



Human Rights Watch



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Human Rights Developments

Halfway through the four-year term of Olusegun Obasanjo's presidency, the overall human rights picture in Nigeria was mixed. There were investigations into past abuses but alarming developments, in particular recurring violence between ethnic or religious groups in several parts of the country. The military responded to attacks on its own personnel with indiscriminate killings of civilians. Political tension increased in the run-up to elections scheduled for 2003. Nigerians were expressing disillusion with the lack of fundamental change since the advent of a civilian government in 1999. The legacy of decades of repressive military rule was still keenly felt. The police were not only ineffective in maintaining law and order, but also responsible for serious human rights violations themselves.

Corruption remained rampant, despite the creation of an anti-corruption commission and adoption of anti-corruption legislation in 2000. However, the government took steps to recover some of the wealth appropriated by senior members of former governments, in particular that of Sani Abacha (1993-1998), and asked other governments to freeze some of their assets abroad.

The commission set up in 1999 to investigate human rights abuses committed under previous governments, chaired by Chukwudifu Oputa (known as the Oputa panel), received over 10,000 submissions, of which it was only able to consider around two hundred; these included numerous testimonies of killings, rape, and other abuses by the security forces against Ogoni civilians in the oil-producing Niger Delta region in 1993-1994. The commission held public hearings in Lagos, Abuja, Port Harcourt, Kano, and Enugu. Its summons to former heads of state Abdulsalami Abubakar, Ibrahim Babangida, and Muhammad Buhari was the focus of much attention. By October, when the commission concluded its hearings, none of them had agreed to testify. President Obasanjo himself appeared before the panel in September in connection with events during his first presidency as military ruler (1976-1979). The Oputa panel was under-resourced and had limited powers: it could only make recommendations, not ensure arrests or prosecutions. Nevertheless, it played an important role in beginning to erode the decades of impunity of human rights violators in Nigeria. Its hearings were televised and closely followed by the public, raising awareness of human rights and the principle of accountability.

In contrast, little action was taken by the government to investigate human rights abuses committed since it came to power. There was still no public investigation into the Nigerian military's November 1999

massacre of hundreds of civilians and widespread destruction in the town of Odi in Bayelsa State. President Obasanjo visited Odi in March 2001, but no one was brought to justice for these abuses. In August, the National Human Rights Commission (NHRC) called on the government to speed up the reconstruction and rehabilitation of Odi.

Members of the security forces were responsible for numerous extrajudicial executions, including a series of massacres by the military in Benue State in October. On October 22 and 23, soldiers killed more than two hundred (and possibly many more) civilians of the Tiv ethnic group in Gbagi, Zaki-Biam, and several other villages, and engaged in widespread destruction of homes and property. The soldiers, who were apparently acting in revenge for the murder of nineteen soldiers attributed to a Tiv armed group less than two weeks earlier, gathered villagers for a "meeting" then opened fire on them indiscriminately. Senior government and military officials including President Obasanjo initially sought to excuse the military's actions by claiming that they were acting in self-defense.

When confronted with real or suspected common criminals, the police in many cases appeared to make little attempt to arrest the suspects. They shot on sight suspected armed robbers, alleged members of ethnic militia, and youth in the Niger Delta region accused of plundering oil, vandalizing facilities, or obstructing oil production. Detainees were also shot dead while in police custody. There were reports of police brutality including beatings and arbitrary arrests when police broke up rallies of opposition groups.

The police clamped down on the activities of the Movement for the Actualization of the Sovereign State of Biafra (MASSOB), a group which advocates autonomy for the Igbo people. MASSOB meetings were repeatedly and violently broken up by police, their offices raided, and hundreds of MASSOB members arrested; many were detained without charge. Their leader, Ralph Uwazuruike, was arrested several times. Police summarily executed several MASSOB members, in particular during a police attack on their office in Okigwe in Abia state, in February, when at least ten MASSOB members were reportedly killed.

The police were ineffective in controlling the high crime rate. The inadequate size of the force, low morale, poor working conditions, and insufficient training all encouraged corruption and brutality within the police force and reinforced its lack of respect among the population. The government announced a major reform and expansion of the police, including plans to increase its numbers by tens of thousands as part of a five year program, and launched a campaign to improve its image.

Civilian "vigilante" groups were seen by some as the answer to, or a substitute for, the inability of the police to reduce crime levels. Despite the violence and brutality that characterized many of their operations, some of these groups, for example in Anambra and Lagos states, enjoyed the active and public support of their state governor. The Bakassi Boys in the south-east and the O'odua People's Congress (OPC) in the south-west were responsible for scores of deaths of alleged armed robbers. When apprehending suspected criminals, they often killed them on the spot. The Bakassi Boys also burned and mutilated their victims and systematically tortured detainees in their custody with impunity and, in some cases, on the effective authority of the state governor. In several southeastern states, the Bakassi Boys were used to target suspected political opponents and critics, as well as to settle scores and intervene in private disputes.

