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Human Rights in Africa: Review of 2019 - Nigeria [AFR 01/1352/2020]

Attacks by Boko Haram continued and resulted in hundreds of deaths, occasioned by security forces' failure to protect civilians. The Nigeria Army, Police and State Security Service continued to torture and ill-treat detainees. Communal violence continued in some parts of the country. Freedoms of assembly, association and expression were all under attack as the country witnessed an increasing shrinking civic space. The government also disobeyed several court orders.

Armed conflict

Boko Haram continued to carry out attacks, abductions and killings of civilians in the Northeast. The armed group carried out at least 31 attacks that resulted in at least 378 civilian deaths. The group also killed at least 16 abducted civilians.

One of the deadliest attacks was in January when the armed group attacked Rann, killing at least 60 people and displacing more than 9,000 people. Withdrawal of security forces shortly before the attack contributed to massive exodus of civilians from Rann.

At least 30 people lost their lives in July when suicide bombers attacked a football viewing center in Mandarari.

A female nurse and 5 male aid workers, all staff of Action Against Hunger were abducted on 18 July by Boko Haram. On 25 September one of the male aid workers was killed by the armed group who claimed the government had deceived them following months of secret negotiations. The remaining 4 male aid workers were killed on 13 December while the female nurse remains in captivity. 11 captives abducted along Damaturu – Maiduguri highway in November were also killed on Christmas day.

Nigerian authorities continue to detain dozens of children alongside adults in connection with Boko Haram crisis. On 29 April, Amnesty International's research confirmed that at least 68 boys were held without charge in Maiduguri Prisons. 25 detained children were released by the Nigerian Army in October and an additional 86 were released in November.

Communal violence

At least 96 people were killed in violent clashes between members of farmers’ and herders’ communities. Not less than 570 people lost their lives in 5 states in Northwest Nigeria. Again, at least 20 people were killed on 8 March during a communal clash between the Igburra Mozum and Bassa Kwomu communities in Kogi State.

Impunity

Little progress was made in securing accountability for human rights violations and abuses committed by security forces, Boko Haram and other suspected perpetrators involved in the herders and farmers’ clashes. No one was brought to justice for the killing of the Islamic Movement of Nigeria (IMN) protestors in different states.

In September, Agnes Callamard, United Nations Special Rapporteur for Extrajudicial, Summary or Arbitrary Executions, at the end of her visit to Nigeria, noted that the absence of accountability functionality in Nigeria is contributing to human rights violations and crisis in the country.

In its December preliminary report, the Office of the Prosecutor (OTP) of the International Criminal Court (ICC) included two more crimes related to attacks by Boko Haram against humanitarian personnel and recruitment and use of children by the Nigerian security forces. The OTP also confirmed that a final decision whether to carry out a full investigation will be made in 2020, should Nigerian authorities fail to demonstrate tangible steps to fulfil their obligations under the Rome Statute.

Freedom of assembly

Security forces banned lawful assembly in some states, including Lagos and Rivers, and in some cases, they violently disrupted peaceful protests, such as the IMN protests in Abuja.

The Unity Fountain, which serves as the rallying point for most protests in the capital city was heavily guarded by the police throughout year. On 17 July, the Nigeria Police made an announcement restricting all protests in the Federal Capital Territory (FCT) to the Unity Fountain. In October, the Federal Capital Territory Administration closed the Unity Fountain for three months for rehabilitation and construction of a fence. In July, the Police Command in Plateau state placed a total ban on any form of public procession in the state.

On 5 August, several protesters including journalists were arrested and detained across Nigeria by security officials for participating in the *#RevolutionNow* protest.

On 12 November, officials of State Security Service beat up one journalist and fired teargas and live ammunition to disperse activists during a protest to demand for the release of prisoners of conscience Olawale Bakare and Omoyele Sowore. The Executive Director of Enough is Enough Nigeria, Yemi Adamolekun was also attacked during the protest.

Freedom of Association

Ibrahim El-Zakzaky, leader of the IMN and his wife Zeenah Ibrahim remained in detention despite a Federal High Court ordering their release in 2016. IMN members have held regular peaceful processions in Abuja since January 2019 calling for the release of their leader and his wife.

At least 2 IMN protesters were killed and more than 60 arrested on 9 July, when their peaceful protest turned violent after security officials fired live ammunition at the protestors at the National Assembly Complex. Most of those arrested continued to be held incommunicado in detention facilities in the Federal Capital Territory and in Kaduna and Niger States.

On 22 July, 11 protestors, a Deputy Commissioner of Police and a reporter for Channels Television were killed when police opened fire on IMN protestors during their procession in Abuja. Scores were injured and many arrested when officials from the Nigeria Police violently disrupted the protest, which was largely peaceful.

On 27 July, a High Court in Abuja proscribed the activities of IMN in any part of Nigeria. The court declared that “no person or groups of persons should henceforth associate with the Shiites for any reasons.”

Security forces have arbitrarily arrested at least 200 and killed at least 10 members and supporters of the Indigenous People of Biafra (IPOB) at different times during the year.

