

## **Schnellrecherche der SFH-Länderanalyse vom 22. Juni 2017 zu Nigeria: Gefährdung von Mitgliedern der Gruppe *Indigenous People of Biafra* (IPOB)**

Frage an die SFH-Länderanalyse:

- Inwiefern ist ein Mitglied der Gruppe *Indigenous People of Biafra* (IPOB) gefährdet, bei einer Rückkehr nach Nigeria festgenommen, inhaftiert und gefoltert zu werden?

Die Informationen beruhen auf einer zeitlich begrenzten Recherche (Schnellrecherche) in öffentlich zugänglichen Dokumenten, die uns derzeit zur Verfügung stehen.

### **1 Repressionen gegen Mitglieder von Pro-Biafra-Gruppen einschliesslich der *Indigenous People of Biafra* (IPOB)**

**Repressionen gegen Mitglieder von Pro-Biafra-Gruppen in den Jahren 2015 und 2016; zahlreiche Tötungen, Verletzung und Festnahmen von Protestierenden durch staatliche Sicherheitskräfte.** Vor September 2015 erlaubten die Behörden gemäss einem Bericht von *Amnesty International* (24. November 2016) von der Gruppe *Indigenous People of Biafra* (IPOB) organisierte Demonstrationen. Seit September 2015 sahen sie die IPOB jedoch als Bedrohung der Sicherheit Nigerias an, obwohl die von *Amnesty International* dokumentierten Proteste und Versammlungen der IPOB überwiegend gewaltfrei waren. Seit der Festnahme des IPOB-Anführers und Direktors von Radio Biafra, Nnamdi Kanu, am 14. Oktober 2015 habe es zunehmend Treffen und Demonstrationen gegeben, die zu seiner Freilassung aufriefen. Gleichzeitig sei die Zahl der vom Militär begangenen Menschenrechtsverletzungen gestiegen.

Laut demselben Bericht von *Amnesty International* lag die Zahl der durch staatliche Sicherheitskräfte zwischen August 2015 und Dezember 2016 getöteten Mitglieder und Unterstützer der IPOB bei mindestens 150. Darüber hinaus wurden hunderte während gewaltfreier Treffen, Demonstrationen und anderen Versammlungen verletzt und hunderte waren willkürlich festgenommen worden. Das Militär, das anstelle der Polizei zur Kontrolle von solchen Veranstaltungen eingesetzt wurde, schoss mit scharfer Munition und praktisch ohne Vorwarnung, um friedliche Versammlungen aufzulösen. *Amnesty International* (24. November 2016) berichtete von aussergerichtlichen Hinrichtungen und der masslosen Anwendung von Gewalt durch Militär, Polizei und andere Sicherheitskräfte. Es gebe ein besorgniserregendes Ausmass von willkürlichen Verhaftungen und Inhaftierungen, einschliesslich der Festnahme von verwundeten Opfern im Spital durch Soldaten, sowie von Folter und anderen Misshandlungen von Inhaftierten. Es gebe jedoch kaum Untersuchungen solcher mutmasslichen Verbrechen und Menschenrechtsverletzungen durch die Sicherheitskräfte, was die Kultur der Straflosigkeit im Militär noch zusätzlich gestärkt habe.

Am 9. Februar 2016 benutzte die Polizei gemäss USDOS (3. März 2017) bei Protesten von Mitgliedern und Unterstützern der separatistischen Bewegung *Indigenous People of Biafra* (IPOB) in einer Schule in Abia State scharfe Munition und tötete mindestens

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neun Personen. Am 29. und 30. Mai 2016 töteten Polizei und Militär gemäss einem von USDOS (3. März 2017) zitierten Bericht von *Amnesty International* in Anambra State mindestens 17 Mitglieder oder Unterstützer der IPOB vor einer geplanten politischen Demonstration. HRW erwähnte am 12. Januar 2017 ebenfalls die Repressionen und Tötungen durch Sicherheitskräfte im Februar und Mai 2016, berichtete aber von insgesamt mindestens 40 getöteten Mitgliedern der IPOB und einer weiteren separatistischen Gruppe, des *Movement for the Actualization of the Sovereign State of Biafra* (MASSOB).

