p14-15)

“Regarding the possibility of internal flight alternative for persons with problems with these groups Usman was of the opinion that it depends on the nature of the problem and the profile of the person concerned. A person who had a serious problem with [the] OPC cannot return to Lagos or the southwest in safety because of the inability of the authorities to provide adequate protection against the OPC. However, a person in those circumstances could, depending on the nature of the problem with [the] OPC, in most cases relocate to, and be safe in, for example, Abuja.” [15] (p16)

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THE O’ODUA PEOPLE’S CONGRESS (OPC)

- 6.88 The Human Rights Watch (HRW) report “The O’odua People’s Congress: Fighting Violence with Violence”, published in February 2003, states:

“Nigeria has witnessed an increase in the activities of ethnic and regional militia, vigilantes, and other armed groups in the last few years. One of the better-known of these groups is the O’odua People’s Congress (OPC), an organization active in the southwest of Nigeria which campaigns to protect the interests of the Yoruba ethnic group and seeks autonomy for the Yoruba people. The OPC is a complex organization, which has taken on several different roles as it has adapted to the changing political and security environment in Nigeria. One of several Yoruba self-determination groups, it was established in 1994 with the aim of overcoming what it alleged was the political marginalization of the Yoruba. It has since evolved in several different directions. Its activities have ranged from political agitation for Yoruba autonomy and promotion of Yoruba culture to violent confrontation with members of other ethnic groups, and, more recently, vigilantism – the OPC has been responsible for numerous human rights abuses and acts of violence, and its members have killed or injured hundreds of unarmed civilians. However, OPC members have been victims as well as perpetrators of human rights

abuses. Hundreds of real or suspected OPC members have been killed by the police; many others have been arbitrarily arrested, tortured, and detained without trial for extended periods.” [22a] (p1)

“...Part self-determination organization, part vigilante group, the OPC has defied easy classification. The usual description of the OPC as an ethnic militia, while accurate, is also misleading, in that not all the acts of violence committed by its members have been ethnically motivated. Many of the conflicts in which the OPC has got involved have been among Yoruba, and consequently victims of OPC violence have included Yoruba...In a sense, the OPC combines aspects of two distinct types of organizations which have emerged in Nigeria: those which advocate for the specific interests of their particular ethnic, regional or religious group in a broadly political context, and those which have taken on the task of fighting crime, without an explicit political agenda of their own. In addition, OPC members frequently carry out acts of intimidation and violence which appear to be motivated more by a desire to rob their victims of money or possessions, than by any ideological objective.” [22a] (p1)

“...Several government officials maintain close links with the OPC leadership, and OPC members have provided security arrangements at official and public functions, in the presence of government officials. Where action has been taken by the federal government to crack down on the violence, it has often resulted in further human rights violations by the police, including extrajudicial executions and arbitrary arrests. The weakness of the Nigerian police force, its apparent inability to maintain law and order, and the lack of public confidence in its effectiveness have aggravated the problem and have given many armed groups the freedom to operate according to their own rules, and to carry out serious human rights abuses with impunity.” [22a] (p1-2)

- 6.89 The OPC's members come from diverse backgrounds and from different parts of the country, according to the HRW report on the OPC, which states:

“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] (p6-7)

“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] (p6-7)

- 6.90 People have joined the OPC for a variety of reasons, as noted in the HRW report on the OPC:

“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] (p7)

- 6.91 The OPC has a hierarchy and an organisational structure, according to the HRW 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 as 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] (p7)

- 6.92 Some OPC members have committed human rights abuses, according to the HRW 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] (p2)

“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] (p11)

- 6.93 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’. 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.” [27a] (p6)

“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.” [27a] (p7)

- 6.94 The HRW report on the OPC notes that the OPC has developed a close relationship with the state governors and other state government officials in the south western 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.”

“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.”

“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] (p47)

- 6.95 Some state governors have approved of OPC vigilante activity, as noted in the HRW report on the OPC:

“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] (p49)

- 6.96 As noted in the HRW report on the OPC, the federal government announced a ban on the OPC in 1999, and instructed the police to suppress OPC activity:

“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] (p2)

“...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] (p45)

- 6.97 Members of the OPC continue to be arrested by the police, as noted in the USSD 2005 Report:

“Members of the Oodua People’s Congress (OPC), a militant Yoruba group operating in the southwest that claims its objective is to protect the collective rights of the Yoruba within the federation, continued to be arrested. Following several fatal October [2005] altercations between OPC factions, rival OPC leaders Dr. Fredrick Fasheun and Chief Gani Adams were detained and charged with managing an illegal organization and abetting mayhem. On December 1 [2005], Fasheun, Adams, and four others were charged with treason, illegal weapons possession, and membership in an illegal organization. An Abuja high court denied them bail on December 21, and all six remained in custody at year’s end.” [3a] (Section 1d)

THE BAKASSI BOYS

- 6.98 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.”

“...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.”

“...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] (p3)

MOVEMENT FOR THE ACTUALISATION OF THE SOVEREIGN STATE OF BIAFRA (MASSOB)

- 6.99 A news report from the *Daily Sun* (Nigerian newspaper) dated 18 August 2004 stated that:

“The Federal Government banned the [MASSOB] 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 [2004], 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.”

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

6.100 The *Daily Sun* 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* (Nigerian 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. [29a]

6.101 The British-Danish FFM Report states that:

"According to a senior representative of the IGP, the NPF and political opposition parties, including the separatist movement MASSOB, are not regarded as a 'serious threat or problem' and there has never been any violence involved in their activities. The BHC [British High Commission], confirmed that political opposition groups such as MASSOB are in general free to express their views, although those that take part in demonstrations may face detention."

"...Professor Utomi [Lagos Business School, Pan-African University Lagos] explained that there had been [a] significant level of resentment in Igbo society about the treatment of Igbo people since the civil war. There was a philosophy of an Igbo-renaissance amongst young Igbo men and women born since the civil war and they have found allies in the Igbo diaspora. This has been exploited by MASSOB. However, MASSOB is very much a fringe group but because of government over-reaction to it, has gained support. The government is strongly opposed to MASSOB and several members and supporters have been arrested and detained for months even though MASSOB insists that it is a non-violent movement. Professor Utomi explained that the ghost of MASSOB has created concern within the SSS and now and then its forces have over-reacted." [15] (p11)

6.102 The same FFM Report adds further:

"Nwankwo [Attorney-at-law, Lagos], emphasized that MASSOB is an unarmed and non-violent movement. In spite of this a large number of suspected MASSOB members or sympathisers are detained in Abuja and the government has refused to release them on bail. Nwankwo explained that, since February 2004, 300 members of MASSOB are being [sic] detained in Abuja alone awaiting trial. He added that two members of the National Assembly have requested him to be defence counsellor for the 300 pending MASSOB cases in Abuja. Some of those detained may be faced with charges for treason, which is punishable by death. However, Nwankwo was not aware that any governor has signed a death penalty under common criminal law since 1999. But extra-judicial killings are common in Nigeria and it has been claimed that the NPF frequently kill members of MASSOB and others with impunity." [15] (p12)

"Normally anonymous sympathisers of MASSOB do not draw the attention of [the] NPF. More prominent leaders of MASSOB are at risk of persecution and also persons affiliated with those leaders could be at risk of persecution and

detention. Less prominent persons who are affiliated with MASSOB could be targeted as well in order to intimidate others.” [15] (p13)

- 6.103 Many people were arrested by the police in 2005 on suspicion of being members of MASSOB, as noted by the USSD 2005 Report:

“In the southeast over 600 people were arrested and detained during the year [2005] on suspicion of being members of the Movement for the Actualization of the Sovereign State of Biafra (MASSOB), a separatist group espousing Igbo unity and the secession of Igbo states at its prime tenets. Those arrested tended to be youths whose links to MASSOB were unproven, and by mid-year over 70 had been released without charge. Demonstrations in September [2005], following Biafra Day on August 26, claimed a reported 6 lives, although other local reports indicated as many as 200 may have been killed by the police. Ralph Uwazurike, the leader of the group, was arrested in October [2005] along with six of his deputies on treason charges. This arrest incited a series of protests, during which the home of Nnamdi Azikiwe, the first post-independence president, was razed and three people died. Protests continued until year-end and caused business and road closures along with up to 20 deaths and an unknown number of other casualties. Human rights activists believed that the crackdown on MASSOB merely gave impoverished non-MASSOB-affiliated, Igbo youths reason to take to the streets and loot shops and homes.” [3a] (Section 1d)

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WOMEN

SOCIETAL DISCRIMINATION AGAINST WOMEN

- 6.104 The USSD 2005 Report states that:

“While there are no laws barring women from particular fields of employment, women often experienced discrimination under customary and religious practices. The Nigerian NGOs Coalition expressed concern regarding continued discrimination against women in the private sector, particularly in access to employment, promotion to higher professional positions, and salary equality. There were credible reports that several businesses operated with a ‘get pregnant, get fired’ policy. Women remained underrepresented in the formal sector but played an active and vital 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. Unmarried women in particular endured many forms of discrimination.”

“...While some women made considerable individual progress both in the academic and business world, women overall remained underprivileged. Although women were not legally barred 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. Widows were subjected to unfavourable conditions as a result of discriminatory traditional customs and economic deprivation. ‘Confinement’ was the most common rite of deprivation to which widows were subjected, and it occurred predominately in the east. Confined widows were under restrictions for

as long as one year and usually were required to shave their heads and dress in black. In other areas, a widow was considered a part of her husband's property, to be 'inherited' by his family. Shari'a personal law protects widows' property rights, and an NGO reported that many women succeeded in protecting their rights in Shari'a courts." [3a] (Section 5)

DOMESTIC VIOLENCE

6.105 The USSD 2005 Report states that:

"Domestic violence was widespread [in 2005] and often considered socially acceptable. Reports of spousal abuse were common, especially those of wife beating. Police normally did not intervene in domestic disputes, which seldom were discussed publicly. The Penal Code permits husbands to use physical means to chastise their wives as long as it does not result in 'grievous harm,' which is defined as loss of sight, hearing, power of speech, facial disfigurement, or life-threatening injuries. In more traditional areas of the country, courts and police were reluctant to intervene to protect women who formally accused their husbands of abuse if the level of alleged abuse did not exceed customary norms in the areas. According to the 2003 Nigeria Demographic and Health Survey (NDHS), 64.5 percent of women and 61.3 percent of men agreed that a husband was justified in hitting or beating his wife for at least one of six specified reasons, including burning food and not cooking on time." [3a] (Section 5)

6.106 The Amnesty International (AI) report on domestic violence against women in Nigeria, "Unheard Voices – Violence Against Women in the Family", published in May 2005, states:

"Countless women and girls in Nigeria are subjected to violence by some members of their families and within their communities, as in many countries throughout the world. Women of all ages and from all socio-economic groups, living in rural and urban communities, are affected. The lack of official statistics makes assessing the extent of the violence an almost impossible task, but studies suggest levels of violence are shockingly high. More than a third and in some groups nearly two-thirds of women in Nigeria are believed to have experienced physical, sexual or psychological violence in the family." [12a] (p1)

"...Violence against women and in the home is generally regarded as belonging in the private sphere and is shielded from outside scrutiny. A culture of silence reinforces the stigma that attaches to the victim rather than the perpetrator of such crimes." [12a] (p2)