Freedom of expression

The right to freedom of expression remained increasingly restricted. Journalists, bloggers and media activists who asked federal and state authorities probing questions were variously charged with cybercrime and terrorism under the Cybercrime Act of 2015 and Terrorism (Prevention) (Amendment) Act of 2013. Amnesty International documented 19 cases of assault, arbitrary arrests, and detention of journalists.

On 20 May, men suspected to be officials of the State Security Service re-arrested journalist Jones Abiri while he was in the company of friends at his office premises in Yenagoa, Bayelsa State. He was released on 25 October after 5 months in prison. He continues to face charges of terrorism and cybercrime, among others. Jones had earlier spent 2 years in detention without trial.

On 4 June, officials of the Special Anti-Robbery Squad (SARS) of the Nigeria Police assaulted Kofi Bartels, a broadcast journalist with Nigeria Info 92.3 FM radio station based in Port-Harcourt, South-South Nigeria. He was then arrested, detained and tortured for attempting to film policemen beating up a teenager in the city of Port-Harcourt.

On 16 September, officials of the Akwa Ibom State Environmental Protection and Waste Management Agency assaulted Mary Ekere, a journalist with The Post Newspaper in Uyo, Akwa Ibom State, South Nigeria, for filming their brutality against street traders in the city with her mobile phone.

On 1 March, police arrested and detained Obinna Don Norman, journalist and the owner of The Realm News for his publications on allegations of corruption in Abia state. He faces charges of cyberstalking under the Cybercrimes Act

On 6 January, armed security forces invaded the office of Daily Trust Newspapers in Nigeria's capital city Abuja, carting away computers, laptops and mobile phones. On the same day, two of their offices in Maiduguri and Lagos were also invaded by security forces.

In November, Nigeria's National Assembly considered two draft legislations: Protection from Internet Falsehood and Manipulation and other Related Offences Bill 2019 and the Bill to establish a National Commission for the Prohibition of Hate Speech. If passed into law, the bills will give authorities arbitrary powers to shut down the internet, make criticizing the government punishable with penalties of up to three years in prison, a life sentence and a maximum of death penalty.

On 24 December, Nigerian authorities released Omoyele Sowore, prisoner of conscience and publisher of online news website Sahara Reporters on bail. Amnesty International had earlier named Sowore, Agba Jalingo and Olawale Bakare (aka Mandate) prisoners of conscience and demanded that Nigerian authorities release them immediately and unconditionally and drop all charges against them. While Sowore and Bakare have been released, Agba Jalingo, a journalist and publisher of Cross River Watch newspaper remained in detention. He was arrested on 22 August and faces charges of terrorism, disturbance of public peace and conspiracy to commit terrorism. He was initially arrested for his writing and social media posts on alleged corruption in Cross River state.

Women's rights

Despite the passage of the Violence Against Persons Prohibition (VAPP) Act, violence against women remains prevalent in Nigeria. The VAPP Act, a law which criminalizes acts that are harmful to and discriminatory against women, is applicable in Abuja and has been domesticated in less than 10 states across Nigeria, by the end of the year.

In 2019, there were reports of unlawful arrests, physical abuse, sexual violence, verbal abuse and financial extortion of over 100 women in the Federal Capital Territory (FCT) by the Nigeria Police and agents of the FCT Joint Task Team (Department of Development Control, Abuja Environmental Protection Board (AEPB) and the Social Development Secretariat). These unlawful arrests of women on suspicion of being sex workers were carried out on streets, bars, restaurants, nightclubs and other relaxation centers. A mobile court convicted many of these women in unfair trials and some of them were sentenced to prison or fined for ‘wandering’, an offence which has been abolished throughout the country. These women were denied access to legal representation. Following these reports of violence against women and campaigns by various CSOs, including Amnesty International, the National Human Rights Commission inaugurated a Special Investigative Panel on Sexual and Gender Based Violence (SGBV) in Nigeria. The panel’s mandate includes reviewing extant laws and regulations, hearing complaints, investigating alleged violations, making recommendations on remedies for victims and ensuring accountability for violations of women’s rights. The panel started its sittings in November. On 26 November, the Federal government established the national sex offender register in Abuja by virtue of Section 1(4) the VAPP Act.

Children’s rights

Violence against children persists, despite the enactment of the Child Rights Act (CRA). Since the passage of the CRA in 2003, just over 20 states out of the 36 states in Nigeria have domesticated the Act. Most Northern states are yet to domesticate the CRA.

Children with disabilities continue to face discrimination and multiple barriers, despite Nigeria’s legally binding obligation on the right to education. Amnesty International Nigeria has documented some cases of children who face discrimination and abuse due to their disability. 7-year old Imran Kanun Muhammad allegedly suffered sexual violence and inhuman treatment at the School for the Deaf, Kuje, Federal Capital Territory (FCT). This case which is currently in court, is being monitored by Amnesty International Nigeria. In July, there were allegations of sexual abuse of female students in the School for the Blind, FCT, which led to the suspension of two teachers by the Federal Capital Territory Administration. Also, in July, the dilapidated state of the Kwara State School for Special Needs in Ilorin was uncovered by the Governor and he made commitments to improve the conditions in the school.