Auch USDOS (3. März 2017) verweist auf zahlreiche Berichte über willkürliche und unrechtmässige Tötungen im Jahr 2016. Die nationale Polizei, die Armee und andere Sicherheitskräfte hätten tödliche und masslose Gewalt beim Auflösen von Protesten und bei der Festnahme von Kriminellen und Verdächtigen angewandt. Die Behörden zogen sie allerdings in der Regel nicht für diese Taten zur Verantwortung. Die Anwendung von massloser Gewalt einschliesslich scharfer Munition bei der Auflösung von Protesten führte zu zahlreichen Tötungen, einschliesslich im Februar und Mai 2016.

**Festnahmen im Vorfeld des *Biafra Independence Day* im Mai 2017.** Am 30. Mai 2017 jährte sich die Erklärung einer unabhängigen Republik Biafra im Südosten Nigerias, die den nigerianischen Bürgerkrieg ausgelöst hatte, zum fünfzigsten Mal. Gemäss AFP (30. Mai 2017) blieben Läden, Schulen und Geschäfte im Südosten Nigerias geschlossen, und die staatlichen Sicherheitskräfte waren sichtbar präsent. Der Anführer der Bewegung *Indigenous People of Biafra* (IPOB), Nnamdi Kanu, erklärte, es ginge ihm um «zivilen Ungehorsam», um ein Referendum über die Selbstbestimmung der Region herbeizuführen. Die nigerianische Polizei hatte angekündigt, bei einem Bruch des Friedens oder unrechtmässigen Protesten «entschieden zu handeln». Gemäss einem von AFP zitierten Sprecher der Armee seien die Sicherheitsvorkehrungen im Südosten an «tatsächlichen oder möglichen Krisenherden» verstärkt worden. Laut *Amnesty International* (30. Mai 2017) wurden mehr als 100 Mitglieder zweier Pro-Biafra-Gruppen, des *Movement for the Sovereign State of Biafra* (MASSOB) und des *Biafra Independent Movement* (BIM), in den Staaten Enugu, Ebonyi und Cross Rivers am 22. Mai 2017 während Feiern im Vorfeld des Jahrestages festgenommen.

Amnesty International, 24. November 2016:

**«Since August 2015, the security forces have killed at least 150 members and supporters of the pro-Biafran organization IPOB (Indigenous People of Biafra) and injured hundreds during non-violent meetings, marches and other gatherings. Hundreds were also arbitrarily arrested. (...)**

**Video footage and eyewitness testimony consistently show that the military, which has been deployed instead of police to control pro-Biafran events, has dispersed peaceful gatherings by firing live ammunition with little or no warning.**

**This report documents extrajudicial executions and the use of excessive force by military, police and other security agencies. It also shows a worrying pattern of arbitrary arrests and detentions, including soldiers arresting wounded victims in hospital, and of torture and other ill-treatment of detainees.**

**Hardly any allegations of crimes under international law and human rights violations by the Nigerian security forces, and in particular the military, are investigated. If an investigation is carried out, there is no follow up. Because no one has been seen to be held to account for serious human rights violations, an already pervasive culture of impunity within the military has been further strengthened. (...)**

*Despite persistent state repression, the IPOB movement has gained significant public attention in the last couple of years. Thousands of people frequently tune in to the clandestine radio station Radio Biafra, which is run from the UK and its broadcasts includes messages that may constitute incitement to violent acts against the Nigerian state. **The authorities initially allowed IPOB rallies to take place, but from September 2015 onwards the authorities have claimed that IPOB is a threat to the security of Nigeria, despite the fact that the IPOB protests and gatherings documented by Amnesty International were largely non-violent. Since the IPOB leader and Radio Biafra director Nnamdi Kanu was arrested on 14 October 2015, the meetings and demonstrations calling for his release have increased and so have the violations committed by the military. (...)***

#### *Extrajudicial Executions*

*Since August 2015, the security forces have killed at least 150 IPOB members and supporters and injured hundreds during peaceful assemblies. The exact number remains unknown because the government has not independently investigated any of these incidents.*

