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Amnesty International Report 2014/15

DONATE

Federal Republic of Nigeria

Head of state and government: Goodluck Ebele Jonathan

LATEST

Crimes under international law and serious human rights violations and abuses were committed by both sides in the conflict between the Nigerian military and the armed group Boko Haram, which escalated during the year. Torture and other ill-treatment by the police and security forces was widespread. A law criminalizing marriage or civil union and public displays of affection between same-sex couples came into force. Freedom of expression was restricted. The death penalty continued to be applied.

Background

Preparations for general elections in February 2015, a five-month national conference of governmental, political and public figures, and the conflict between the government and Boko Haram dominated events during the year. The ruling People's Democratic Party (PDP) and the All Progressives Congress (APC), formed in February 2013 from several opposition parties, were the main parties campaigning for the 2015 election. Rivers State saw clashes in January and July between supporters and opponents of Governor Rotimi Amaechi, who defected to the APC in late 2013. The police were criticized for a perceived pro-PDP bias in their handling of the protests. Civil society organizations reported that politicians had begun to arm their supporters.

Between March and August, almost 500 prominent public figures gathered to discuss the state of Nigeria. The process, described as a "national conference", recommended over 600 constitutional, law and policy reforms, including the creation of new states and an increase in the portion of government revenue allocated to state governments. A seven-member presidential panel is considering the conference's report and will advise the government on how to implement the recommendations.

Boko Haram increased its attacks on towns in the northeast of the country and captured major towns across three states. The state of emergency in Adamawa, Borno and Yobe, the states most affected by violence, was extended in May but not renewed in November.

Armed conflict

Boko Haram

Violent attacks by the armed group Boko Haram against government and civilian targets escalated. From July onwards Boko Haram captured and occupied more than 20 towns across Adamawa, Borno and Yobe states, targeting and killing several thousand civilians in towns across the northeast, in areas under the group's control, and in bomb attacks nationwide. In attacks on towns Boko Haram often abducted young women and girls, including 276 girls from Chibok town in April. Boko Haram forced abducted women and girls into marriage, forcibly recruited men, and tortured people living under its control who violated its rules. The group looted markets, shops and homes and deliberately targeted schools and other civilian facilities. Some of these acts amount to war crimes and crimes against humanity. The authorities failed to adequately investigate killings and abductions, bring suspected perpetrators to justice or prevent further attacks.

On 25 February, at least 43 people were shot dead by Boko Haram gunmen in an attack on a school in Buni Yadi, Yobe State. Many schoolchildren were among those killed in the attack.

On 14 April and 1 May, Boko Haram carried out car bomb attacks in Nyanya, a suburb of the capital Abuja, killing more than 70 people in the first attack and 19 people in the second, with more than 60 injured.

On 14 April, 276 girls were abducted by Boko Haram from the Government Girls Secondary School in Chibok, Borno State. Nigerian security forces had more than four hours' advance warning about the attack on Chibok, but failed to act.

On 5 May, Boko Haram killed at least 393 people in an attack in Gamborou Ngala, Borno State. The overwhelming majority of the casualties were civilians. Boko Haram burned market stalls, vehicles and nearby homes and shops.

On 6 August, Boko Haram captured the town of Gwoza and killed at least 600 civilians, although several sources suggested the figure was higher.

Boko Haram attacked and captured Bama town on 1 September, killing more than 50 civilians. According to eyewitnesses, the group imprisoned and later killed as many as 300 men and forced 30 women to marry its members.

On 28 November, three bombs exploded outside a mosque in Kano city and armed men, suspected to be Boko Haram fighters, fired into the crowd. At least 81 people died in the attack.

Boko Haram killed 24 people and abducted more than 110 children and young men and women in two attacks on Gumsuri village on 12 and 14 December.

Security forces

In responding to Boko Haram, Nigerian security forces committed grave human rights violations and acts which constitute crimes under international law.

Arbitrary arrests by the military continued in northeast Nigeria. The military was known to enter communities, forcing the men to sit down outside in front of an informant in order to identify suspected Boko Haram members. Those singled out were detained by the military. In November the Nigerian military released at least 167 detainees from custody, a small portion of those arrested.

Detainees were denied access to the outside world, including lawyers, courts and families, and were held outside the protection of the law. Detainees were usually not informed of the reason for their arrest; their families were not given information about their fate or whereabouts. By the end of the year few, if any, of those detained by the military were brought before a court or permitted to challenge the lawfulness of their detention.

Many of those detained appeared to have been subjected to torture or other ill-treatment, as part of interrogations or as punishment. Detainees continued to die in military detention facilities as a result of torture or extremely harsh detention conditions.

The government failed to investigate deaths in custody and denied the National Human Rights Commission access to military detention facilities.