"...Violence against women in the home is widely regarded in Nigeria as a fact of married life that must be tolerated. In the only known official survey of public opinion on violence against women in the home, the proportion of women and men who justified wife-beating was found to be highest in the north-central zone of Nigeria, and lowest in the south-west zone, which includes Lagos State. The proportion was also found to be higher in rural areas than in towns." [12a] (p6)

"...The crimes of rape and other forms of violence in the home are seriously under-reported, and the perpetrators are rarely brought to justice. The stigma attached to the victims of sexual violence, rather than to their attackers, deters most women from reporting such crimes." [12a] (p7)

“...Women remain silent about other forms of violence in the home for a range of reasons. They feel there is no point in taking complaints to the police because they will not be taken seriously. Women in a long-term cohabitation or marriage may endure physical abuse in silence for fear of breaking up the relationship and facing financial insecurity.” [12a] (p7)

“...Women are frequently unaware of their human rights or that violence against women in the family may constitute a human rights violation by the authorities. Women’s lack of awareness of available legal remedies may also contribute to the under-reporting of domestic violence. They may fear violent reprisals if they attempt to bring an abusive partner to justice.” [12a] (p7)

“Relatives may put women under pressure not to disturb the family peace or bring shame on the family. One woman, who had lost some teeth and suffered other injuries in the latest serious assault by her husband, was urged by her brother to resolve her marital problems on her own.” [12a] (p7)

RAPE

6.107 The AI report on domestic violence against women in Nigeria states:

“In Lagos State and other southern states, the Criminal Code’s provision on rape states:

‘Any person who has unlawful carnal knowledge of a woman or a girl, without her consent, or with her consent, if the consent is obtained by force or by means of threats or intimidation of any kind, or by fear of harm, or by means of false and fraudulent representation as to the nature of the act, or, in the case of a married woman, by personating her husband, is guilty of an offence which is called rape.’ (Section 357).” [12a] (p26-27)

“Rape is punishable by life imprisonment. The definition of ‘unlawful carnal knowledge’, however, limits rape to penetration. Furthermore, the definition (*‘carnal connection which takes place otherwise than between husband and wife’*) makes it clear that rape of a wife by her husband is not regarded as unlawful. The only charge that could be brought in the case of a woman raped by her husband would be assault.” [12a] (p27)

“...The current legislation, which explicitly excludes marital rape from the definition of rape, legitimizes one of the worst forms of violence, and denies women who have been raped by their husband access to justice and redress.” [12a] (p27)

6.108 The USSD 2005 Report adds further:

“Rape was against the law and convictions carried substantial penalties, but societal pressures reduced both the percentage of rapes reported and the penalties imposed for conviction. Rape and sexual harassment continued to be problems [in 2005]. There were no statutes against sexual harassment, but violent forms were adjudicated under assault statutes. The practice of demanding sexual favors in exchange for employment or university grades continued to be common, and rape continued to be epidemic in universities.” [3a] (Section 5)

STATE PROTECTION FOR VICTIMS OF DOMESTIC VIOLENCE AND RAPE

6.109 The AI report on domestic violence against women in Nigeria states:

“The failure of federal and state authorities to establish policies and programmes to address violence against women in the home is reflected in the lack of support for women in urgent need of a place of safety. The authorities provide no shelters for women forced to flee their homes.” [12a] (p11)

“...Litigation to obtain a divorce or to seek custody of the children is expensive and beyond the means of most women. For this reason, some women have to report violence in the home to the news media or to NGOs, to highlight their plight and to obtain legal advice and assistance.” [12a] (p11)

“The criminal justice system provides scant protection, the police and judiciary often dismissing domestic violence as a family matter and failing to investigate or press charges. The few rape victims who take their cases to court face humiliating rules of evidence, patronizing and discriminatory attitudes from court officials, and little chance of justice. The prohibitive cost of legal action encourages families to seek financial compensation out of court. In such cases – and where women subjected to violence in the family or rape cannot attain justice through criminal proceedings – the state is failing to provide effective and accessible justice for women, is depriving them of the right to redress, and is allowing the perpetrators to operate with impunity.” [12a] (p12)

“...Women and men who go to the police to report cases of violence in the family, including rape and physical assault, are often met with a patronizing and discouraging attitude. A police spokesperson in Lagos told Amnesty International that they did not take violence in the family seriously, ‘unless it is a case of the rape of a child or the husband kills his wife’. Few rapes are reported to the police, because of the social stigma attached to the victim and the difficulty in obtaining medical evidence. Women who bring a complaint of rape cannot insist on speaking to a woman police officer as of right, and proposals for specific women’s and human rights desks in all police stations have not yet been implemented.” [12a] (p12-13)

“...Social tolerance of gender-based violence in the family is replicated among Nigeria’s law enforcement officials. The police frequently dismiss complaints of domestic violence on the grounds that the state has no right to interfere in private or family matters. Far from providing protection from crimes of violence, police officers often advise complainants to go home and sort out the problems themselves.” [12a] (p13)

“The Penal Code, applicable in northern states, explicitly condones certain forms of violence in the family. Men have the right to ‘correct’ their wives, children or domestic workers as long as such ‘correction’ does not reach a threshold of severity amounting to ‘grievous hurt’ (Section 55). Severe injuries exceeding this threshold include ‘emasculatation, permanent loss of sight, ability to hear or speak, facial disfigurement, deprivation of any member or joint, bone fracture, tooth dislocation or any which endangers the life or which causes the sufferer to be in severe bodily pains or unable to follow her ordinary pursuits for more than 20 days’ (Section 241). Any injuries below this threshold of severity, and the acts of violence that are their cause, are therefore permitted in law.” [12a] (p23-24)

“No laws specifically criminalize violence in the family, and prosecutions for violence in the family have to rely on the law on common assault and other criminal provisions. Cases of physical and sexual abuse, including wife-battering, are subsumed under the offence of assault. The law fails to address the specific circumstances of gender-based violence in the family, when the crime takes place in the home in which both perpetrator and victim have lived and may continue to live.” [12a] (p24)

“...At state level, legal systems operate concurrently that reflect the multicultural composition of the state. The statutory legal system is applied in parallel with customary law and to a certain extent also religious customary law, mainly Sharia. Many of these legal systems failed to address violence against women in the family.” [12a] (p24)

- 6.110 In August 2005, the British High Commission in Abuja obtained information from Alhaji Bukhari Bello, Chairman of the National Human Rights Commission, about state protection for victims of domestic violence. According to Alhaji Bukhari Bello:

“The NPF respond more positively to requests from men than from women and do not respond adequately to complaints from women about domestic violence. Typically they are reluctant to intervene in [sic] cases of domestic violence and regard them as family matters which should be resolved within the family. In a previous career as a prosecutor, Mr Bello’s [sic] came across cases in which a husband murdered his wife after a history of domestic violence in which the police had not intervened.” [2a] (p2)

- 6.111 In August 2005, the British High Commission in Abuja obtained information from Innocent Chukwuma, CLEEN Foundation [Centre for Law Enforcement Education], about victims of domestic violence. According to Chukwuma:

“There is a low reporting rate for crimes against women. Often women are afraid to report crime. Domestic violence has not been criminalised except in two Nigerian States – Cross Rivers and Ebonyi. And the Criminal Procedure Code of Nigeria allows reasonable chastisement of wives by their husbands. There is no support mechanism for women victims. The Social Welfare Department tend[s] to refer cases to non-governmental organisations.” [2a] (p4)

- 6.112 In August 2005, the British High Commission in Abuja obtained information about state protection for women from Alhaji Bukhari Bello, Chairman of the National Human Rights Commission. According to Alhaji Bukhari Bello:

“The NPF [Nigerian Police Force] are insensitive to women. They sometimes even go out of their way to intimidate and harass women. They might, for example, arrest an unaccompanied woman for soliciting in an attempt to obtain a bribe. Some women do report crimes but others do not because of the attitudinal problems they will encounter.”

“...There is little state provision to support women facing domestic violence, female genital mutilation or trafficking. Where it exists it is inadequate. The National Agency for the Prohibition of Traffic in Persons and Other Related Matters and the Federal Capital Development Agency provide some shelters and counselling. Often the victims of female genital mutilation are scared to

complain because of local cultural pressures. A big public information campaign is needed to raise awareness of womens [sic] rights.” [2a] (p2)

- 6.113 In August 2005, the British High Commission in Abuja obtained information from Prince Emmanuel Ibe, Special Assistant to the Chairman of the Police Service Commission, about state protection for victims of domestic violence and rape. According to Ibe:

“In terms of women, usually in terms of bail, it used to be that women were not allowed to stand bail but this has mellowed down. It was seen as a way of protecting women because if someone jumps bail the guarantor would suffer the consequences and the police were not comfortable with dragging women into that situation.”

“...Apart from the bail problem there is no specific discrimination against women. Women are reluctant to report crimes such as rape because of fear of stigmatisation and that the police will not take them seriously. There are cases where family matters come up – mostly social issues which the welfare institutions deal with. But where there is a threat to life the police try to intervene.” [2a] (p9)

CUSTOMS AND LAWS RELATING TO MARRIAGE

- 6.114 The British-Danish FFM Report states that:

“There are four legal forms of marriage in Nigeria and different procedures for marriage and dissolution apply to each category.

- Islamic (*Maliki* school of law)
- Christian
- Civil (statutory law)
- Customary (tribal/traditional)

According to BAOBAB Muslim personal law in northern Nigeria is generally practised in preference to statutory law. Muslims very rarely choose to marry under statutory law. In the southern parts of Nigeria marriage under statutory law is much more common. However, throughout Nigeria, other than where Muslim law is applied, it is generally the various customary laws that govern personal matters - even when couples have married under statutory law.” [15] (p68)

- 6.115 Regarding the various type of marriages, the British-Danish FFM Report states that:

“According to the Visa Section, the BHC, the rules, which apply to Islamic marriages in Nigeria, are the same as elsewhere in the Islamic world. A man may take a maximum of four wives. Normally no marriage certificate will be issued, but an Imam on request will issue such a document.” [15] (p69)

“...According to the Visa Section, BHC, polygamy is not permitted in Christian Nigerian marriages. For the marriage to proceed, both parties must be baptised, and the woman is often required to take a pregnancy test. A marriage certificate will be issued in all cases.” [15] (p70)

“...According to the Visa Section, BHC, registry offices conduct civil marriages. A certificate is issued in every case. Either party may file for a divorce on various grounds i.e. separation, unreasonable behaviour, infidelity, irreconcilable breakdown. The court deals with such files. A certificate of divorce is issued in all cases.” [15] (p70)

“According to the Visa Section, BHC, there is no upper limit to the number of wives a man may take under tribal custom. An elderly, respected male member of the community, normally a member of the bride’s family, performs the marriage ceremony.” [15] (p71)

“The issue of customary marriages is complicated since no marriage certificate is issued, or even obtainable. Either party may seek to dissolve the marriage for any reason. This would simply require the agreement of the official at the wedding, or the local chief. No certificate of divorce is either issued or obtainable.” [15] (p71)

- 6.116 In some parts of the country, young women are forced into marriages with older men, as noted in the British-Danish FFM Report:

“According to BAOBAB forced marriages are especially common in northern Nigeria and is mostly a concern for young women who are being forced to marry an older man. BAOBAB was aware of many young women from the north escaping forced marriages but the organisation also receives reports on this from the southern part of the country. Women from the north who find themselves under pressure to marry against their own wish may take up residence in another state in the northern part of Nigeria or in the south, especially in Lagos. Those women can seek legal assistance from a number of NGOs and some do so.”