*By far the largest number of pro-Biafra activists were killed on 30 May 2016, Biafra Remembrance Day, during events to mark the 49th anniversary of the declaration of the Republic of Biafra, when an estimated 1,000-plus IPOB members and supporters gathered for a rally in Onitsha, Anambra state. The night before the rally, a joint security force task force raided homes and a church where IPOB members were sleeping.*

*On Remembrance Day itself, the security forces shot people in several locations, predominantly in Nkpor, the venue for the gathering, and in Asaba. Amnesty International has not been able to verify the exact number of extrajudicial executions, but estimates that at least 60 people were killed and 70 injured in these two days. The real number is likely to be higher. (...)*

*The deployment of the military to police public gatherings has directly contributed to the high numbers of casualties. Trained to eliminate enemies, the military clearly was unprepared to control a largely peaceful crowd with means other than force. Worse, in many of the incidents documented in this report, the military seems to have chosen tactics designed to kill and neutralize an enemy. Many of the shootings were clearly outside any concept of public order management and amounted to extrajudicial executions.*

*Eyewitness testimony and video footage of the rallies, marches and meetings demonstrate that the military used what should be their last resort in public order situations, force, at the first instance. The use of firearms was unlawful in almost all cases docu-*

*mented, as there was no threat to life. Time and again, people told Amnesty International that the security forces fired tear gas and at the same time or seconds later, they heard gunshots and had to run for their lives.*

*Witnesses told Amnesty International that in some cases, the military instructed those at the front of the gathering that they should leave, and that when they refused, they were shot. According to the witnesses, the military didn't use Public Address (PA) systems nor did they attempt to address the assembly as a whole. (...)*

#### *Excessive Use of Force, Torture and other Illtreatment, Arbitrary Arrests and Detention*

*Amnesty International has documented seven incidents in which Nigeria's military and police used arbitrary, abusive and excessive force to disrupt gatherings. In some cases the military and police were assisted by the DSS and other security agencies. In all of these cases, the research found a worrying pattern of arbitrary arrests and excessive use of force by Nigeria's military and police.*

*All IPOB gatherings documented by Amnesty International were largely peaceful. In those cases where there were pockets of violence, it was mostly in reaction to shootings by the security forces. Eyewitnesses told Amnesty International that some protesters threw stones, burned tyres and in one incident shot at the police. Regardless, these acts of violence did not justify the level of force used against the whole assembly. (...)*

*The government's response to pro-Biafra activism has been to subject people to fear and silence. Relatives of those killed are mostly too frightened to speak out and accept that they will not find out what happened to their loved ones. As more IPOB leaders are arrested in their homes, the climate of fear is growing. Some of those arrested have been tortured or otherwise ill-treated. Others face treason charges, which carries the death penalty. Those who are lucky enough to be released come out traumatized and in fear of state surveillance.*

*Witnesses of the events documented in this report have told Amnesty International that after each incident, the military and police arrested tens of IPOB members and supporters. Rather than arresting everyone present in an organized way, they carried the arrests out randomly. Those arrested were taken to military barracks and in some cases later transferred to police stations or hospitals. In six cases, the military went from hospital to hospital to arrest injured victims.*

*The security forces have arrested hundreds pro-Biafra activists. In addition, DSS has arrested eight IPOB coordinators; some at IPOB events and others at their homes. While some have been released, many others were charged with treason, which carries the death penalty under Nigeria law. Amnesty International was not able to confirm the exact number of people who have been arbitrarily arrested and detained in connection with the Biafra independence campaign in various parts of southeast Nigeria.*

*Many of the people arrested after IPOB events have told Amnesty International that they were beaten or subjected to other forms of ill-treatment. Some were tortured in detention. In addition, there is a consistent pattern of the security forces denying injured victims medical treatment. (...)*

*Pervasive Culture of Impunity within the Military*

*Despite overwhelming evidence that the Nigerian security forces have committed human rights violations including extrajudicial executions, torture and other ill-treatment, there has been no action by the authorities to hold them to account. This report includes evidence of 87 videos of the events showing the killings of pro-Biafra activists and the immediate aftermath of these fatal shootings. Yet the Nigerian government has not done anything to end the unlawful and brutal crackdown. There has been no independent investigation nor has the President instructed the armed forces to comply with international human rights law in responding to IBOP protests.*

