

Nigeria

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The persistent failure of the Nigerian government to prosecute the perpetrators of serious human rights violations has contributed to a devastating cycle of inter-communal conflict. The violence is exacerbated by the inadequate protection of civilians by the security forces. In 2004, violence between Christians and Muslims in Plateau state and the city of Kano, claimed hundreds of lives and led President Obasanjo to impose a state of emergency in Plateau in May. Ongoing conflict over control of oil wealth in the Niger delta remains a cause of serious violence. However, the willingness of the federal government to use dialogue to respond to problems in the Niger delta and Plateau state, may signal a softening of the heavy handed approach of the past.

Tackling impunity remains a key challenge for the government. 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. The police continue to commit numerous extra-judicial killings, acts of torture and arbitrary arrests. Several opponents or critics of the government have been arrested, harassed, and intimidated. Scores of people were killed in violence related to the local government elections in March. Shari'a (Islamic law) courts in the north continue to hand down death sentences; however, such sentences have not been implemented since early 2002. While the federal government has made some efforts to tackle corruption, it remains pervasive within both the public and private sectors, leading directly to violations of social and economic rights; the political elite continued to amass wealth at the expense of the vast majority of Nigerians who live in extreme poverty.

Inter-communal Violence

Inter-communal violence remains the most serious human rights concern in Nigeria. Since the end of military rule in 1999, fighting in several regions of the country has claimed thousands of lives. Plateau state in central Nigeria has been particularly affected, and the first half of 2004 saw an escalation of violence around the southern part of the state. This culminated in a large scale attack by Christians on the town of Yelwa in May. Around seven hundred people were killed and tens of thousands displaced. One week later, Muslims in the northern city of Kano took revenge for the Yelwa attack and turned against Christians, killing more than two hundred people. Following the violence, President Obasanjo declared a state of emergency in Plateau, suspended the state government, and established an interim administration to implement a six month "peace plan." The plan brought communities and religious leaders together for dialogue and proposed a reconciliation commission, which stipulates that persons admitting responsibility for violence in Plateau state conflicts from 2001-2004, will be granted amnesty. The state of emergency has, so far, succeeded in calming tensions and there have been no further outbreaks of violence.

Security forces frequently fail to respond to early warning signs of conflict and in many incidents, as was the case in Yelwa, they are notably absent. The violence is often fueled by political actors and community leaders. Impunity for violations contributes to the cycle of violence and emboldens the perpetrators. In the aftermath of the conflict in Plateau and Kano, very few arrests were made and those responsible for instigating and planning the attacks appeared to have escaped justice.

Conflict in the Niger Delta

The oil rich Niger delta, in the south of the country, remains the scene of recurring violence between members of different ethnic groups competing for political and economic power, and between militia and

security forces sent to restore order in the area. Local groups are also fighting over control of the theft of crude oil, known as "illegal bunkering". The 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 massive army, navy and police presence in the area, local communities remain vulnerable to attack by the militias, criminal gangs and security forces. Oil companies rarely speak out publicly about such abuses; indeed, some of their own practices have contributed to the conflict.

Following the deaths of seven people, including two US citizens, in an ambush on an oil company boat in April 2004, warring factions in Delta state declared a ceasefire. Rivers state, where there are large numbers of armed gangs, saw some of the worst violence in 2004: hundreds of people were killed (some by security forces and others in fighting between the groups) and thousands of people displaced from their homes. President Obasanjo, in an unprecedented move, invited rival groups to Abuja at the end of September for negotiations, indicating just how seriously he takes the threat to security—and oil production—in Rivers state. This may signal a shift away from the heavy handed approach of the past, but it remains to be seen whether the federal government will heed demands for greater resource control for the people of the delta.

Abuses by Police

Despite repeated promises of reform by senior government and police officials, extra-judicial killings, torture, ill treatment, arbitrary arrests and extortion remain the hallmarks of the Nigerian police. Throughout the years, a large number of extra-judicial killings occurred not only in the context of crime fighting operations against alleged armed robbers, but also during routine duties such as traffic control. Cases of torture and ill-treatment by the police during arrest and detention are common. Police often take advantage of situations of generalized violence and disorder to carry out further killings. For example, in May 2004, riots between Muslims and Christians in Kano left more than two hundred people dead, dozens of whom had been shot dead by the police. In very few cases were the individuals responsible for these acts or their superiors brought to justice.

Freedom of Expression

Despite significant gains in civil liberties since the end of military rule, several restrictions on freedom of expression remain. There were numerous cases of arrests, detention, ill-treatment, intimidation and harassment of critics and opponents of the government. In September 2004, the offices of Insider Weekly magazine were raided by the State Security Service (SSS) and two staff members were arrested for criticizing the government. During anti-government protests in May, police used tear gas and detained several protestors in Lagos. Similarly during nationwide strikes to protest against an increase in the price of fuel in June and October, several labor union activists were detained and obstructed by police. In other incidents, members of the Movement for the Actualization of the Sovereign State of Biafra (MASSOB), an Igbo self determination group critical of the government, were repeatedly harassed and arrested.

Human Rights Concerns in the Context of Shari'a

Shari'a (Islamic law), which was extended to cover criminal law in 2000, is in force in twelve of Nigeria's thirty-six states. Shar'ia has provisions for sentences amounting to cruel inhuman and degrading treatment, including death sentences, amputations and floggings. However, the number of sentences that have been handed down by Shari'a courts has decreased and there appears to be a reluctance on the part of the authorities to carry them out. No executions or amputations have taken place since early 2002 though a number of defendants remain under sentence of death. For example in September and October 2004, two women in Bauchi state, were sentenced to death by stoning for adultery. Both are currently appealing their sentence. Many trials in Shari'a courts fail to conform to international standards and do not respect due process even as defined by Shari'a legislation; defendants rarely have access to a lawyer, are not informed about their rights, and judges are poorly trained. The manner in which Shari'a is

applied discriminates against women, particularly in adultery cases where different standards of evidence are required making it more likely that women will be convicted.

Political Violence

Politically motivated killings and violence continued to be a regular occurrence in Nigeria. Most incidents of violence involve fighting between factions of the ruling People's Democratic Party (PDP) or between the supporters of the PDP and the main opposition All Nigeria People's Party (ANPP). Local party leaders regularly hire and arm thugs to intimidate political opponents, and then protect them from prosecution. In the weeks preceding the local government elections in March 2004, numerous prominent politicians were killed or targeted in assassination attempts. Local candidates, election officials and rank and file party members were also killed in many incidents that went unreported. On polling day, voting in many local government areas was marred by electoral violence and in some areas elections had to be postponed due to insecurity. Local monitoring groups observed substantial flaws in the preparations for elections, and widespread irregularities and fraud during voting.

Key International Actors

Under President Obasanjo, Nigeria continues to enjoy a generally positive image in the eyes of foreign governments. The country has assumed regional significance through Obasanjo's chairmanship of the African Union and his efforts to broker peace in the Darfur region of Sudan. This, combined with Nigeria's economic significance as a major oil producer, creates an unwillingness on the part of key governments—notably the United Kingdom and United States—and intergovernmental organizations such as the African Union and the Commonwealth—to criticize Nigeria's human rights record, despite abundant evidence of serious human rights problems and little action on the part of the government to address them. Former Liberian President Charles Taylor, indicted by the Special Court for Sierra Leone for war crimes, crimes against humanity, and other serious violations of international humanitarian law, was granted asylum in Nigeria in 2003. Despite a landmark decision by the special court in May 2004, which ruled sitting heads of state are not granted immunity, Nigeria continues to refuse to surrender him to the court.

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