On 14 March, Boko Haram gunmen attacked the Giwa military barracks in the town of Maiduguri, freeing several hundred detainees. Witnesses said that as the military regained control of the barracks, more than 640 people, mostly unarmed recaptured detainees, were extrajudicially executed in various locations in and around Maiduguri. One of those executions, captured in footage, shows people who appear to be members of the Nigerian military and the Civilian Joint Task Force ("Civilian" JTF) using a blade to slit the throats of five detainees, before dumping them in an open mass grave. Nine people were killed this way and, according to witnesses, other detainees seen in the video were shot.

The government announced investigations into the 14 March events. However, the mandate, composition or timeline of the panels of inquiry had not been made public by the end of the year.

Nigerian security forces repeatedly carried out extrajudicial executions, often following the "screening" of suspects. For example, on 23 July 2013 the Nigerian armed forces and the "Civilian" JTF entered Bama central market and told all adult men in the vicinity to gather in one area and take off their clothes. The men were put into two groups – one group of around 35 men were designated, seemingly at random, as Boko Haram members and another group of up to 300

deemed to be innocent. A video showed the alleged Boko Haram members lying down side by side on the ground, being beaten with sticks and machetes by members of the military and “Civilian” JTF. Eyewitnesses confirmed that the 35 captives were loaded onto a single military vehicle and taken away to the local military barracks in Bama. On the afternoon of 29 July, military personnel took the men out of the barracks and brought them to their communities, where they shot them dead, several at a time, before dumping their bodies. All 35 captives were killed.

Refugees and internally displaced people

The humanitarian situation in the northeast deteriorated as a result of the violence. Since May 2013, at least 1.5 million people, mainly women, children and elderly people, were forced to flee to other parts of Nigeria or seek refuge in neighbouring countries. Families were separated, children were unable to attend school and many people were denied their source of livelihood. Host communities, government authorities and international organizations struggled to meet the humanitarian needs of displaced people. Two towns, Maiduguri and Biu, experienced cholera outbreaks in camps for the internally displaced, resulting in more than 100 deaths.

Torture and other ill-treatment

The use of torture remained widespread and routine within Nigeria’s police and military. Countless people were subjected to physical and psychological torture and other ill-treatment. Suspects in police and military custody across the country were subjected to torture as punishment or to extract “confessions”, particularly in cases involving armed robbery and murder, or related to Boko Haram.

Many police divisions in different states, including the Special Anti-Robbery Squad (SARS) and Criminal Investigation Division (CID), kept “torture chambers” for use during the interrogation of suspects. Arbitrary arrest and arbitrary and incommunicado detention were routine. Women detained for criminal offences, women relatives of criminal suspects, sex workers and women believed to be sex workers were often targeted for rape and other sexual violence by police officers. Children under the age of 18 were also detained and tortured or otherwise ill-treated in police stations.

Housing rights

In March, before the UN Human Rights Council, Nigeria reaffirmed its commitments to its international human rights obligations on the rights to adequate housing and effective remedy. Despite this, the Lagos state government violated the right to effective remedy of close to 9,000 people affected by a forced eviction in Badia East, Lagos State, in February 2013.¹ After mounting pressure and over a year after rendering thousands homeless, the Lagos state government provided some affected people with limited financial assistance instead of adequate compensation for their losses. Furthermore, in order to access the financial assistance the

government required people to sign documents that effectively prevented them from accessing further remedy.

In June the Economic Community of West African States (ECOWAS) Court awarded almost US\$70,000 in damages to members of the Bundu community in relation to an incident on 12 October 2009: armed security forces had opened fire on unarmed protesters in an informal settlement in Port Harcourt, killing one and seriously injuring 12 others. The protesters were demonstrating against plans to demolish their homes. The Court held that there was no justification for the shootings and the government had breached its obligation to protect and respect the right to peaceful association and assembly.

Justice system

The criminal justice system remained under-resourced, blighted by corruption and generally distrusted. Security forces often resorted to dragnet arrests instead of arresting individuals based on reasonable suspicion. Suspects were regularly subjected to inhuman and degrading treatment in detention.

In the past decade, at least five presidential committees and working groups on reforming the criminal justice system have been set up. However, the majority of their recommendations – including on combating torture – had not been implemented by the end of the year.

The Nigerian Police Force issued a Human Rights Practice Manual on 10 December, setting out standards expected of police officers and guidance on how to achieve these standards.

Death penalty

Nigeria continued to sentence people to death; no executions were carried out. During the adoption of the Universal Periodic Review outcomes of Nigeria at the UN Human Rights Council in March, Nigeria stated that it would continue with a national dialogue on the abolition of the death penalty.

In June 2014, the ECOWAS Court of Justice ordered Nigeria to remove from death row Thankgod Ebhos, who had not exhausted his right of appeal, and Maimuna Abdulmumini, who was a minor at the time of the alleged offence. In October 2014, after 19 years on death row and having narrowly escaped execution in June 2013, Thankgod Ebhos was released under an order issued by the Governor of Kaduna State. Four other men were executed in June 2013, the first known executions in the country since 2006.

Courts martial in September and December convicted a total of 70 soldiers of mutiny and sentenced them all to death.

Freedom of expression

Security forces curtailed freedom of expression during the year.