*The shooting on 9 February 2016 at Aba National High School, which bystanders and pro-Biafra activists filmed from the beginning till end, shows total disrespect for human rights on the part of the Nigerian military. The video footage, reviewed and verified by Amnesty International, shows that soldiers ran into the field and surrounded the pro-Biafra activists, who were unarmed and not violent – just singing and dancing. The military acted as if they were in combat and took up a crouched aiming position, establishing a perimeter. Although police were also present, they showed no intent to police the crowd, nor were they in charge of the operation. After the police withdrew, tear gas was fired and seconds later, the military fired live ammunition. The military made no attempt to move to the crowd to disperse it, but retained their position and continued firing. The video footage shows several people on the ground, while the majority ran away.» Quelle: Amnesty International, Nigeria: 'Bullets were Raining Everywhere': Deadly Repression of Pro-Biafra Activists, 24. November 2016, S. 5-9: [www.amnesty.org/en/documents/afr44/5211/2016/en/](http://www.amnesty.org/en/documents/afr44/5211/2016/en/).*

USDOS, 3. März 2017:

*«a. Arbitrary Deprivation of Life and other Unlawful or Politically Motivated Killings*

***There were numerous reports the government or its agents committed numerous arbitrary and unlawful killings. The national police, army, and other security services used lethal and excessive force to disperse protesters and apprehend criminals and suspects and committed other extrajudicial killings. Authorities generally did not hold police, military, or other security force personnel accountable for the use of excessive or deadly force or for the deaths of persons in custody. State and federal panels of inquiry investigating suspicious deaths did not make their findings public.***

***The use by security services of excessive force, including live ammunition, to deal with protesters and disperse demonstrators resulted in numerous killings. On February 9, police and military personnel reportedly used live ammunition to disperse protesting members or supporters of the separatist Indigenous People of Biafra (IPOB) movement at a school in Aba, Abia State, killing at least nine. In June Amnesty International (AI) published the findings of an investigation, concluding that on May 29-30, police and military personnel in Onitsha, Anambra State, killed at least 17 IPOB members or supporters ahead of a planned political demonstration. According to a September AI report, since August 2015 security forces killed at least 150 IPOB members or supporters and arbitrarily arrested***

**hundreds. As of December the government had not investigated these incidents.**» Quelle: USDOS – US Department of State, Country Report on Human Rights Practices 2016 – Nigeria, 3. März 2017:

[www.ecoi.net/local\\_link/337224/479988\\_de.html](http://www.ecoi.net/local_link/337224/479988_de.html).

HRW, 12. Januar 2017:

*«In February and May, security forces were accused of killing at least 40 members of the Indigenous People of Biafra (IPOB), and Movement for the Actualization of the Sovereign State of Biafra (MASSOB). The groups are advocating for the separation of Biafra—mainly made up of Igbo-speaking people in the southeast—and the release of Nnamdi Kanu, the IPOB leader detained and undergoing trial for treason since October 2015.»* Quelle: HRW – Human Rights Watch, World Report 2017 – Nigeria, 12. Januar 2017:

[www.ecoi.net/local\\_link/334700/476453\\_de.html](http://www.ecoi.net/local_link/334700/476453_de.html).

AFP, 30. Mai 2017:

**«Shops, schools and businesses were shut in southeast Nigeria on Tuesday, 50 years to the day since the declaration of an independent republic of Biafra sparked a brutal civil war. In Onitsha, the economic hub of Anambra state on the banks of the River Niger, most markets were closed and the streets were largely empty of people and traffic.**

**Separatist sentiment persists in the region, which is dominated by the Igbo people, and the main pro-Biafran independence group has called on supporters to stay at home.**

*"No work today, we are Biafran, we are not Nigerians," said Ebere Ichukwu Eli, one of the few people to venture outside, **where there was a visible security presence.** "No violence, it is a peaceful sit at home. We are protesting peacefully," the 47-year-old told AFP.*

*A woman who gave her name only as Justine said: "The market is closed today. I'm just going home to stay with my children. "We want our one Biafra. It's our land. That's why we all sit at home today." In Aba, 150 kilometres (95 miles) south by road from Onitsha, churches on Sunday urged followers to stay at home as a peaceful protest.*