“Women who are trying to escape forced marriage may be assisted by WACOL, but WACOL emphasized that the vast majority of such disputes have been solved and the parties reconciled by the assistance of WACOL. In some cases women are underage when they are forced to marry. Finally, WACOL regretted that the organisation is only able to provide assistance to victims arriving at its office in Abuja.” [15] (p27)

FEMALE GENITAL MUTILATION

- 6.117 Female genital mutilation (FGM) is a cultural tradition that is widely practised in Nigeria, as noted in the USSD 2005 Report:

“The NDHS [Nigeria Demographic and Health Survey] estimated the FGM rate at approximately 19 percent among the country’s female population, and the incidence has declined steadily in the past 15 years. While practiced in all parts of the country, FGM was much more prevalent in the south. Women from northern states were less 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; however, three-quarters of the NDHS 2003 survey respondents who had undergone FGM had the procedure before their first birthday. According to the survey, the principal perceived ‘benefits’ of FGM include maintaining chastity/virginity before marriage, giving the victim better marriage prospects,

providing more sexual pleasure for men (primarily according to male respondents), and aiding safe childbirth.”

“The federal government publicly opposed FGM but took no legal action to curb the practice. Because of the considerable problems that anti-FGM groups faced at the federal level, most refocused their energies on combating the practice at the state and LGA levels. Bayelsa, Edo, Ogun, Cross River, Osun, and Rivers States banned FGM. However, once a state legislature criminalized FGM, NGOs found 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, but they had limited contact with health care workers on the medical effects of FGM.” [3a] (Section 5)

6.118 Regarding the practice of FGM, the British-Danish FFM Report states:

“In its National Economic Empowerment and Development Strategy (NEEDS), which was launched in May 2004 by Obasanjo, the government stated its intention to intensify its campaign for the eradication of harmful traditional practices like FGM, and stated that several states had already passed the necessary legislation, and many more are in the process of doing so.” [15] (p26)

“Women’s Aid Collective (WACOL) confirmed that FGM may take place between the ages of newborn to the age of marriage and that FGM is far less prevalent in the northern, primarily Muslim part of the country than in the rest of the country. Finally, WACOL had never heard of FGM being performed in northern Nigeria on adult women (over the age of 18). WACOL estimated that in some states in the south the prevalence of FGM is more than 95% (e.g. Enugu, Imo, Plateau), but there are no statistics to show the exact figures.” [15] (p27)

“According to BAOBAB the practice of FGM in Nigeria is quite diverse depending on tradition. In Edo State the law prohibits FGM during the first pregnancy of a woman, i.e adult women. However, most women throughout Nigeria have the option to relocate to another location if they do not wish to undergo FGM. Government institutions and NGOs afford protection to these women. BAOBAB was of the opinion that FGM in itself is not a genuine reason for applying for asylum abroad.” [15] (p27)

6.119 The British-Danish FFM Report states that the federal police do not become involved in FGM matters as they consider FGM to be a family matter, but also states:

“However, there are groups that are against the practice of FGM and should a girl desire to avoid FGM in spite of pressure from her family to do otherwise she has the opportunity to complain to the NPF or the NHRC and in addition she may seek protection by women lawyers or NGOs. The source added that traditional leaders might also be asked to step in. NHRC confirmed that it is possible to avoid FGM but added that the ‘traditional attitude’ of a police officer or a village council would normally determine their level of concern and intervention. NHRC emphasised that cultural attitudes would still be prevalent and some victims would probably never have the courage to take their case to court.”

“According to BAOBAB the government and prominent NGOs in Nigeria provide protection to women escaping FGM. WACOL stated that it is possible for women to seek protection in the shelter run by WACOL in Enugu in the south. WACOL explained that the organisation’s Enugu office assist many adult women seeking protection against FGM.” [15] (p27)

- 6.120 The same FFM report also states that internal relocation is possible for women wishing to avoid FGM:

“NHRC expressed surprise if someone actually had to leave Nigeria in order to avoid FGM instead of taking up residence elsewhere in Nigeria. NHRC added that it might be difficult for a woman residing in the southern part of Nigeria who wishes to avoid FGM to take up residence in the northern part whereas all Nigerians have the possibility to take up residence in Lagos due to the ethnic diversity and size of the city.”

“According to BAOBAB internal relocation for victims of FGM and forced marriages is an option within Nigeria and BAOBAB stated; ‘the women do so’. [15] (p38)

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CHILDREN

- 6.121 Nigerian children are exploited and abused in different ways and for different reasons, as noted in the USSD 2005 Report:

“The government seldom enforced even the inadequate laws designed to protect the rights of children. Public schools continued to be inadequate, and limited facilities precluded access to education for many children. The law calls for the government, ‘when practical’ to provide free, compulsory, and universal primary education; however, compulsory primary education rarely was provided. A 2004 UN Children’s Fund (UNICEF) survey showed primary school enrolment at 74 percent for males and 60 percent for females, with 97 percent of enrollees completing fifth grade. Secondary school enrolment was considerably lower, at 32 percent for males and 26 percent for females. In many parts of the country, girls were discriminated against in access to education for social and economic reasons. When economic hardship restricted families’ ability to send girls to school, many girls were directed into activities such as domestic work, trading, and street vending. Many families favored boys over girls in deciding which children to enrol in secondary and elementary schools. The literacy rate for men was 58 percent but only 41 percent for women.” [3a] (Section 5)

CHILD LABOUR

- 6.122 There is an active and extensive trade in child labourers in Nigeria. The USSD 2005 Report states:

“In most sectors, the minimum work age is 15 years, which is consistent with the age for completing educational requirements; however, child labor remained a problem. The law prohibits employment of children less than 15 years of age in commerce and industry and restricts other child labor to home-based agricultural or domestic work. The law states that children may not be employed

in agricultural or domestic work for more than eight hours per day. Apprenticeship of youths at the age of 13 is allowed under specific conditions.”

“Awareness was increasing throughout civil society, and the government showed its commitment to the issue of child labor. Despite these advances, forced child labor and trafficking in children continued during the year.”

“Economic hardship resulted in high numbers of children working to enhance meagre family income. Children frequently were employed as beggars, street pedlars, bus conductors, and domestic servants in urban areas. Little data was available to analyze the incidence of child labor.”

“...The Ministry of Employment, Labor, and Productivity dealt specifically with child labor problems, and had an inspections department whose major responsibilities included enforcement of legal provisions relating to conditions of work and protection of workers. There were fewer than 50 factory inspectors for the entire country, although the inspectorate employed nearly 400 total inspectors for all business sectors. The ministry conducted inspections mostly in the formal business sector, in which the incidence of child labor was not a significant problem. NAPTIP bears some responsibility for enforcing child labor laws. The agency reportedly received no complaints of child labor, although it did pursue cases of trafficking in children.”

“Private and government initiatives to stem the incidence of child employment continued but were ineffective. The government implemented the ILO/IPEC West Africa Cocoa Agriculture Project in the cocoa and other agricultural sub-sectors to combat hazardous child labor and to prevent child trafficking for labor exploitation. Several programs by NGOs and international organizations worked to address child labor in the country.”

“UNICEF conducted a program to remove young girls from the street peddling trade and relocate them to informal educational settings. ILO programs worked to involve communities and schools in withdrawing children from exploitative situations such as street peddling and prostitution. The programs aimed to reintegrate the children into school or otherwise provide vocational training.” [3a] (Section 6d)

CHILD MARRIAGE

- 6.123 The “Child Marriage Briefing on Nigeria”, published by the Population Council in August 2004, states that:

“Nigeria, particularly northern Nigeria, has some of the highest rates of early marriage in the world. The Child Rights Act, passed in 2003, raised the minimum age of marriage to 18 for girls. However, federal law may be implemented differently at the state level, and to date, only a few of the country’s 36 states have begun developing provisions to execute the law. To further complicate matters, Nigeria has three different legal systems operating simultaneously – civil, customary, and Islamic – and state and federal governments have control only over marriages that take place within the civil system.”

“Nationwide, 20 percent of girls were married by age 15, and 40 percent were married by age 18. Child marriage is extremely prevalent in some regions; in

the Northwest region, 48 percent of girls were married by age 15, and 78 percent were married by age 18. Although the practice of polygyny is decreasing in Nigeria, 27 percent of married girls aged 15-19 are in polygynous marriages.”

“Virtually no married girls are in school; only 2 percent of 15-19-year-old married girls are in school, compared to 69 percent of unmarried girls. Some 73 percent of married girls compared to 8 percent of unmarried girls cannot read at all.” [5]

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LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

HOMOSEXUAL PRACTICES AND THE LAW

6.124 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 offence of sodomy is also illegal and the punishment for this offence is imprisonment for seven 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 offence is imprisonment for three 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]. The USD 2005 Report notes that “Homosexuality is illegal under federal law; homosexual practices are punishable by prison sentences of up to 14 years” and also adds that “In the 12 northern states that have adopted Shar’ia, adults convicted of having engaged in homosexual intercourse are subject to execution by stoning, although no such sentences were imposed [in 2005].” [3a] (Section 5)

6.125 The British-Danish FFM Report states:

“Homosexuality is illegal according to Nigerian common law in the south but few cases have been tried in the courts and there is usually very little attention in the press and among the public regarding these cases. The penalty for homosexual activities depends on whether the offence is dealt with under the penal code, criminal code or the *Shari’a* codes of the various states. The penalties can vary from a few years up to 14 years of imprisonment, although in some cases only a fine will have to be paid, but under *Shari’a* the sentence could be death.” [15] (p23)

“According to Obiagwu [LEDAP] there are no cases of legal action taken against consenting adults. However, one death sentence regarding sodomy has been handed down under *Shari’a* law. Obiagwu referred to a case concerning Jibrin Babaji who was sentenced to death by stoning in September 2003 by a *Shari’a* court in Bauchi after being convicted of sodomy. The individual was subsequently acquitted on appeal. The three minors who were also found guilty in this case had already had their punishment of flogging carried out before the appeal was determined.” [15] (p24)

6.126 According to a newspaper report published by *The News* of Lagos (Nigeria) 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]

6.127 A United Nations IRIN report dated 20 January 2006 states:

“The Nigerian government has proposed a law to ban homosexual relations and same-sex marriage, in what the justice minister says is an attempt to avoid such practices spreading to the country from the West.”

“Justice Minister Bayo Ojo announced the draft law this week, saying it is in response to President Olusegun Obasabjo’s concern over homosexual relations and marriage encroaching on Africa’s most populous nation.”

“...The bill would make engaging in homosexual relations and entering into a same-sex marriage offences punishable by five years imprisonment. Priests or other clerics or anyone helping to arrange such a union would also be subject to a five-year jail sentence.”

“The proposed law would also ban movements for promoting gay rights, the justice minister said.”

“...Gay rights activists say the proposed law would be an utter breach of human rights.”

“‘We totally condemn this,’ one rights activist who declined to be named told IRIN. ‘We are Nigerians and we are humans. This is about human rights. We are here and we are part of Nigeria.’ ”

“The activist said the Nigerian government was likely troubled and dismayed when a gay and lesbian rights group made a declaration at a recent HIV/AIDS conference in the capital, Abuja, urging fuller recognition of the needs of gay men and women.”

“Opposition to gay relations is deep-rooted in Nigeria, with the bulk of the north’s Muslims and the south’s Christians united in their hostility toward homosexuality.”

