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SECURITY FORCES: Serving to protect and respect human rights?

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Summary

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One of the main challenges of the civilian government which came to power in Nigeria in 1999, after the election of Olusegun Obasanjo as Head of State, was to ensure the respect and protection of human rights as both the Nigerian armed forces and the Nigeria Police Force had been responsible for numerous human rights violations during the previous period of military government.

This challenge has coincided with a wave of crime and violence that has spread throughout Nigeria over the past three years. Police patrols often find themselves fighting against heavily armed gangs of robbers and dozens of police officers have been killed in these encounters.

While the police force is understaffed, badly equipped and insufficiently trained, the Nigerian security forces bear an important responsibility in this crisis: the high degree of inefficiency, linked to a large extent to high levels of corruption within the Nigeria Police Force is in part responsible for their poor performance in law enforcement duties; alongside, allegations of human rights violations committed by the Nigerian police are numerous.

Failure by the Nigerian Police to respect human rights

Police action has been particularly gruesome in their fight against crime. The proliferation of anti-crime operations by the federal police has resulted in extrajudicial executions, deaths in custody, acts of torture and cruel, inhuman and degrading treatment in police detention centres throughout the country. General public concern over crime has increased the pressure on the police to arrest as many armed robbers as possible. But this outcry by the population has also been used by the Nigerian police to systematically justify human rights violations as being an unavoidable part of this fight against crime.

No protection from human rights abuses

The poor performance of the Nigerian police in effectively tackling crime and the sense of mistrust which they inspire among Nigerians have facilitated the creation of armed vigilante groups at local and state level, with the tacit, and sometimes explicit, endorsement from some state governments and state houses of assembly and wide popular support. These groups routinely carry out summary executions, unlawful detention and inflict torture and other cruel, inhuman and degrading treatment on suspected criminals.¹

The federal government not only is responsible for human rights violations committed by the police; its security forces have also failed to protect Nigerian citizens from human rights violations and abuses committed by armed vigilante groups.

Over the months of August and September 2002, the federal police undertook a crackdown on vigilante armed groups in south-eastern Nigeria, the so-called Bakassi Boys, arresting over a hundred of their members. However, this latest initiative might prove insufficient if it is not sustained and applied consistently for all armed vigilante groups operating in Nigeria, and unless those responsible for human rights abuses are brought to justice.

The end of vigilante and criminal violence does not depend exclusively on the will by the federal authorities to take on vigilante armed groups or on the launch of draconian anti-crime operations. It depends to a large extent on the security forces undertaking a profound reform to improve their performance against crime, minimize corruption within its ranks and show a clear commitment to human rights when they carry out their law enforcement duties. Only this way will the Nigerian population have faith and confidence in their security forces again and abandon its support of armed vigilante groups.

Human rights violations by the armed forces

The federal government has called on the armed forces to mediate in some serious inter-ethnic and inter-religious conflicts in the past three years, instructing them to carry out occasional policing activities. In the two most serious incidents, the armed forces were responsible for the killings of civilians. In November 1999, over 250 citizens from the town of Odi, in Bayelsa State, were killed as a result of a retaliatory attack by the armed forces for the earlier killing of 12 policemen. The same kind of reaction was displayed by the armed forces in various villages of Benue State between 22 and 24 October 2002: over 200 people were killed by the armed forces in retaliation for the killing of 19 soldiers. The federal government has failed to investigate effectively the events of Odi and Benue State and not a single soldier has been sanctioned for the attacks on civilians. The federal government has not apologised for the killings in Odi and Benue State and no victim or their families received proper compensation and redress.

Amnesty International calls on the Nigerian government to put the respect and protection of human rights first in the reform of the security forces. The protection and promotion of human rights must be given the highest possible priority in all aspects of decisions relating to policing and security issues as they are central to providing justice and security through the work of security forces. The Nigerian government must make sure that

¹ See AI report Nigeria: Vigilante violence in the south and south-east (AI Index: AFR 44/014/2002)

all responsible for human rights violations within the ranks of the security forces are brought to justice, and guarantee redress and reparation for the victims of such violations.

Amnesty International calls on the Nigerian authorities to reverse this deadly cycle of human rights violations by putting the respect and protection of human rights first in the reform of the security forces. The federal government should set the example of protection and promotion of human rights and give the highest priority to human rights in all decisions relating to law enforcement and security.