Members of the OPC, a more explicitly political group claiming to advocate for the Yoruba cause and officially banned in 1999, had many violent clashes with the police, attacking police stations and killing and injuring policemen. The police response, in turn, was heavy-handed. Many real or suspected OPC members were arrested and several killed. In August, prominent OPC leader Ganiyu Adams was arrested and charged with several offences including murder, torture, arson, and armed robbery; he was released in November.

In the north, civilian groups were used by the state authorities to enforce Sharia (Islamic law) in those states which had extended its application to criminal law. Some administered instant punishments to those caught violating Sharia law. In January, the governor of Zamfara state announced that he was giving powers of arrest and prosecution to local Islamic "vigilante" groups as the police had failed in their duties.

Sharia criminal courts handed down judgments in several northern states; until 1999, they had operated only for personal status law. Punishments amounting to cruel, inhuman, and degrading treatment included floggings and amputations, for offenses ranging from extra-marital sex to consumption or sale of alcohol, or theft. Floggings were carried out in public, sometimes immediately after the sentence was handed down by the court, apparently disregarding the right to appeal. The victims included minors, such as a seventeen-year-old mother convicted for pre-marital sex who was flogged in Zamfara state in January, less than a month after giving birth. In June, a court in Kebbi state ordered that a fifteen-year-old boy's hand be amputated after he was found guilty of theft; it was not known whether the sentence was carried out. At least two people were sentenced to death by stoning, including a pregnant woman in Sokoto; by November these death sentences had not been carried out.

While government officials repeatedly stated that Sharia law only applied to Muslims, it inevitably had consequences for Christians living in the northern states. On several occasions, civilian groups attacked establishments owned by Christians and destroyed consignments of alcohol. Rules such as those that forbid women from traveling with men in public vehicles were applied to Christians as well as Muslims. In January, a group claiming to enforce Sharia flogged a Christian man for selling alcohol.

There were several waves of serious inter-communal violence in various parts of the country. In the central state of Nasarawa, between one hundred and two hundred people were killed in June and July in clashes between the Tiv and several other ethnic groups; tens of thousands fleeing the violence were internally displaced. There had been earlier spates of violence in this area, particularly during April and May. In July and August, violence broke out between Christians and Muslims in Tafawa Balewa in Bauchi state, apparently in response to the introduction of Sharia there. In September, more than 1,000 people were estimated to have been killed in violence between Muslims and Christians in Jos, Plateau State; Human Rights Watch researchers who visited Jos in October gathered eyewitness testimony of the violence from both communities. In October, further violence erupted in the northern city of Kano following protests at the United States attacks on Afghanistan.

The Niger Delta continued to experience tension between different ethnic groups. There was also continuing conflict between local communities and the oil companies operating in the area, as well as government

representatives. Communities continued to complain bitterly about the absence of local benefits from the exploitation of natural resources and lack of compensation for damage to the environment. The creation by the government of a Nigeria Delta Development Commission in 2000 did little to pacify them and was not very effective. There were several incidents in which security personnel posted at oil facilities shot and wounded or killed young men protesting oil production. Other protesters were arrested.

There were widespread violations of the rights of women and children. Reports were common of trafficking of Nigerian women and teenage girls for prostitution or slavery, to other West African countries as well as to Europe. In some cases trafficked women or girls were deported back to Nigeria. In June, a report by the International Labour Organization (ILO) identified a number of states in Nigeria as central points for child trafficking, both in terms of supplying and receiving children as well as acting as transit routes. There were also reports of trafficking of boys and girls under the age of ten for child labor. Government officials repeatedly de-clared their resolve to stamp out trafficking. A number of alleged traffickers were arrested, but overall, the practice remained entrenched, despite initiatives by several governmental and nongovernmental bodies, including the Presidential Task Force on Human Trafficking and Child Labour.

While female genital mutilation remained a common practice, some states took welcome steps to eradicate it. The Rivers State House of Assembly passed a bill to abolish female circumcision. There were moves towards adopting similar legislation in Delta State. In March, it was reported that the Enugu State House of Assembly passed a bill to protect women from traditional practices which are considered physically, psychologically, or emotionally harmful to them.

Prison conditions remained poor and sometimes life-threatening, despite government promises to release funds for improvements as part of longer-term prison reform plans. Prisons were congested, with inadequate facilities and very limited access to medical care. More than two-thirds of detainees were held without trial, many having spent several years in detention. Torture and ill-treatment were widespread, especially in police custody.

Defending Human Rights

A broad range of nongovernmental organizations continued to work actively on a variety of issues including freedom of expression, women's rights, and proposals for reform of law enforcement agencies and the judiciary. They were generally able to carry out their activities without hindrance or obstruction from the authorities. Likewise, journalists were mostly able to report critically and encourage public debate, including on sensitive issues. The NGO Media Rights Agenda, along with journalists' groups, initiated discussion of proposals for a draft law which would harmonize laws governing the media and enshrine freedom of expression in the legislation.

The National Human Rights Commission, a government-appointed body created in 1996, suffered from a lack of resources and complained of difficulties in compelling alleged human rights violators to cooperate with its investigations. Nevertheless it attempted to carry out a range of activities as part of an ambitious national program, including several workshops with nongovernmental human rights organizations.