“In twelve states in the north that began implementing strict Islamic Shari’ah law in 2000, gay sex is punishable by stoning to death - though this penalty has yet to be applied.”

“The government’s move to criminalise same-sex marriage and homosexual relations comes as the country’s Anglican Church is leading global opposition to same-sex marriage and ordination of gay priests in the West. The 17-million-strong membership of the church of Nigeria is second in size only to that of the Church of England.” [21c]

SOCIETAL ATTITUDES TO HOMOSEXUALITY

- 6.128 Regarding societal attitudes to homosexuality in Nigeria, a Norwegian 2004 FFM Report on Nigeria states:

“The PeaceWorks [NGO] representative explained that it is a widespread belief in Nigeria that homosexuality is alien to African traditional culture, and that it is the result of corrupting influences from Western colonisation and/or Arab cultural influence in the northern parts of the country. She described the general attitudes regarding homosexuality in the population as very rigid, and said that there is a considerable pressure to get married.”

“...At Baobab [NGO], the representatives informed us [FFM delegation] that they had personally never met anyone who identified [themselves] as [being] gay/lesbian. This is a taboo subject, so self-identified gay/lesbians are generally closeted and keep a low profile. They mentioned that homosexuality was a more visible phenomenon among the Hausa in the north than in southern Nigeria. One of the Baobab representatives had heard that a Bauchi state shari’ a court has legally persecuted a man for homosexual acts, but she could not refer us to the source of this information. In the opinion of the Baobab representatives, gays and lesbians in Nigeria were mainly suffering because of discrimination and stigmatisation, not because of legal persecution. Still, they pointed to Nigerian criminal law making homosexual acts illegal. They stated that the situation for gays and lesbians in Nigeria was not considered an important issue among local human rights NGOs.” [37] (p16)

- 6.129 The British-Danish FFM Report states:

“Homosexuals living in the larger cities of Nigeria may not have reason to fear persecution, as long [as] they do not present themselves as homosexuals in public. Homosexuals that are wealthier or more influential than the ordinary person may be able to bribe the police should they be accused or suspected of homosexual acts.” [15] (p23)

“...Yusuf [Editor-in-Chief, ‘*Daily Trust*’ newspaper], explained that the Nigerian society had not come to terms with homosexuality. There are laws against homosexuals and no organisations exist to assist or support them. It is therefore likely that any person known as a homosexual may face very serious problems. Society does not tolerate homosexuals and no homosexual dares speak out openly that he is or she is a homosexual. Homosexuals tend to live ‘underground’ in Nigeria. As an illustration of fear among homosexuals Yusuf explained that it was impossible for the *Daily Trust* to come across any spokesman for homosexuals in the large city of Lagos.” [15] (p23-24)

“Yusuf considered that any homosexual in Nigeria has a well-founded fear of being ill-treated not by the authorities but from the person’s local community and society at large....The BHC [British High Commission] confirmed that homosexuals cannot publicly express their sexuality because they would suffer societal isolation and discrimination.” [15] (p23-24)

- 6.130 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 fellow Nigerians to recognise and protect Nigeria’s gay

community. The report also 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 want to hide the fact that they are homosexuals, and have girlfriends and even marry to be seen to conform to cultural norms, but continue to have covert relationships with other men. [21k]

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SECRET SOCIETIES

6.131 The Nigeria section of the ACCORD/UNHCR 2002 Country of Origin Information Seminar Report states:

"Secret societies have earned their name with a reason. Very little is known about them, the most widely reported and studied is the Yoruba Ogboni society. It is hard to estimate the number of secret societies – they might be in the thousands. Some of them are linked to particular villages, some to ethnic communities and/or political groups." [31] (p166)

"...Membership in [sic] a secret society (as well as in any kind of society, club, or fraternity) may secure access to resources and social integration and is thus very important for the survival and social status of family. There is, however, usually no forced recruitment into secret societies, but pressure may be exerted on certain individuals to join because of the advantages of being part of a secret society. Neither would the societies accept anybody but would be inviting persons from a [sic] certain highly regarded families. It is also unlikely that there is a rule of automatic succession in a position (i.e. the son replacing the father) but more likely that those families who traditionally have had the authority to invite new members would choose the most suitable candidate. If this person should for some reason – because of his or her Christian belief – not want to join and if there is no other candidate from this particular family he or she might be ostracized and might also lose property or an inheritance but would not have to fear for his or her life." [31] (p166)

"Human sacrifices for ritual purposes or cannibalism happen extremely rarely, if at all...One widely reported case concerned a number of child kidnappings in Maiduguri, Borno State, where the children were sold to Igbo communities in the South for ritual purposes. It is also not uncommon to find human corpses with body parts missing but this might be as much due to a fear of burying someone alive as to traditional rituals." [31] (p166-167)

"Secret societies derive part of their power from a wide-spread belief in supernatural forces attributed to those societies. They derive loyalty from this fear. Leaving a secret society, however, would not necessarily provoke a violent reaction from the society. The most probable reason for persecution by a secret society would be divulging something which is considered to be secret. In this case, it would also be conceivable that the society, through their network of influence, follows someone outside his or her own district to another location in Nigeria, or even to Europe." [31] (p167)

“It is hard to tell whether the police or the courts would protect somebody who is being threatened by a secret society. The police officers or the court staff might or might not be members of that particular society. Contrary to the student varities widespread in the universities, they would not openly engage in fighting but are believed to mostly use poison in order to punish somebody whose actions violate a taboo of the society. Given the corruption of the police, it might not be too hard to arrange for an investigation to be dropped in those cases.” [31] (p167)

THE OGBONI SOCIETY

- 6.132 The Canadian Immigration and Refugee Board (IRB) published a country of origin information research response dated 14 April 2000 about the Ogboni Society. A Professor of Political Science of Nigerian origin and an American Associate Professor of Anthropology were consulted about the Ogboni Society. The IRB research response states:

“Both scholars stated that they knew nothing of any Ogboni rituals as its members are sworn to secrecy. Based on her knowledge of other similar groups, the anthropology professor said that initiation rituals would likely involve some mystical elements and ‘some sort of physical transformation’ (14 Apr. 2000).”

“With regard to how to describe the Ogboni, the political science professor said that members of the Ogboni ‘society’ would likely take offence at having their organization referred to as a ‘cult’ or a ‘secret society’ and would probably refer to themselves as a ‘lodge’ similar to that of the Masons (13 Apr. 2000). The anthropology professor said that in Nigeria the Ogboni are commonly referred to as [a] ‘secret society’ by Nigerians, but that Ogboni members would likely self-identify the group as a social club that helps each other in matters such as commerce, marriage, etc (14 Apr. 2000).”

“...The scholars said that membership fees are very high, that members already have considerable amounts of money prior to joining, and that individuals cannot simply ask to join. The anthropology professor said that her understanding was that someone with ‘money and connections’ could indicate their interest in joining to someone they knew to be a member and that members are generally not overtly secretive about their affiliation with the group (14 Apr. 2000). That member would then bring the matter to the Ogboni society where a decision would be made as to whether to offer membership to the interested person (ibid.). Both scholars stated that family connections sometimes play a role in the offer of membership, but the political science professor said that the invitation to join more often involved friends (13 Apr. 2000).”

“Both scholars emphasized that Ogboni members are members of Nigeria’s financial elite and that Ogboni membership is often used a networking tool in order to come into contact with persons who can improve one’s financial position and/or power. The political science professor said that it is the ‘benefits and privileges that attract’ members to the Ogboni (13 Apr. 2000).”

“...The anthropology professor said that ordinary Nigerians would likely only come into contact with the Ogboni society if they ran afoul of one of its members (ibid.). She also stated that ordinary Nigerians are afraid of the

society, believing that its members are capable of using sorcery in order to get their way. However, she said that she is not aware of members of the society using violence such as the university-based cults allegedly do, although some Nigerians believe that the university-based cults are conduits that feed members into organization such as the Ogboni (ibid.).”

“With respect to the possibility of individuals being forced to join the Ogboni society, the political science professor said that he was not aware of any recent examples of persons being forced to join (13 Apr. 2000).”

“...On the other hand, the anthropology professor stated that forced membership in the Ogboni society might be possible, although it would not be common (14 Apr. 2000). She said that if a person’s parents were members there could be an expectation that their progeny would join. If there was such an expectation, the parents could apply considerable pressure on the individual to join (ibid.)...The anthropology professor also stated that the Ogboni would not typically induct children as members (14 Apr. 2000).”

“...The anthropology professor also described the only instance she could think of where the society might actively pursue a person who did not want to join (ibid.). If that person’s parent(s) had ‘dedicated’ their child to the society, sometimes before they were born, then the society could go after the person and force them to join to ensure the fulfilment of the parent’s promise. She said that the person who had been dedicated might be raised unaware that their parent(s) were Ogboni member(s). As such, they might not be approached by the society until they were thought ready to join. This could be when the individual was 30 or 40 years old.” [38]

STUDENT SECRET CULTS

- 6.133 A report about student secret cults in Nigeria, written by Adewale Rotimi, and published in a 2005 edition of the *Nordic Journal of African Studies*, states:

“Cultism has become a major social problem both within and outside the Nigerian universities. The origin of cultism in the Nigerian universities can be traced to the Pyrates Confraternity that was founded by the Nobel Laureate, Wole Soyinka and others at the University College, Ibadan (now called the University of Ibadan), in 1953. The confraternity which was non-violent and whose activities were never shrouded in secrecy resembled the sororities and fraternities found in many American university campuses. The aims of the Pyrates Confraternity were lofty and noble. They wanted an end to tribalism; colonial mentality and they wanted to revive the age of chivalry. Unfortunately towards the end of [the] 1960’s, the original aims of the Pyrates Confraternity were abandoned. The confraternity gradually metamorphosed into a secret cult that was later to proliferate into many splinter groups. This change was accelerated by yet other changes taking place both at the universities and the entire Nigerian society. The changes observable in the Nigerian society included violent military coups, state, sponsored political assassinations[,] proliferation of ethnic militia, communal clashes and total erosion of the traditional family values. Changes occurring within the universities included overcrowding [sic], under funding, deteriorated infrastructure and lack of virile student union activities.”

"The emergency of secret cultism has been characterized by some bizarre and violent activities which include, physical torture as a means of initiating new members, maiming and killing of rival cult members and elimination of real and perceived enemies." [4] (p79)

REASONS WHY STUDENTS JOIN CULTS

6.134 Students join cults for various reasons, according to the report about student cults by Adewale Rotimi:

"Students are attracted to cultist groups for a variety of reasons. Generally the social atmosphere prevailing in the Nigerian universities provides an inspiring environment for secret cults to thrive. These may include, lack of virile student unionism, erosion of the traditional academic culture, absence of intellectual debates and all other activities that are components of traditional campus culture."

"Those who eventually enlist in secret cult groups might have been compelled to do so because of 'sagging egos' that need to be boosted. Others join in order to have a sense of belonging and the need to be well 'connected' (Eneji 1996). Still others may join because of the need for financial assistance, to secure girl friends or for self protection (Ogunbameru 1997). Some students are also attracted to cultist groups because they are seeking after meaning, direction, comfort and love (Omotunde 1984). Secret cultism seems to have special attraction for youths who are emotionally disturbed and distressed."