**The leader of the Indigenous People of Biafra (IPOB) movement, Nnamdi Kanu, told AFP his aim was for "civil disobedience" to force a referendum on self-determination.**

- Over 100 arrested -

**Local people said the closures were either to commemorate the anniversary in support or because of widespread fears of violence. Nigerian police last week denounced "planned protests and order of market closures" and warned it would "deal decisively" with any breach of the peace or unlawful protest. (...)**

*Nigerian Army spokesman Colonel Sagir Musa said in a statement that security had been increased across the southeast in places seen as "real or potential flashpoints". "The aim is to proactively checkmate possible security breaches in view of sordid/divisive utterances and in some cases blatant actions by secessionist agitators," he added. (...)*

*Support for secession has increased since the arrest in late 2015 of IPOB leader Kanu, who is currently on trial in Abuja charged with treasonable felony. A court ordered his release on bail in April. Kanu, who is in his 40s, told AFP in an interview that his time in prison gave him the chance to reflect and plot out the quickest possible path to independence. "The mission and the values of IPOB are very simple: to restore Biafra, to make sure Biafra comes by whatever means possible," he said. "We have chosen the track of peaceful agitation, non-violence, persuasion, logic, reason, argument. We are going to deploy all of that to make sure we get Biafra." He added: "Our ultimate goal is freedom, referendum is the path we have chosen to take to get Biafra... There is no alternative."» Quelle: AFP, Shutdown for 50th anniversary of Biafra declaration, 30. Mai 2017: [www.yahoo.com/news/shutdown-50th-anniversary-biafra-declaration-131038038.html](http://www.yahoo.com/news/shutdown-50th-anniversary-biafra-declaration-131038038.html).*

Amnesty International, 30. Mai 2017:

*«Recent arrests of peaceful pro-Biafra protesters*

*The security forces have already started clamping down on pro-Biafra groups ahead of the formal anniversary. On 22 May 2017, more than 100 members of the Movement for the Sovereign State of Biafra (MASSOB) and Biafra Independent Movement (BIM) were arrested in Enugu, Ebonyi, and Cross Rivers states during similar celebrations.» Amnesty International, Nigeria: Security forces must avoid repression of Biafra day protests, 30. Mai 2017: [www.amnesty.org/en/latest/news/2017/05/nigeria-security-forces-must-avoid-repression-of-biafra-day-protests/](http://www.amnesty.org/en/latest/news/2017/05/nigeria-security-forces-must-avoid-repression-of-biafra-day-protests/).*

## **2 Folter, Straflosigkeit der Sicherheitskräfte, Ineffizienz des Justizsystems und miserable Haftbedingungen**

**Folter.** Gemäss USDOS (3. März 2017) ist Folter in Nigeria durch die Verfassung und den *Administration of Criminal Justice Act* (ACJA) verboten. Der ACJA wurde allerdings bis Dezember 2016 nur in den Staaten Anambra, Ekiti, Enugu und Lagos angenommen und kann also nur dort angewendet werden. Der Entwurf eines Anti-Folter-Gesetzes war im Dezember 2016 noch hängig. Das *National Committee against Torture* (NCAT) des Justizministeriums ist nicht genügend unabhängig und verfügt nicht über die ausreichenden Finanzmittel, um effizient arbeiten zu können. Trotz gegenteiliger gesetzlicher Bestimmungen wendet die Polizei oft Folter an, um Geständnisse zu erzwingen, die später vor Gericht verwendet werden. Die Polizei misshandelt Zivilpersonen auch, um Geld zu erpressen. USDOS (3. März 2017) erwähnt einen Bericht von *Amnesty International* vom September 2016, gemäss dem Polizeioffiziere Inhaftierte in Raubfällen regelmässig folterte, um Geständnisse und Bestechungsgelder zu erpressen, unter anderem im Staat Enugu. Ferner gebe es weiterhin Berichte von