The Role of the International Community

United States

Nigeria, the fifth largest supplier of U.S. crude oil imports in 2000, assumed further importance to the United States as a leader in West Africa and throughout the continent, often referred to by U.S. officials as an "anchor state." U.S. policy focused on supporting democratic and economic reform, including civil-military relations and police reform, but rarely including public criticism on human rights grounds.

U.S. assistance to the Nigerian military came in two main forms. Military Professional Resources International (MPRI), a consulting firm on contract with the U.S. government, carried out a retraining and restructuring program as part of the Nigerian government's plans to reform the army. The stated aims of the program, initially paid for by the U.S. Agency for International Development (USAID) along with the Nigerian government, included restoring greater civilian control over the military. A separate military training program conducted by United States Special Forces and designed for peacekeeping duty in Sierra Leone, known as Operation Focus Relief, involved training and equipment for five Nigerian battalions. The training was reportedly aimed at enhancing combat skills and strengthening command and control, and included a human rights component; the equipment included small arms, communications equipment and vehicles. However, the program lacked an effective monitoring and accountability component, a serious shortcoming given the history of abuses by the Nigerian military.

The United States, in part through USAID, was one of the major bilateral donors to Nigeria, with an annual USAID budget of U.S. \$20 million for support to democracy and good governance and economic reform. The program of the Office of Transition Initiatives (OTI), set up by USAID to assist Nigeria's transition towards reconciliation and democracy, concluded in 2001. It sponsored workshops on various themes including election-related violence, conflict management, and relations between police and local communities. Its annual budget was U.S. \$6 million; the majority of its grants were allocated to nongovernmental organizations and civil society groups.

The U.S. Department of State country report on human rights practices for 2000 provided an accurate assessment of the human rights situation; it stated that the Nigerian government's human rights record remained poor, while commenting on some improvements. It highlighted extrajudicial executions and excessive use of force by the police and military, prolonged pre-trial detention, violence between ethnic and religious groups, and violations of the rights of women as some of the main human rights problems.

In May, the U.S. Commission on International Religious Freedom published a report in which it expressed heightened concern about violent clashes between Nigerian Muslims and Christians in 2000 and threats to religious freedom, including reports of discrimination against Muslims in the south and Christians in the north. The report commented on tensions sparked off by the extension of Sharia law. A report on religious freedom published by the U.S. Department of State in October also commented on a deterioration of religious freedom particularly in northern states.

President Obasanjo visited the United States in May 2001 to meet President George W. Bush and other U.S. government officials, and again in November to discuss anti-terrorism measures. After the September 11 attacks on the United States, President Bush called President Obasanjo to brief him on U.S. actions.

European Union

The United Kingdom was the main country providing assistance to Nigeria. The Department for International Development (DFID) had an extensive program and identified safety, security, and access to justice as priority themes. In January, a workshop in Abuja on justice sector reform was sponsored jointly by DFID and USAID. The European Commission also funded a variety of projects to promote democracy and justice.

In September, the United Kingdom and Nigeria signed a Memorandum of Understanding on military cooperation, under which advice on training and re-equipment would be supplied to the Nigerian armed forces through British personnel on secondment to the Nigerian Ministry of Defense. President Obasanjo visited the United Kingdom in September for a meeting of several African heads of state called by British Prime Minister Tony Blair.

In August a re-admission agreement was signed between the Irish and Nigerian governments to facilitate the deportation of Nigerians whose claims for asylum in Ireland had been turned down, as well as other Nigerian immigrants rejected by Ireland. The Irish Government denied claims that the deal was linked to an increase in Irish aid to Nigeria.

The European Union (E.U.) itself worked towards strengthening relations with Nigeria. A special joint meeting on Nigeria of the Africa Working Group and the Africa, Caribbean and Pacific Working Group was held in March. It resulted in a Common Position on Nigeria that will constitute the basis for regular political dialogue, aimed at supporting consolidation of democracy, respect for human rights, the rule of law, and good governance. In January, the E.U. condemned the use of corporal punishment in the flogging sentence imposed on a seventeen-year-old girl in Zamfara state.

World Bank and International Monetary Fund (IMF)

In 2001 two World Bank projects were approved: a community-based poverty reduction project for U.S. \$60 million and a privatization support project for U.S. \$114.3 million. Two projects were approved for 2002, including a U.S. \$90.3 million HIV/AIDS project.

NGOs in the Niger Delta complained to the World Bank about a decision to establish the Niger Delta Contractor Revolving Credit Facility, a controversial scheme set up by the International Finance Corporation (part of the World Bank Group) in conjunction with Shell. The complaint centered around the absence of consultation with local communities about the benefits of the scheme, which was intended to relieve poverty by providing credit facilities to Nigerian contractors working with Shell, and lack of confidence in Shell in the light of the company's past environmental and human rights record.

Representatives of the International Monetary Fund (IMF) visited Nigeria.

In a review of Nigeria's economy, the IMF expressed concern about macroeconomic imbalances, increased inflation and foreign exchange instability.