"...The youths, especially those from broken homes, destitutes and youngsters who have flexible minds easily fall prey to the entreaties from cult members (Omotunde 1984). Youngsters who are lonely, depressed, dejected, disoriented and frightened sometimes drift into the waiting arms of secret cultists. Apart from the categories mentioned above there are some youngsters who join secret cults out of sheer curiosity." [4] (p82-83)

RECRUITMENT AND INITIATION

6.135 The Adewale Rotimi report about student secret cults states:

"Students who are sought after by secret cults vary in social backgrounds. They might be children of professors, judges, politicians, senior police officers and so on. The status of their parents in society guarantees them some protection from the claws of law enforcement agents in the event that they get into trouble. Initiation naturally follows recruitment."

"The initiation process commences immediately after new recruits have been thoroughly screened. The first step in the initiation process is swearing an oath of allegiance and secrecy. As Thomas (2002) has observed, during an initiation ceremony, the eyes of the initiate are expected to be closed while some incantations are recited. New entrants are subjected to [a] thorough beating as a means of toughening them and testing their endurance for pain."

"On the initiation day, the new entrants are made to drink some concoctions mixed with blood (Thomas 2002). Sometimes they are given some tough assignments like raping a very popular female student or a female member of

the university staff. For the female cultists, their initiation may include being forced to engage in immoral activities.” [4] (p84)

CULT ACTIVITIES

6.136 The Adewale Rotimi report about student secret cults states:

“Although the history of cultism on the university campuses in Nigeria dates back to some fifty years, its involvement in violence became manifest only some two decades ago.” [4] (p84)

“On different campuses across the country, cults were in the forefront of promoting law and order.” [4] (p85)

“...Unfortunately, however, from the beginning of the 1980's, the activities of Confraternities became virulently violent and secrecy became their ways of life. Their activities included 'dealing' with any non-members who snatched a member's girl friend or 'sugar daddy' (in [the] case of female cultists). Their activities also included 'settling' lecturers in cash or kind (Okwe 2002)...From this period on, secret cults sprang up in the country like mushrooms with their activities assuming more devastating and dangerous proportions. They became nightmares to the general student communities, parents and successive military and civilian administrations.” [4] (p85)

“It is almost impossible to accurately and empirically document the amount of crime resulting from secret cult activities. In Nigeria, the police remains the major source of crime data. Unfortunately, the police records do not indicate which crimes specifically result from secret cult activities. Consequently, possible crimes resulting from secret cult activities are diffused among such crimes as rape, manslaughter, arson and others.” [4] (p85)

“According to the criminal code, to be successfully accused of secret cultism it is required that the offender be caught wearing full secret cult regalia. This is not possible because most of the secret cult activities take place at night under the cover of darkness in unusual places. Also, for two decades now, policemen have been banned from operating on the university campuses in Nigeria. It is to be noted that former secret cult members hardly come out to share their experiences as cult members with the general public for fear of reprisals from members who are still active. Consequently, data on secret cult activities in Nigeria must be teased out of newspaper reports, magazines and occasionally from anonymous personal anecdotes.” [4] (p85)

INCIDENTS OF VIOLENCE

6.137 There were reports of student cult-related violent incidents in 2004 and in 2005. A *Daily Champion* (Nigerian newspaper) report, dated 30 August 2004, reports that 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 eight 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 five 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. [25a]. A BBC News Online report, dated 10 March 2005, reported that at least ten students had died in violent clashes between rival cult gangs at the Ambrose Alli University in Ekpoma. The BBC report further states that "One of the Ambrose Alli cults is alleged to have hired mercenaries from another university to carry out the killings which were done in broad daylight over a period of four days." [8]

6.138 According to the Norwegian 2004 FFM Report on Nigeria:

"A certain number of asylum seekers claim fear of persecution from secret religious cults or university campus cults. ICRC [International Committee of the Red Cross] stated that internal flight is an alternative for people who fear persecution from members of campus cults, as these cults generally do not have the resources necessary to extend their threats beyond the campus areas. PeaceWorks [NGO] confirmed this." [37] (p14-15)

6.139 Members of secret cults who have been threatened, harassed or attacked by other cult members can seek protection from the police, as noted in the British-Danish FFM Report:

"A senior representative of the IGP explained that [the] local police is obliged to investigate and do investigate cases where individuals have been subject to threats from secret cults and similar groups. Intimidation and other forms of harassment from secret cults are illegal according to the law." [15] (p20)

"Usman [Chief Administration Officer, NHRC], explained that these cults are becoming increasingly prevalent. There are some recent examples of ritual killings and some of those killings have taken place in order to intimidate others and may be related to local elections, control of money or control of persons. Such killings can even be attributed to persons involved in human trafficking. Usman considered that victims of secret cult activities would be able to seek protection within Nigeria and they may also be able to get assistance from the police. This would especially, but not only, be the case in those areas of Nigeria that are dominated by Muslim societies. However, Usman could not fully rule out that a person being victimised or threatened by members of a secret cult would at all times be able to find safety. If through requesting assistance from the NPF the victim was seen to be posing a threat to the cult's existence, then the victim may be at risk from the cult. However, Usman emphasised that the NPF is generally very dedicated to acting firmly against threats from secret cults throughout Nigeria." [15] (p20)

"Nwankwo [Attorney-at-law], explained that personal attacks and intimidation by secret cults are rather recent phenomena in [the] larger cities of Nigeria... However, he stated that a person escaping persecution or being killed by a secret cult only rarely would be at risk in another location within Nigeria. Nwankwo did not know of any examples of cult members killing non-cult members and was of the opinion that this would only take place in extreme cases." [15] (p20)

"Usman explained that secret cults have been widespread in Nigeria universities since the 1950s. Universities and other educational institutions are considered as an integral part of society and as such they are bases for secret cults themselves and Usman explained that this could be the reason for a

young student to join a cult as well. Secret cults at the universities are often a tool by which students can intimidate professors, lecturers and other staff members as well as fellow students. Very often these cults will be aligned to a patron who protects the members of the cult.” [15] (p21)

“According to Usman secret university cults have been responsible for kidnapping or even killings of staff members and students. In spring 2004 members of a secret university cult allegedly kidnapped and killed a professor at the Ibadan University in Lagos. The case has, however, never been verified but the authorities believe that a secret cult committed the murder.” [15] (p21)

“In spite of these actions Usman emphasised that he did not consider that the threat from secret cults at universities would make it necessary for university students or staff to leave universities and seek protection overseas. Normally it is possible to complain about these cults activities to the head of the university or to NPF and in this way attain protection. Cultism is an offence and even parents of students who have committed such an offence may face trial. This would particularly be the case if a student has committed a serious crime. However, Usman noted that such forms of arrests are at random and therefore illegal. It is illegal to have a parent sit in for a crime committed by his/her child.” [15] (p21)

6.140 The British-Danish FFM Report also states:

“Yusuf [*‘Daily Trust’* newspaper] confirmed that there are problems with secret cults in Nigeria, including university cults. Although these make life difficult for some it is not to the extent that the victims are driven away. Generally speaking individuals who encounter problems can readily relocate elsewhere. Yusuf was not aware of any reports of persons who have encountered problems in that situation.”

“Nwankwo confirmed that victims of secret cult’s activities could relocate within Nigeria without encountering security problems.” [15] (p38)

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REFUGEES IN NIGERIA

6.141 Nigeria accepts refugees into the country and co-operates with the UNHCR and other humanitarian organisations in giving assistance to refugees, as noted in the USSD 2005 Report:

“The law provides for the granting of asylum and refugee status to persons in accordance with the 1951 UN Convention Relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. Although the government provided protection against *refoulement*, the return of persons to a country where they feared persecution, and granted refugee status or asylum, the government expelled three citizens of Equatorial Guinea, where they were then imprisoned. The government cooperated with the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers through the National Commission for Refugees (NCR), its federal commissioner, and the National Emergency Management Agency. The Eligibility Committee (on which the UNHCR had observer status), governed the granting of refugee status, asylum, and resettlement, and reviewed refugee and

resettlement applications. Of the 1,476 asylum cases during the year, 803 cases were approved and granted refugee status, 512 cases were pending, and 161 were denied.”

“There were an estimated 8,737 recognized refugees living in the country. During the year [2005], 239 refugees were voluntarily repatriated. Remaining refugees included persons from Sierra Leone, Liberia, Chad, Rwanda, Sudan, Cameroon, Cote d’Ivoire, and the Democratic Republic of the Congo.” [3a] (Section 2d)

INTERNALLY DISPLACED PERSONS

6.142 The Global IDP Project “Internal displacement in Nigeria: a hidden crisis” report, published on 1 February 2005, states:

“While ethno-religious conflict is endemic in Nigeria – with at least 10,000 people killed and an estimated 800,000 internally displaced since military rule ended in 1999 – the past year has witnessed an alarming upsurge in the level of violence and its impact on civilians. Almost one year after spiralling violence between mainly Muslim cattle herders and Christian farmers in central Plateau state left possibly more than 1,000 people dead and 258,000 temporarily displaced, many of those who fled are still too scared to return. Although a six-month state of emergency in Plateau – imposed by President Olusegun Obasanjo in May 2004 to stem the ‘near mutual genocide’ between Muslims and Christians – was lifted in November [2004], many fear this might still foreshadow a return to the cycle of revenge attacks that previously spread to other areas of the country, including the northern city of Kano.” [13] (p4)

“Some 3,000 IDPs remain in camps in neighbouring Bauchi and Nassarawa states, and many more are effectively hidden within host communities. The issue of data is extremely problematic, as there has been no systematic registration or verification of numbers of internally displaced and the Nigerian government itself admits that figures are often ‘grossly misleading’. Estimates of the number of people internally displaced by the 2004 Plateau state crisis range from 40,000 to 258,000. Some of those displaced have integrated into local communities; some have joined relatives in other states, while others are being officially resettled, particularly in Bauchi state. Although some have returned to try to salvage what they can of their homes, few have the means to start rebuilding. Lack of shelter is a major obstacle to return.” [13] (p4)

“The immediate humanitarian needs of IDPs from Plateau state – principally medical treatment, shelter, food and water/sanitation – were adequately addressed through a combination of humanitarian stakeholders, albeit in a rather ad hoc and uncoordinated fashion. But as in previous displacement crises in Nigeria, the longer term needs of IDPs have been given scant attention. Since the immediate crisis in the Yelwa area of Plateau state died down after May 2004, humanitarian assistance has been virtually non-existent. Médecins Sans Frontières is the only relief agency present in the area, providing basic health services as well as trauma counselling. Many people witnessed relatives being mutilated and killed, and hundreds of mainly women and girls were abducted. Some were raped, although this has not been well documented. Many were visibly suffering from post-traumatic stress syndrome.” [13] (p4)

“...Assistance for return and reintegration is the most pressing need of IDPs in Nigeria. This should include not only physical rehabilitation of homes, public buildings and infrastructure, but also support for peace and reconciliation initiatives, especially at the grass-roots level...Although the Nigerian government may have the financial capacity to respond to emergencies, it lacks the necessary institutional capacity and expertise to deal effectively with acute situations of internal displacement.” [13] (p4-5)

6.143 The Norwegian 2004 FFM Report on Nigeria states that:

“The ICRC said that the internally displaced are either absorbed fairly quickly in the communities they go to, or they return after a while to the area they left. Informal networks and solidarity contribute to the situations returning to near normalcy after a while.” [37] (p19)

“According to the UNHCR representative, the Nigerian National Commission for Refugees has a mandate for internally displaced persons, not only from refugees from neighbouring countries, and Nigeria is preparing a national policy concerning IDPs.” [37] (p19-20)

“The Nigerian Red Cross pointed to internal flight as a common strategy to escape situations of conflict. In cases where the numbers of people in need of shelter and assistance are larger than what can be absorbed by a local community, the state or federal authorities, local NGOs, religious congregations, charities, etc, try to assist. In such situations, public buildings like schools may be turned into temporary accommodation.” [37] (p20)

“UNHCR[’s] local representative stressed that very few Nigerians have registered with UNHCR in neighbouring countries as refugees, the exception being some 12000 ethnic Tivs crossing the border from Taraba State into Cameroon after the riots in the Midbelt since 2000 – there are now plans for repatriating them to Nigeria.” [37] (p20)

NON-GOVERNMENTAL ORGANISATIONS (NGOs) AND HUMAN RIGHTS ORGANISATIONS

6.144 The USSD Report 2005 states:

“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 human rights record was abundant in various media. Human rights activists reported that their interactions with the federal government had improved, but should be more frequent. The government selectively included some human rights groups in the National Political Reform Conference. However, the environment for interaction was still tense, and human rights groups were reluctant to form a close relationship with the government.”