lokalen NGOs und internationalen Menschenrechtsgruppen, die die Sicherheitskräfte der illegalen Inhaftierung, unmenschlichen Behandlung und Folter von Demonstrierenden, Verdächtigen in Kriminalfällen, Kämpfern, Inhaftierten und Strafgefangenen beschuldigen. Es werde eine Vielzahl von Foltermethoden angewendet, einschliesslich Schlagen, Schiessen, Entfernen von Nägeln und Zähnen, Vergewaltigung und anderer Formen sexueller Gewalt. Darüber hinaus wende die Polizei weiterhin eine als «Paradieren» bekannte Methode an, bei der Festgenommene durch den öffentlichen Raum geführt und öffentlichem Spott und Missbrauch ausgesetzt werden. Zuschauer verspotteten die Festgenommenen oft und bewürfen sie mit Essen und anderen Gegenständen.

**Straflosigkeit der Sicherheitskräfte.** Wegen der Unfähigkeit der Strafverfolgungsbehörden, gesellschaftliche Gewalt zu unterbinden, beauftragte die Regierung gemäss USDOS (3. März 2017) zunehmend das Militär mit dem Eindämmen solcher Gewalt. Die Polizei, der Geheimdienst und das Militär handeln teilweise ohne zivile Kontrolle. Der Regierung mangelt es an effektiven Methoden und am politischen Willen, Missbräuche durch die Sicherheitskräfte und Korruption zu untersuchen und zu bestrafen. Polizei und Militär bleiben anfällig für Korruption und begehen Menschenrechtsverletzungen. Straflosigkeit bei gewalttätigen Festnahmen, illegaler Inhaftierung, Folter und aussergerichtlicher Hinrichtung von Verdächtigen ist weit verbreitet. Auch der Geheimdienst begeht laut Berichten Menschenrechtsverletzungen. Polizei und andere Sicherheitskräfte dürfen Personen bei begründetem Verdacht auch ohne Haftbefehl festnehmen, und sie missbrauchen diese Möglichkeit oft. Laut Gesetz müssen Inhaftierte auch während eines Notstands innerhalb von 48 Stunden einem Richter vorgeführt werden und haben Zugang zu Anwälten und Familienmitgliedern. In vielen Fällen verlangen Regierungsbeamte und Sicherheitskräfte hierfür jedoch Bestechungsgelder. Oft inhaftiert die Polizei Verdächtige, ohne sie über die Anklage zu informieren oder Zugang zu Anwälten und Familienmitgliedern zu erlauben. Bewährungsregelungen werden oft willkürlich angewandt oder von aussergerichtlichen Einflüssen bestimmt.

**Ineffizienz und Korruption des Justizsystems.** Der Mangel an Richterinnen und Richtern, der Rückstand an Fällen, tief verwurzelte Korruption, Bürokratie und politische Einflussnahme behindern das Justizsystem nachhaltig. Der Justizsektor ist weiterhin anfällig für Druck seitens der Exekutive und der Legislative. Politische Einflussnahme ist besonders auf Staats- und lokaler Ebene ein Problem. Hinzu kommen Personalmangel, nicht ausreichende Finanzierung, Ineffizienz und Korruption. Richterinnen und Richter werden in der Öffentlichkeit häufig als bestechlich und nicht neutral wahrgenommen. Justizangestellte verlangen oft Bestechungsgelder, um Fälle voranzubringen oder günstige Urteile zu sprechen.

**Lange Dauer der Untersuchungshaft.** Die lange Dauer der Untersuchungshaft war laut USDOS (3. März 2017) weiterhin ein Problem. So waren gemäss Zahlen vom März 2016 72 Prozent der Inhaftierten in Untersuchungshaft, teilweise während mehrerer Jahre.