Over three days in June the military and the Department of State Security seized and destroyed several newspapers and searched newspaper delivery vans. The Defence Headquarters stated that the action had been in the interests of national security.

In August soldiers briefly detained two managers at the Daily Trust newspaper's Maiduguri offices, reportedly after the paper published a story claiming that soldiers had refused orders to fight Boko Haram.

In October police arrested Africa Independent Television journalist Amaechi Anakwe after he called an Assistant Inspector General of Police "controversial" on television. A court discharged him the following day.

Communal violence

Communal violence occurred in many parts of the country, particularly in the Middle Belt area. The NGO International Crisis Group (ICG) estimated that, between January and July, more than 900 people were killed in intercommunal violence in the states of Kaduna, Katsina, Plateau, Zamfara, Taraba, Nasarawa and Benue.

On 14 and 15 March, gunmen thought to be Fulani herdsmen killed about 200 people in three villages in Kaduna State. Around 200 people were also killed in clashes between gunmen and local vigilante groups in Unguwar Galadima, Zamfara State, over two days in April. In August at least 60 people died in fighting between Fulani herdsmen and ethnic Eggon farmers in Nasarawa State. In another incident in the area in November, at least 40 people lost their lives in clashes between the Eggon and Gwadara ethnic groups over a piece of land. In April, 25 people died in Andoyaku in Taraba State when attackers burned down the entire village.

Rights of lesbian, gay, bisexual, transgender and intersex people

In January, President Jonathan signed into law the 2013 Same Sex Marriage (Prohibition) Act. The law criminalizes marriage or civil union for same-sex couples; the solemnization of same-sex marriage in places of worship; public displays of affection between same-sex couples; and the registration and support of gay clubs and societies in Nigeria. The law provides for sentences of between 10 to 14 years' imprisonment.

Days after the law came into force, lesbians, gay, bisexual, transgender and intersex (LGBTI) people and activists faced harassment, blackmail and threats to their lives. In Ibadan, Oyo State, police arrested five men on the basis of their perceived sexual orientation. They were later

released on bail. In Awka, Anambra State, six people were reportedly arrested and detained by police under the new law. An Assistant Commissioner of Police in Bauchi said that police carried a list of suspected LGBTI people “under surveillance” as part of their “profiling of criminals”.

Corporate accountability

Pollution from oil industry operations continued to cause environmental devastation and destroy livelihoods in the Niger Delta region. Hundreds of oil spills occurred in both 2013 and 2014, caused by the failure of oil company equipment, and by sabotage and oil theft. Oil companies continued to blame the vast majority of oil spills on sabotage and theft despite growing evidence of old and badly maintained pipelines and serious flaws in the oil spill investigation process which is led by the oil companies.

There were frequent delays in stopping and cleaning up oil spills. Clean-up processes continued to be inadequate.

NGOs continued to raise concerns over the failure of the government and the oil company Shell to implement the recommendations made by the 2011 UN Environment Programme (UNEP) scientific study on pollution in the Ogoniland region of the Niger Delta. Although the government continued to provide some drinking water to people whose water sources had been polluted by oil spills, the amount and quality of the water was widely reported to be inadequate. In September 2014, the Ministry of Petroleum initiated a multi-stakeholder process on the UNEP report, and established four working groups tasked with implementing different aspects of the recommendations.

A legal action against the oil company Shell, taken in the UK by people from the Bodo community where two massive oil spills from an old and leaking Shell pipeline devastated the area in 2008 and 2009, concluded in December with an out-of-court settlement. Shell paid £55 million (US\$83 million) to the community. However, the damage caused by the two spills had not been properly cleaned up by the end of the year.

Court documents demonstrated that Shell had repeatedly made false claims about the size and impact of the two spills in the Bodo community in an attempt to minimize its compensation payments. The documents also showed that Shell had known for years that its Niger Delta pipelines were old and faulty. Using the same documents, the NGO Friends of the Earth Netherlands claimed that Shell had also lied to a Dutch court in a separate legal action over oil pollution in the Niger Delta.

Numerous oil spills occurred in the Ikarama area and other parts of Bayelsa State, from both Shell and ENI/Agip operations. A civil society group working with the local communities, Shareholders Alliance for Corporate Accountability (SACA), expressed concern about flawed clean-up and compensation processes in the area and the failure of oil companies to provide adequate security to protect their oil facilities from sabotage.

In November, the National Assembly's House of Representatives Committee on Environment recommended that Shell Nigerian Exploration and Production Company should pay damages of US\$3.6 billion for losses incurred by coastal communities in Bayelsa State during the 2011 Bonga oil spill which reportedly affected 350 communities and satellite towns.

1. Nigeria: At the mercy of the government: Violation of the right to an effective remedy in Badia East, Lagos State (AFR 44/017/2014) www.amnesty.org/en/documents/AFR44/017/2014/en

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CONTACT

e: contactus@amnesty.org
t: +44-20-74135500
f: +44-20-79561157

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