“Numerous domestic and international NGOs were active in the country. Significant NGOs included AI Nigeria, the Campaign for Democracy, the Center for Law Enforcement Education (CLEEN), the Committee for the Defense of Human Rights (CDHR), Women Trafficking and Child Labor Eradication

Foundation (WOTCLEF), and the Women's Consortium of Nigeria (WOCON). The NGOs were generally independent of the government, although some, such as WOTCLEF, which the vice president's wife chaired, had close government ties."

"International NGOs actively addresses human rights issues in the country during the year. The ICRC in Abuja and Lagos under the direction of a regional delegate, focused on training prison officials on human rights, sanitation, and prisoner health. AI released reports on continuing human rights abuses in the Niger Delta and violence against women. Human Rights Watch also reported on Niger Delta violence and abuses, along with religious and communal violence in the north and abuses committed by [the] police."

"The NHRC, which the government tasked with monitoring and protecting human rights, strove to improve its credibility with the general public and NGO community as an independent monitoring body. The NHRC had zonal affiliates in each of the country's six political regions. Since its inception, the NHRC's operations have been limited by insufficient funding. The commission also lacked judicial authority and could only make nonbinding recommendations to the government." [3a] (Section 4)

TRADE UNION ACTIVISTS

6.145 The Economist Intelligence Unit's 2006 Country Profile on Nigeria states that:

"The trade union movement, once a powerful force that successive governments were wary of antagonising, was weakened during the 1990s by unemployment, falling real wages and poor leadership. Following the collapse of the 1994 pro-democracy strikes, General Abacha emasculated the labour movement by replacing the leaders of the militant oil unions and the umbrella union body, the Nigerian Labour Congress (NLC), with state-appointed administrators. The unions regained their independence shortly after General Abubakar came to power in June 1998." [10a] (p12)

"However, it is in the last few years that the unions have really re-emerged as a major political force, coalescing support around the controversial issue of domestic fuel price rises. Since 1999 the NLC has called six general strikes in response to increases in fuel prices, and on three occasions the administration was forced to partially reverse the new price levels. The government has become increasingly frustrated by the way that the NLC has used the sensitive issue of fuel to block government policy, despite the ruling PDP's overwhelming majorities in the National Assembly. Consequently, in March 2005 the government introduced legislation to end the NLC's monopoly. The NLC will no longer be the sole central labour organisation and workers will have to state specifically whether they wish to pay subscriptions to the NLC. The legislation also limits the right to strike over non-work-related issues." [10a] (p12-13)

6.146 The British-Danish FFM Report states:

"Utomi [Lagos Business School] and Momoh [Channels Television] both considered that prominent and very vocal members of trade unions and other civil society organisations might be at risk of persecution." [15] (p21)

“Professor Utomi believed that when a government is losing its legitimacy it turns its focus on groups that are critical of the government. Leaders of civil society organisations and trade unions in Nigeria who can mobilise anti-government support are at risk of arrest and detention. It is however only the leadership [who are] at risk, ordinary members, supporters of those associated with them are not at risk of persecution by state agents. Only persons that are ‘very, very active’ would be at risk of persecution. It was explained that when the government consider that the organisational and mobilising capacity of a person can pose a threat to its legitimacy it might persecute or intimidate that person.” [15] (p21)

“Momoh regretted the recent arrest of Adams Oshiomhole, the outspoken president of the Nigeria Labour Congress (NLC), and stated that he personally appreciated the actions of the NLC.” [15] (p21)

“Professor Utomi also commented [on] the recent arrest of Oshiomhole who was arrested in public and detained without any reason by the SSS at Abuja airport during the recent national strike. Professor Utomi considered the arrest as politically motivated and a very clear human rights problem – even though he himself is a close friend of the head of the SSS. The head of the SSS is a political appointee who reports directly to the president.” [15] (p22)

“[The] British Broadcasting Corporation (BBC) reported that Oshiomhole was arrested early on 9 October 2004. According to a press release by [the] NLC ‘Mr Oshiomole [sic] was arrested at gunpoint at 8.30 am on Saturday 9 October at Nnamdi Azikiwe Airport, Abuja, as he was about to board a flight for Lagos. About 15 officers of the State Security Service (SSS) took part in the operation, during which Mr Oshiomole [sic] was wrestled to the ground, dragged along the tarmac and then forced into a car which had no licence plates. His jacket was torn and he sustained severe bruising to both knees and his left arm - now in a sling further to hospital treatment - as a result....The SSS claim that the arrest was a ‘misunderstanding’ and that Mr Oshiomole [sic] was released shortly afterwards. The NLC informs us that he was not released until 6 p.m. that evening. Nor do they believe it was a misunderstanding. Their view is that it was an attempt at intimidation, in retaliation at the day before of a four-day general strike seeking the reversal of petrol price rises.” [15] (p22)

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6C. HUMAN RIGHTS - OTHER ISSUES

CORRUPTION AND GOVERNMENT EFFORTS TO TACKLE IT

- 6.147 An article by Osita Agbu, published in *West Africa Review* in 2003, states that corruption is endemic in Nigeria but also acknowledges that the Government has taken some measures to tackle the problem. The article states:

“To say that corruption is rampant in Nigeria is to restate the obvious. Corruption in Nigeria, as it presently manifests, should more appropriately be termed endemic or systemic. However, this is not to say that the democratically elected government of President Olusegun Obasanjo did not recognize the fact, or has done nothing about it. But in a situation in which corruption has become institutionalized, it may take nothing less than a decade to make a dent on the

solid wall of bribery and corruption existing in the Nigerian society at this moment in time.”

“For Nigeria, various factors have been identified as instrumental in enthrone corrupt practices. These include, briefly, the nature of Nigeria’s political economy, the weak institutions of government, a dysfunctional legal system, a culture of affluent and ostentatious living that expects much from ‘big men,’ extended family pressure, village/ethnic loyalties, and competitive ethnicity.”

“Drawing inspiration from the Corrupt Practices and Economic Crime Draft Decree of 1990, the Obasanjo Government has put in place the legal framework encapsulated in the Corrupt Practices and other Related Offences Act, 2000, signed into law on June 13, 2000. This bill seeks to prohibit and prescribe punishment for the hydra-headed problem of corrupt practices and related offences. To this end, the Act establishes an Independent Corrupt Practices and other Related Offences Commission (ICPC). The efforts of the Obasanjo government in tackling corruption, though not very satisfactory, should be recognized. Already stolen funds totaling about N84 billion as at 2001, had so far been recovered from the family of the late Head of State, Sani Abacha, and returned to the Central Bank of Nigeria. This was part of the monies stolen and stashed away in foreign bank accounts by Abacha and his family members.”

“It is widely believed that the present anti-corruption law, being a federal legislation, has positioned government in a better position to confront corruption generally. Keen observation also shows that most common forms of corruption are now criminal offences. Problems associated with undue technicalities and unnecessary delays during regular trials of corruption crimes are now largely eliminated because the new law stipulates that trials must be concluded within 90 working days. The new law provides for the seizure of movable and immovable property suspected to have been acquired through corrupt means and forfeiture of same following conviction. The legal framework for preventing corruption is quite adequate in its objectives, whether it will achieve its aim will, however, depend on other variables...The only way the government can convince the people of its seriousness about fighting corruption is to enforce the law in instances where corruption has been clearly established. Unfortunately, it cannot be said that the government has done this.” [27b]

- 6.148 A *Daily Telegraph* (UK) newspaper report, dated 25 June 2005, about the scale of corruption in Nigeria from independence in 1960 until the return of civilian rule in 1999 states:

“The scale of the task facing Tony Blair in his drive to help Africa was laid bare yesterday when it emerged that Nigeria’s past rulers stole or misused £220 billion.”

“That is as much as all the western aid given to Africa in almost four decades. The looting of Africa’s most populous country amounted to a sum equivalent to 300 years of British aid for the continent.”

“The figures, compiled by Nigeria’s anti-corruption commission, provide dramatic evidence of the problems facing next month’s summit in Gleneagles of the G8 group of wealthy countries which are under pressure to approve a programme of debt relief for Africa.”

“...Mallam Nuhu Ribadu, the chairman of the Economic and Financial Crimes Commission, set up three years ago, said that £220 billion was ‘squandered’ between independence from Britain in 1960 and the return of civilian rule in 1999.”

“‘We cannot be accurate down to the last figure but that is our projection,’ Osita Nwajah, a commission spokesman, said in the capital, Abuja.”

“The stolen fortune tallies almost exactly with the £220 billion of western aid given to Africa between 1960 and 1997. That amounted to six times the American help given to post-war Europe under the Marshall Plan.”

“...Corruption on such a scale was made possible by the country’s possession of 35 billion barrels of proven oil reserves. That allowed a succession of military rulers to line their pockets and deposit their gains mainly in western banks.”

“Gen Sani Abacha, the later military dictator, stole between £1 billion and £3 billion during his five-year rule.”

“‘We are only now beginning to come to grips with some of what he did,’ Mr Nwajah said.”

“Nigeria has scoured the world for Abacha’s assets but has recovered only about £500 million.”