**Haftbedingungen.** Die Situation in den Gefängnissen ist gemäss USDOS (3. März 2017) weiterhin rau und lebensbedrohlich. Laut Berichten werden Inhaftierte – die meisten von ihnen vor einer Verurteilung – aussergerichtlichen Hinrichtungen, Folter,



starker Überfüllung, Mangel an Essen und Wasser, unangemessener medizinischer Behandlung, gewollter und zufälliger Hitze ausgesetzt. Die Infrastruktur in den Gefängnissen sei mangelhaft und die hygienischen Bedingungen dadurch völlig unangemessen. Dies könne sogar zum Tod führen. Wächter und Gefängnisangestellte erpressten Inhaftierte oder verlangten Gebühren für Essen, Instandhaltung des Gefängnisses und Entlassung aus der Haft. Wegen der schlechten medizinischen Versorgung in den Gefängnissen starben viele Gefangene an behandelbaren Erkrankungen wie HIV/AIDS, Malaria und Tuberkulose. Nur solche Gefangene, die über Geld verfügen oder von ihren Familien unterstützt werden, hätten genügend zu essen. Gefängnisangestellte stehlen oft Geld, das Inhaftierte für die Beschaffung von Essen erhielten. Arme Gefangene hingen oft von der Unterstützung anderer ab, um zu überleben. Gefängnisangestellte, Polizei und andere Sicherheitskräfte enthielten Inhaftierten oft Essen und medizinische Behandlung vor, um sie zu bestrafen oder Geld zu erpressen. In Gefängnissen gebe es nur wenige Bemühungen, psychiatrische Behandlungen sowie separate Unterbringung für Inhaftierte mit geistigen Behinderungen anzubieten.

USDOS, 3. März 2017:

*«c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment*

***The constitution and law prohibit torture and other cruel, inhuman, or degrading treatment. The Administration of Criminal Justice Act (ACJA), passed in 2015, prohibits torture and cruel, inhuman, or degrading treatment of arrestees; however, it fails to prescribe penalties for violators. Each state must also individually adopt the ACJA for the legislation to apply beyond the FCT and federal agencies. As of December only the states of Anambra, Ekiti, Enugu, and Lagos had adopted it. Final passage of an antitorture bill, initially passed in 2015 by both houses of the National Assembly but returned by President Buhari to the Senate for amendments, was pending.***

***The Ministry of Justice established a National Committee against Torture (NCAT). Lack of legal and operational independence and lack of funding, however, continued to prevent NCAT from carrying out its work effectively.***

***The law prohibits the introduction into trials of evidence and confessions obtained through torture. Authorities did not respect this prohibition, however, and police often used torture to extract confessions later used to try suspects. Police also repeatedly mistreated civilians to extort money.***

***In September AI reported police officers in the Special Antirobbery Squad (SARS) regularly tortured detainees in custody as a means of extracting confessions and bribes. For example, SARS officers in Enugu State reportedly beat one victim with machetes and heavy sticks, releasing him only after payment of 25,500 naira (\$81). In response to AI's findings, the inspector general of police reportedly admonished SARS commanders and announced broad reforms to correct SARS units' failures to follow due process and their use of excessive force.***

***Local nongovernmental organizations (NGOs) and international human rights groups continued to accuse the security services of illegal detention, inhuman treatment, and torture of demonstrators, criminal suspects, militants, detainees,***

**and prisoners. Military and police reportedly used a wide range of torture methods, including beatings, shootings, nail and tooth extractions, rape, and other forms of sexual violence. (...)**

**Police continued to use a technique commonly referred to as “parading” of arrestees, which involved walking arrestees through public spaces and subjecting them to public ridicule and abuse. Bystanders often taunted and hurled food and other objects at arrestees. (...)**

#### *Prison and Detention Center Conditions*

**Prison and detention center conditions remained harsh and life threatening. (...) Prisoners and detainees, the majority of whom had not been tried, were reportedly subjected to extrajudicial execution, torture, gross overcrowding, food and water shortages, inadequate medical treatment, deliberate and incidental exposure to heat and sun, and infrastructure deficiencies that led to wholly inadequate sanitary conditions that could result in death. Guards and prison officials reportedly extorted inmates or levied fees on them to pay for food, prison maintenance, and release from prison. (...)**

**Most of the 240 prisons were 70 to 80 years old and lacked basic facilities. Lack of potable water, inadequate sewage facilities, and severe overcrowding resulted in dangerous and unsanitary conditions. Disease remained pervasive in cramped, poorly ventilated prison facilities, which had chronic shortages of medical supplies. Inadequate medical treatment caused many prisoners to die from treatable illnesses, such as HIV/AIDS, malaria, and tuberculosis. Although authorities attempted to isolate persons with communicable diseases, facilities often lacked adequate space, and inmates with these illnesses lived with the general prison population. There were no reliable statistics on the number of prison deaths during the year.**