In April 2019, an Amnesty International investigation exposed allegation of sexual violence against children by security agents and inmates at Maiduguri Maximum Security Prison.

Right to housing and forced evictions

Some state authorities have continued to forcibly evict residents. People’s homes and businesses have been demolished by state authorities without genuine consultations, adequate notice nor access to remedies. In 2019, the Nigerian government evicted over twenty communities in Lagos State, including Abagbo, Abule Elepa, Abule Glass, Ajakoji,

Akaraba, Bobukoji, Ebute Oko, Fashola, Idi Mango, Ilaje, Inangbe / Ilado, Kopiamy, Ogunfemi, Oko-Kate, Okun Alfa, Okun Babakati, Second Badagry, Okun Gbogba, Okun Ilase, Okun Kobena, Sankin, Sapo Okun, and Tokunbo, among others. Many other communities in Lagos live under perpetual threats of forced evictions. Nigerian authorities cited concerns around pipeline vandalization and other crimes as justification for violating people’s right to housing.

Three years after the Otodo-Gbame forced evictions, most of the evictees remain homeless and are living in abject poverty. Despite the Lagos High Court judgment of 21 June 2017 which held that evictions without resettlement are unconstitutional and the order restraining the government from undertaking further forced evictions in Lagos, evictions have continued unabated. The remedies granted by the court ordering the Lagos state government to consult with affected residents and evictees with a view to resettling them within the state have been ignored by the government. Instead, the Lagos state authorities lodged an appeal which remains pending at the Court of Appeal.

In September, Leilani Farha -the United Nations Special Rapporteur (UNSR) on the Right to Adequate Housing visited Nigeria. The UNSR declared the housing conditions in Nigeria as an urgent human rights crisis. Among other recommendations, she called on the Nigerian authorities to take urgent measures to decriminalize homelessness and declare a nationwide moratorium on forced evictions.

Torture and other ill-treatment

Torture and other ill-treatment remain pervasive within the Nigerian criminal justice system. The Nigeria Police especially the Special Anti-Robbery Squad (SARS), the military and the State Security Service (SSS) continue to subject detainees to torture and other ill-treatment.

In March, a high court in Anambra state ordered the Nigeria Police to pay compensation to Ugochukwu Oraefo for unlawful detention and torture. The police have neither paid the victim nor ensured that the police officers responsible are brought to justice.

Enforced disappearance

Amnesty International received credible reports that security agencies, including officials from the police and the SSS carried out arbitrary detentions and kept detainees incommunicado.

The security agencies are yet to account for about 600 members of the IMN whose whereabouts remained unknown since December 2015 when at least 60 IMN members were killed in Kaduna state.

Abubakar Idris, social media personality better known as Abu Hanifa Dadiyata, remain missing after he was abducted by armed men in his Barnawa, Kaduna state residence on 2 August.

Detention

Nigerian prisons remain overcrowded. About seventy per cent of inmates are awaiting trial. Some of the inmates have been awaiting trial for as long as 5 years.

On 14 August, President Muhammadu Buhari signed the Nigerian Correctional Service Bill into law, which he said was aimed at addressing fundamental lapses in the Prisons Act.

On 2 December, five inmates were killed, and seven others injured after being electrocuted at the Ikoyi Correctional Facility in Lagos. The prison authorities said they were investigating the incident but did not release any report on the investigation by the end of the year.

Justice system

Nigerian authorities continue to disobey court orders and undermine the rule of law. After sustained pressure from local and international bodies, Omoyele Sowore and Sambo Dasuki, two high profile political prisoners were released on 24 December after the government initially refused to obey several court rulings granting them bail. The Attorney General and Minister for Justice, Abubakar Malami later announced that they were released on compassionate grounds.

Death penalty

Courts continued to impose death sentences. Although no execution was recorded, there are still more than 2,000 people on death row.

In some states, legislative steps were taken to expand the scope of the death penalty. In March, Rivers state amended its laws to prescribe the death penalty for kidnapping and cultism by adopting the Rivers State Secret Cult and Similar Activities (Prohibition) (Amendment) Law No.6 of 2019 and the Rivers State Kidnap (Prohibition) (Amendment) No.2 Law No.7 of 2019.

Rights of lesbian, gay, bisexual, transgender and intersex people (LGBTI)

LGBTI organizations reported widespread arrests of gays, lesbians and bisexuals by security agents. Gay men were also targeted by mobs and individuals for blackmail and extortions.

In December, 47 men were tried in Lagos for public displays of affection with members of the same sex. They were part of 57 men arrested in a Lagos hotel in August 2018. They were publicly humiliated and accused of being homosexuals.

Nigeria is yet to repeal the Same Sex Marriage (Prohibition) Act 2013, which prohibits same sex relationship with penalties of up to 14 years imprisonment.

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