“Olusegun Obasanjo, the current president, founded the commission and launched a crackdown on corruption to try to end the country’s reputation as Africa’s most venal. The figures all apply to the period before he came to power.” [34]

- 6.149 In the 2005 Transparency International Corruption Perceptions Index (CPI) of 159 countries, published in October 2005, Nigeria is ranked as the 154th most corrupt country, with a CPI score of 1.9. The CPI defines corruption as the abuse of public office for private gain, and measures the degree to which corruption is perceived to exist among a country’s public officials and politicians. It is a composite index, drawing on 16 surveys from ten independent institutions, which gathers the opinions of businesspeople and country analysts. The CPI scores range from 10 (not corrupt) to 0 (highly corrupt). [35]

- 6.150 The Economist Intelligence Unit 2006 Country Profile on Nigeria adds further:

“Despite efforts by the current administration to address corruption, Nigeria has an extremely poor international reputation with regard to the issue. Nigeria fares badly in most international comparative measures of corruption, such as the Corruptions Perception Index produced by Transparency International. During the president’s second term in office, the government has taken an aggressive and high-profile stance against corruption, which was noticeably stepped up in 2005 with the sacking of several ministers and the resignation of the Senate president in corruption charges, as well as the arrest of the former head of the police force. There has generally been a mixed response from the public and politicians to the government’s offensive against corruption. Many critics of the administration say that it has been selective in its purge, targeting expendable politicians or political rivals. Concern has also been expressed that the recent

anti-corruption moves are designed to please foreign creditors and to secure debt relief and are not aimed at ending the endemic corruption within the political elite. This view is supported by the fact that, despite the many anti-corruption organs set up since 1999 and several prosecutions, not a single high-profile official has, so far, been jailed.” [10a] (p7-8)

“Supporters of the current administration see the recent moves against high-ranking officials as a genuine new policy initiative, signalling Mr Obasanjo’s determination to clean up the system. They also dismiss charges that his purges have been politically motivated, pointing out that the president’s allies have been targeted and, perhaps more importantly, that in a country where high-level corruption is as widespread as in Nigeria, any anti-graft offensive must be pragmatic and selective if the whole system is not to collapse. Whatever the truth, corruption still remains a major issue in Nigeria, especially the petty corruption that ordinary Nigerians regularly face when dealing with government officials, which will not be resolved without major reform of the civil service and its wage structure.” [10a] (p8)

THE USE OF FORGED DOCUMENTATION

- 6.151 It is easy to obtain forged documentation, and genuine official documents that contain false information in Nigeria, as noted in the Norwegian 2004 FFM Report:

“According to press reports and diplomatic sources, Nigeria – like most countries in the region – struggles with corruption among civil servants on all levels of the administration, in addition to widespread problems with forgeries of official documents. Diplomatic sources also confirmed our [FFM delegation] impression that genuine documents with false information constitute as big a problem as falsified documents. Obtaining genuine documents issued correctly, but containing dubious or false information, is comparatively easy in Nigeria. Government authorities seldom have routines for verifying the information going into official documents, changing names is also a relatively easy procedure, simply done through the publication of an affidavit in a newspaper, and subsequent new official documents can be issued under the new name.”

“The legal source we talked to maintained that the only way of actually establishing a Nigerian’s true identity, was by making investigations through talking to a wide range of people in that person’s home area.”

“Diplomatic sources stated that they had little faith in Nigerian passports, as it was fairly easy to get a genuine passport containing false information. A birth certificate is often the only means of identification to which the passport issuing authorities have access. Birth certificates are often issued only on [the] basis of information given by the person asking for the birth certificate at the time he/she is doing so.” [37] (p21)

- 6.152 Regarding forged and falsified documentation, the British-Danish FFM Report states:

“Newman [BHC, Abuja] explained that passports are issued at offices in each state. The process takes a maximum of two to three weeks but often passports are issued within a matter of a few days of the application being made.”

“According to Newman the presentation of false travel documents in Nigeria is prevalent. These are usually genuine passports which have been falsified, typically, through inserting fake bio data pages. The changes made to passports are usually of a high quality.”

“BAOBAB [NGO] confirmed that falsified documents are prevalent in Nigeria. BAOBAB especially emphasised the prevalence of falsified certificates of custody allegedly issued by magistrates’ courts and high courts. BAOBAB warned that even though the form itself may be genuine the documents might be falsified.”

“Regarding false newspaper warrants Momoh [Channels Television], confirmed that this phenomenon is very common and that the printed media would let persons buy space in a second unofficial edition of a newspaper in order to insert a false warrant including the name of a wanted person. This is being done to support a potential asylum seeker’s case when applying for asylum abroad.” [15] (p67)

- 6.153 Many Nigerians use false documentation or employ corrupt practices to allow them to travel to and settle in wealthier countries, as noted in the Norwegian FFM Report:

“We [the FFM delegation] were told that because of the general pessimism regarding the situation in Nigeria and lack of belief in positive changes, a large number of Nigerians contemplate migration as a way of improving the living conditions for themselves and their families (the immediate family through migration with the main person, the extended family through money transfers back home after getting a fixed income abroad). We were repeatedly told that many Nigerians are willing to go to drastic ends in order to be able to secure a foothold in a high income country – i.e. hazardous trips through the Sahara and across the Mediterranean, submitting false information and documents to obtain visas and/or residence permits, contracting marriages of convenience abroad, despite already being in stable relationships in Nigeria (either legally married or living together), and finally living as illegal aliens in Europe under difficult conditions.”

“The pressure to migrate has resulted in a steady increase in the number of applications for visas in Western countries – also after many of the embassies have been moved from Lagos to Abuja, including their consular sections. Diplomatic sources stated that migration scams are disturbingly common ways of trying to obtain a Schengen visa. Methods used are i.e. paying your way into official delegations and being included on their visa applications, presenting false documents with applications, etc.” [37] (p5)

ORGANISED CRIME

- 6.154 The Economist Intelligence Unit’s 2006 Country Profile on Nigeria states that:

“Nigeria has in recent years become synonymous with organised drug-trafficking groups, international prostitution networks, money-laundering and ‘419 scams’. (419 scams involve unsolicited letters being sent to individuals to ask for the use of a bank account and for money to be sent to Nigeria to help to

release funds, of which a percentage will then be paid to the person who has helped to release the funds. The person receives nothing. The swindle is named after the relevant section of the Nigerian penal code.) Although each is a problem in its own right, together they do not pose a specific threat to conducting business in Nigeria. The civilian government is committed to tackling all these problems – in November 2003 the president, Olusegun Obasanjo, inaugurated a committee headed by his national security adviser to fight 419 internet fraud – but it is constrained by lack of resources and other more pressing problems. Progress is likely to be slow.” [10a] (p16)

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THE BAKASSI PENINSULA DISPUTE WITH CAMEROON

6.155 A United Nations Chronicle 2004 report states:

“In 1994, Cameroon asked the ICJ [International Court of Justice] to rule on a dispute ‘relating essentially to the question of sovereignty over the oil-rich Bakassi Peninsula’, which it declared was under military possession by Nigeria, and to settle the maritime boundary between the two countries. On 10 October 2002, citing a 1913 agreement between Germany and the United Kingdom, as well as the Thomson-Marchland Declaration of 1929-1930, the ICJ decided to award sovereignty rights of the Bakassi Peninsula to Cameroon. In response to this decision, Nigeria asserted that the judgement did not consider ‘fundamental facts’ about the Nigerian inhabitants of the Peninsula, whose ‘ancestral homes’ the ICJ ruled to be in Cameroonian territory.”

“Before the ruling, on 5 September 2002, the Secretary-General met in Paris with Nigerian President Olusegun Obasanjo and Cameroonian President Paul Biya to discuss the Peninsula. Both Presidents agreed to respect and implement the decision of the ICJ and to establish an implementation mechanism, with the support of the United Nations. They also agreed on the need for confidence-building measures, including demilitarization of the Peninsula, and recognized that the issue needed to be considered in the wider context of the overall relationship between the two countries. Both were determined to restore neighbourly relations and discussed the possibilities of cooperation in the economic field, including joint ventures.”

“A second meeting between the Secretary-General and the two Presidents was held in Geneva on 15 November 2002, during which they agreed to establish the Mixed Commission, comprising representatives from Nigeria and Cameroon, to handle differences and consider all implications and ways of following up the ICJ ruling. The Commission, which is chaired by the Special Representative of the Secretary-General for West Africa, Ahmedou Ould-Abdallah, is charged with demarcating the land boundary and making recommendations on confidence-building measures, including the development of joint venture projects, troop withdrawals along the boundary, demilitarization of the Peninsula and reactivation of the Lake Chad Basin Commission.” [11]

6.156 A United Nations IRIN report dated 24 October 2004 stated that:

“Nigeria has failed to agree on a new date for handing over the disputed Bakassi peninsula to Cameroon after refusing to withdraw from the potentially oil-rich territory by the original deadline of 15 September [2004], the UN mediator in the border dispute has announced.”

“The UN Office for West Africa (UNOWA) said the latest meeting of the Cameroon-Nigeria Mixed Commission in Abuja on 21 and 22 October [2004] had simply referred the issue to the heads of state of the two countries and UN Secretary-General Kofi Annan.”

“The issue of the modalities of withdrawal and transfer of authority in the Bakassi Peninsula as earlier agreed was discussed. After deliberation on the issue and as a result of divergence of views, the Mixed Commission decided to refer the matter to the heads of state of Cameroon and Nigeria and the Secretary General of the United Nations,’ UNOWA said in a statement.”

“...The Bakassi peninsula is home to several thousand farmers and fisherman, most of whom fervently support continued Nigerian ownership of the territory.” [21d]

6.157 The Economist Intelligence Unit’s 2006 Country Profile on Nigeria states that:

“Nigeria’s relations with neighbouring countries have been generally good, although there is an ongoing territorial dispute with Cameroon over the oil-rich Bakassi Peninsula. After sporadic armed clashes between the two countries, the case was brought to the International Court of Justice (ICJ), which ruled in 2002 in favour of Cameroon. As part of the ruling, in December 2003 Nigeria began to hand over 33 villages in the Lake Chad region to Cameroon, which, in turn, returned a village to Nigeria. However, the Nigerian government missed the September 2004 agreed deadline for withdrawal, and by the end of 2005 no new date had been set for the handover. Observers believe that the Nigerian government is delaying matters because of fierce opposition to the transfer from Nigerian residents in Bakassi.” [10a] (p13)

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Annex A: Chronology of major events ^{[1][2d][3c][8e]}

- 1861** Great Britain consolidates its hold over what it calls the Colony and
-1914 Protectorate of Nigeria, and governs indirectly through local leaders.
- 1922** Part of former German colony Kamerun is added to Nigeria under a League of Nations mandate.
- 1947** A new constitution establishes a federal system of government.
- 1954** The Federation of Nigeria becomes 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.
July: Orkar and some other prisoners were convicted by a military tribunal of conspiracy to commit treason and 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 in response to a sharp increase in transport fares, 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: Ernest Shonekan resigns as the Head of State 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 shari'a 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** **October:** Army soldiers were sent to quash the fighting kill more than 200 unarmed civilians, apparently in retaliation for the abduction and murder of 19 soldiers.
 Also in October, President Olusegun Obasanjo, South African President Thabo Mbeki and Algerian President Bouteflika launch the New Partnership for African Development, which aims to boost development, encourage open government and end wars in return for aid, foreign investment and a lifting of trade barriers.
- 2002** **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 European Union.
October: The International Court of Justice awards the disputed Bakassi peninsula to Cameroon. The Nigerian and Cameroonian governments form a Mixed Commission, with UN assistance, to resolve the Bakassi territory dispute.
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 and 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 per cent of the vote. Opposition parties reject result.

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.

- 2004** **March:** Spate of high-profile political killings and attacks by armed bandits in run-up to local elections.
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. The state governor and all state democratic institutions are suspended.
August to September: Violent clashes take place between gangs in Port Harcourt, which prompts a crackdown by troops. Amnesty International cites a death toll of 500 but the Nigerian authorities state that about 20 people were killed.
October: A businessman and three military officers, including Major Hamza al-Mustapha, the former security chief under Sani Abacha, were charged in connection with a coup attempt that reportedly took place in March 2004. A four-day general strike over high fuel prices takes place.
November: The Government orders the state oil firm to reduce fuel prices, following a threat by trade unions to call a general strike.
State of emergency lifted in Plateau State. All state democratic institutions, which had been suspended, were restored.
- 2005** **February:** President Obasanjo opened a national political conference in Abuja to discuss constitutional reforms.
July: National political conference in Abuja ends.
October: The crew of an airliner and 117 passengers are killed when the airliner crashes on an internal flight.
December: More than 100 people are killed when a passenger aircraft overshoots a Port Harcourt runway.
- 2006:** **January:** Militants in the Niger Delta kidnap four foreign oil workers and demand more control over oil wealth. The hostages are freed after three weeks. In a separate incident nine people are killed when gunmen attack the offices of an Italian oil firm in Port Harcourt.
February: Violent clashes between Christians and Muslims occur in various parts of the country sparked off by the publication of cartoons depicting the prophet Muhammed.