**Only prisoners with money or support from their families had sufficient food. Prison officials routinely stole money provided for prisoners’ food. Poor inmates often relied on handouts from others to survive. Prison officials, police, and other security force personnel often denied inmates food and medical treatment to punish them or extort money. (...)**

**Generally, prisons made few efforts to provide mental health services or other accommodations to prisoners with mental disabilities (...).**

**Due to the inability of law enforcement forces to control societal violence, the government increasingly turned to the armed forces in many cases. In July, for example, the military launched Operation Accord to tackle an increase in the number of herder-farmer conflicts throughout the country.**

**The police, DSS, and military reported to civilian authorities but periodically acted outside civilian control. The government lacked effective mechanisms and sufficient political will to investigate and punish security force abuse and corruption. The police and military remained susceptible to corruption, committed**

*human rights abuses, and operated with widespread impunity in the apprehension, illegal detention, torture, and extrajudicial execution of suspects. The DSS also reportedly committed human rights abuses. In some cases private citizens or the government brought charges against perpetrators of human rights abuses, but most cases lingered in court or went unresolved after an initial investigation. (...)*

#### *Arrest Procedures and Treatment of Detainees*

*Police and other security services have the authority to arrest individuals without first obtaining warrants if they have reasonable suspicion a person committed an offense, a power they often abused. The law requires that, even under a state of emergency, detainees must appear before a magistrate within 48 hours and have access to lawyers and family members. In many instances government and security officials did not adhere to this regulation without being bribed. Police held for interrogation individuals found in the vicinity of a crime for periods ranging from a few hours to several months, and after their release, authorities frequently asked the individuals to return for further questioning. The law requires an arresting officer to inform the accused of charges at the time of arrest, transport the accused to a police station for processing within a reasonable time, and allow the suspect to obtain counsel and post bail. Families were afraid to approach military barracks used as detention facilities. Police routinely detained suspects without informing them of the charges against them or allowing access to counsel and family members; such detentions often included solicitation of bribes. Provision of bail often remained arbitrary or subject to extrajudicial influence. Judges often set exceedingly stringent bail conditions. In many areas with no functioning bail system, suspects remained incarcerated indefinitely under investigative detention. Authorities kept detainees incommunicado for long periods. Numerous detainees alleged police demanded bribes to take them to court hearings or to release them. If family members wanted to attend a trial, police often demanded additional payment. (...)*

*Pretrial Detention: Lengthy pretrial detention remained a serious problem. According to NPS figures from March, 72 percent of the prison population consisted of detainees awaiting trial, often for years. The shortage of trial judges, trial backlogs, endemic corruption, bureaucratic inertia, and undue political influence seriously hampered the judicial system. In many cases multiple adjournments resulted in years-long delays. Many detainees had their cases adjourned because the NPF and the NPS did not have vehicles to transport them to court. Some persons remained in detention because authorities lost their case files. (...)*

#### *e. Denial of Fair Public Trial*

*Although the constitution and law provide for an independent judiciary, the judicial branch remained susceptible to pressure from the executive and legislative branches. Political leaders influenced the judiciary, particularly at the state and local levels. Understaffing, underfunding, inefficiency, and corruption prevented the judiciary from functioning adequately. Judges frequently failed to appear for*

*trials. In addition, the pay for court officials was low, and they often lacked proper equipment and training.*

*There was a widespread public perception that judges were easily bribed and litigants could not rely on the courts to render impartial judgments. Citizens encountered long delays and received requests from judicial officials for bribes to expedite cases or obtain favorable rulings.*

*Although the Ministry of Justice implemented strict requirements for education and length of service for judges at the federal and state levels, **no requirements or monitoring bodies existed for judges at the local level. This contributed to corruption and the miscarriage of justice in local courts.*** » Quelle: USDOS – US Department of State, Country Report on Human Rights Practices 2016 – Nigeria, 3. März 2017: [www.ecoi.net/local\\_link/337224/479988\\_de.html](http://www.ecoi.net/local_link/337224/479988_de.html).