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Annex B: Country Map of Nigeria

(obtained from www.unhcr.org on 7 April 2006)



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Annex C: List of the main political organisations

(This list consists mainly of political parties but also includes other political organisations that have political objectives or are political in nature)

Abia Democratic Alliance [1]

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

African Renaissance Party (ARP) [18]

Registered political party. Based in Abuja.

All Nigeria's People's Party (ANPP) [1][18]

Registered political party. Alhaji Yusuf Garbah Ali is the leader 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.

Alliance for Democracy (AD) [1][18]

Registered political party. 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 six seats in the Senate.

All People's Liberation Party (APLP) [18]

Registered political party. Based in Abuja. Chairman - Alhaji Umar Mohammed.

All Progressive Grand Alliance (APGA) [1][18]

Registered political party. Based in Abuja. Formed in June 2002. Leader - Chief Chekwas Okorie.

Better Nigeria Progressive Party (BNPP) [18]

Registered political party. Based in Abuja. Chairman - Alh. Bashir Maidugu.

Communist Party of Nigeria (CPN) [18]

Registered political party. Based in Abuja. Chairman - Musari Bukar Sani.

Fourth Dimension [1]

Founded in 2001 by former politicians and military officers. Chairman: Augustus Aikhomu.

IBB Vision 2003 [1]

Founded in 2002. Supports former president Ibrahim Babangida. Chairman: Hameed Makama.

Ijaw Youth Congress [1]

Founded in 1999. President: Felix Tuodolo

Justice Party (JP) [18]

Registered political party. Based in Abuja. Chairman - Chief Ralph Obioha.

Liberal Democratic Party of Nigeria (LDPN) [18]

Registered political party. Based in Abuja. Chairman - Chief Felix Modebelu.

Masses Movement of Nigeria (MMN) [18]

Registered political party. Based in Abuja. Chairman - Major Isola Adekunle Obasanjo (rtd).

Movement for Democracy and Justice (MDJ) [18]

Registered political party. Based in Abuja. Chairman - Alh. Kalli Al-Gazali.

Movement for the Actualization of the Sovereign State of Biafra (MASSOB) [1]

Formed in 1999. Leader - Ralph Uwazurike.

Movement for the Survival of the Ogoni People (MOSOP) [1]

Formed in 1990 to organise opposition to petroleum production in the Ogoni territory. Leader - Ledum Mitee.

National Action Party (NAP) [18]

Registered political party. Based in Abuja. Chairman - Dr Olapade Agoro.

National Conscience Party (NCP) [1][18]

Registered political party. Based in Abuja. Leader - Chief Gani Fawehinmi.

National Democratic Party [1][18]

Registered political party. Based in Abuja. Chairman - Aliyu Habu Fari.

National Frontier [1]

Founded in 2001 by former governors and military officers. Chairman: Chief Edwin Ume Ezeoke.

National Mass Movement of Nigeria (NMMN) [18]

Registered political party. Based in Abuja. Chairman - Alh. Zanna Bukar Mandara.

National Reformation Party (NRP) [18]

Registered political party. Based in Abuja. Chairman - Chief Anthony Enahoro.

National Solidarity Party [1]

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

New Nigeria People's Party (NNPP) [18]

Registered political party. Based in Abuja. Chairman - Dr B O Aniebonam.

Nigeria Advance Party (NAP) [18]

Registered political party. Based in Abuja. Chairman - Dr O Braithwaite.

Nigerian People's Congress [18]

Registered political party. Based in Abuja.

Party for Social Democracy [18]

Registered political party. Based in Abuja. Chairman - Comrade O Z Ejiofor.

O'odua People's Congress (OPC) [1]

Formed in 1994. Banned by the Government in October 2000. Currently divided into two factions - one led by Frederick Fasehun and the other led by Ganiyu Adams.

People's Democratic Party (PDP) [1][18]

Registered political party. Based in Abuja. Party of current President Obasanjo. 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 Mandate Party (PMP) [18]

Chairman - Dr Arthur Nwankwo. Based in Abuja.

People's Redemption Party (PSP) [1][18]

Registered political party. Founded in December 2002. Based in Abuja. Leader - Abdullah Balarabe Musa.

People's Salvation Party [1]

Formed in December 2002. Chairman: Alhaji Wada Nas

Progressive Liberation Party [1]

Formed in 2001. Leader - Ezekiel Izuogu.

The Democratic Alternative (DA) [18]

Formed in 1994. Chairman - Dr Abayomi Ferreira. Based in Abuja.

The Green Party (GPN) [18]

Chairman - Olisa Agbakoba. Based in Abuja.

United Democratic Party (UDP) [18]

Based in Abuja.

United Nigeria Development Forum [1]

Founded 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.

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Annex D: 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.

General Johnson Aguiyi-Ironsi [1]

He was the Commander-in-Chief of the army at the time of the January 1966 military coup, and took power after the coup, but was subsequently killed in a counter-coup in July 1966.

Alhaji Dokubo Asari [22f]

Asari is the leader of the Niger Delta People's Volunteer Force (NDPVF), a militia group based in the Niger delta region.

General Ibrahim Babangida [1]

He became the head of government in August 1985 after a military coup. In August 1993, Babangida resigned as head of government.

Abubakar Tafawa Balewa [1]

He was the country's first federal Prime Minister and Minister of Foreign Affairs when Nigeria became independent in 1960. He was killed in January 1966 in a military coup.

Major General Muhammadu Buhari [1]

He became the head of government in December 1983 after a military coup, and subsequently was deposed in another military coup in 1985. He was one of the presidential candidates (All Nigeria People's Party) in the April 2003 Presidential Election, and came second, winning 32.19 per cent of the votes.

General Yakubu Gowon [1]

He was the Chief-of-Staff of the Army at the time he took power in July 1966 after a coup. He left the government in 1976.

Olusegun Obasanjo [1] [8d]

Olusegun Obasanjo is Nigeria's current president. He is an ethnic Yoruba, originating from the south west of Nigeria. He joined the army in 1958 and came to prominence in 1970 as the officer who accepted the surrender of Biafran forces in the 1967-1970 civil war. Obasanjo first became leader of the country in 1976 after the assassination of Brigadier Murtala Mohammed. In 1979, he earned the distinction of becoming Africa's first modern military leader to hand over power to civilian rule. He then gave up politics and returned to his home state. In 1995, he was imprisoned for his part in an alleged coup plot against Sani Abacha, the then leader of the country. He was subsequently set free in 1998 by the new leader of the country, General Abubakar [8d]. Obasanjo was a candidate in the 1999 Presidential Election, which he won, and took office on 29 May 1999. He was re-elected as president in the 2003 Presidential Election. [1]

Ojukwu Chukwuemeka Odumegwu [1]

He was one of the presidential candidates (All Progressive Grand Alliance) in the April 2003 Presidential Election, and came third, winning 3.29 per cent of the votes.

Adams Oshiomhole [3a]

Oshiomhole is the president of the Nigeria Labour Congress (NLC).

Alhaji Shehu Shagari [1]

He became the President of the Second Republic of Nigeria in October 1979, following democratic elections. In 1983, Shagari was deposed in a military coup led by Major-General Muhammad Buhari.

Ateke Tom [22f]

Tom is the leader of the Niger Delta Vigilante (NDV), a militia group based in the Niger delta region.

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 four Ogoni chiefs. Executed in November 1995 along with eight other MOSOP members.

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Annex E: List of the states of Nigeria [1]

Federal Capital Territory – national capital: Abuja

<u>Name of State</u>	<u>State Capital</u>
Abia	Umuahia
Adamawa	Yola
Akwa Ibom	Uyo
Anambra	Awka
Bauchi*	Bauchi
Bayelsa	Yenogoa
Benue	Makurdi
Borno*	Maiduguri
Cross River	Calabar
Delta	Asaba
Ebonyi	Abakaliki
Edo	Benin City
Ekiti	Ado-Ekiti
Enugu	Enugu
Gombe*	Gombe
Imo	Owerri
Jigawa*	Dutse
Kaduna*	Kaduna
Kano*	Kano
Katsina*	Katsina
Kebbi*	Bernin Kebbi
Kogi	Lokoja
Kwara	Ilorin
Lagos	Ikeja
Nassarawa	Lafia
Niger*	Minna
Ogun	Abeokuta
Ondo	Akure
Osun	Oshogbo
Oyo	Ibadan
Plateau	Jos
Rivers	Port Harcourt
Sokoto*	Sokoto
Taraba	Jalingo
Yobe*	Damaturu
Zamfara*	Gusau

*state that has adopted parts of shari'a law into its penal code [3b] (Section 2)

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Annex F: List of abbreviations

This list is a selection of some of the abbreviations used in the Nigeria COI Report excluding the abbreviations of political parties and political organisations. Refer to Annex C (list of the main political organisations) for the abbreviations of political parties and political organisations.

ACCORD	Austrian Centre for COI and Asylum Research and and Documentation
AI	Amnesty International
BHC	British High Commission (Abuja)
CBN	Central Bank of Nigeria
CLEEN	Centre for Law Enforcement Education
COI	Country of Origin
FCO	Foreign and Commonwealth Office (UK)
FFM	Fact-Finding Mission
FGM	Female genital mutilation
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRW	Human Rights Watch
ICJ	International Court of Justice
ICRC	International Committee of the Red Cross
IDP	Internally Displaced Person
IGP	Inspector General of the Police
ILO	International Labor Organization
INEC	Independent National Electoral Commission
LEDAP	Legal Defence and Assistance Project
MEND	Movement for the Emancipation of the Niger Delta
MSF	Medécins Sans Frontières
NAPTIP	National Agency for the Prohibition of Trafficking in Persons
NDLEA	National Drug Law Enforcement Agency
NDPVF	Niger Delta People's Volunteer Force
NDV	Niger Delta Vigilante
NGO	Non-governmental organisation
NHRC	National Human Rights Commission
NIS	Nigerian Immigration Service
NLC	Nigerian Labour Congress
NPF	Nigerian Police Force
NPS	Nigerian Prisons Service
PRAWA	Prisoners Rehabilitation and Welfare Action
SSS	State Security Service
TI	Transparency International
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UN IRIN	United Nations Independent Regional Information Networks
UNODC	United Nations Office of Drugs and Crime
USSD	United States State Department
WACOL	Women's Aid Collective
WHO	World Health Organisation
WOTCLEF	Women Trafficking and Child Labour Eradication Foundation

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Annex G: References to source material

The Home Office is not responsible for the content of external websites.

- [1] **Nigeria section of europaworld.com dated 2005 – obtained from www.europaworld.com (date accessed 5 April 2006)**

- [2] **United Kingdom Foreign and Commonwealth Office (FCO):**
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 - c Information dated 2006 from a Nigerian source about medical treatment for sickle cell anaemia in Nigeria - obtained by the British High Commission in Abuja, Nigeria
 - d FCO Nigeria Country Profile dated 5 May 2005 – obtained from www.fco.gov.uk (date accessed 7 April 2006)

- [3] **United States State Department reports:**
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