Amnesty International recommendations

- The federal government must take all necessary steps to ensure that the security forces of Nigeria do not commit acts of torture or inflict other cruel inhuman or degrading treatment of suspects and do not carry out extrajudicial executions nor use excessive force. The federal government and the Nigerian military authorities must declare publicly that both military and police forces will be held accountable for any involvement in human rights violations.
- The federal government must ensure that all those members of the security forces allegedly responsible for torture or other cruel, inhuman or degrading treatment and for extrajudicial executions and excessive use of force are investigated and sanctioned with disciplinary measures or judged, when required, according to international standards of fair trials. Every law enforcement officer under investigation should be suspended from active duty pending the outcome of the investigations.
- The federal government must make all necessary provisions to ensure that every victim of torture or other cruel, inhuman or degrading treatment and the families of victims of extrajudicial executions by the security forces obtains redress and reparation, including fair and adequate compensation, restitution, rehabilitation, satisfaction and guarantees of non-repetition in accordance with article 14 of the Convention against Torture.
- The federal government must ensure that those responsible for the extrajudicial executions and excessive use of force that resulted in the death of hundreds of civilians in Odi, in 1999 and Benue State in 2001 are brought to justice according to the international standards of fair trial. Independently from the Judicial Commission of Inquiry, the Attorney General of the Republic must order a criminal investigation to clarify the events of Odi and Benue State. The investigation must identify those within the ranks of the armed forces responsible for the extrajudicial executions of Odi and Benue State and the circumstances under which they took place. It should also include those authorities, civil or military, which gave the orders. Those found responsible must be prosecuted and suspended from service until a judgement has been passed.
- Any Commission of Inquiry on the conflict in Central Nigeria, in particular the Judicial Commission of Inquiry, must investigate the responsibility of the armed forces and the allegations of human rights violations committed by them. The

Commission must also order compensation for the victims of such violations and the identification of their perpetrators.

- The federal government must provide humanitarian assistance to the internally displaced people in the conflict in central Nigeria, and ensure the prompt and safe return of all displaced people to their villages and towns. It must also guarantee their security once they have returned.
- Further measures must be taken within the Nigeria Police Force and the armed forces to eradicate corruption and crime among the ranks of the security forces. Internal investigations must be carried out on all allegations of misconduct by police officers and soldiers, and those suspects of human rights violations must be suspended from duty throughout the investigation.
- The federal authorities must issue clear orders to law enforcement officers not to recur to torture or inflict cruel, inhuman or degrading treatment of detainees under any circumstance.
- The authorities must withdraw shoot-on-sight orders as they contravene the United Nations' Basic Principles on the Use of Force and Firearms by Law Enforcement Officers.
- The federal government must ensure that the Nigeria Police Force and the Nigerian armed forces receive proper training, are adequately equipped and staffed and receive a fair return for their work. The federal authorities must ensure that training programs for the federal police and the armed forces include specific training on the use of force according to international standards such as the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, the UN Code of Conduct for Law Enforcement Officials, the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment and the UN Standard Minimum Rules for the Treatment of Prisoners.
- In line with article 15 of the Convention against Torture, the authorities of Nigeria must ensure that no statement extracted as a result of torture or ill-treatment is invoked as evidence in any proceedings, except as evidence against all those law enforcement officers accused of extracting confessions through torture and other cruel, inhuman or degrading treatment.
- The federal authorities must make all necessary legal and administrative provisions to avoid that any suspect who has not been charged with a recognisable offence by the relevant judicial institution according the Nigerian law, be remanded in prison.

This report summarizes a 19-page document : Nigeria: Security Forces: Serving to protect and respect human rights? (AI Index: AFR 44/023/2002) issued by Amnesty International in 19 December 2002. Anyone wishing further details or to take action on this issue should consult the full document. An extensive range of our materials on this and other subjects is available at <http://www.amnesty.org> and Amnesty International news releases can be received by email:

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INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 0DW, UNITED KINGDOM

Cover: Picture of children at Duadu displaced-camp in Benue State. Thousands of civilians were displaced in the state as a result of the Tiv-Jukun conflict and the retaliation attack by the Nigerian Army in October 2002, where over 200 civilians were killed. ©ai

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NIGERIA

SECURITY FORCES: Serving to protect and respect human rights?

1. INTRODUCTION:

When the Nigerian government fails to respect and protect human rights

One of the main challenges of the civilian government which came to power in Nigeria in 1999, after the election of Olusegun Obasanjo as Head of State, was to ensure the respect and protection of human rights as both the Nigerian armed forces and the Nigeria Police Force had been responsible for numerous human rights violations during the previous period of military government.

This challenge has coincided with a wave of crime and violence that has spread throughout Nigeria over the past three years. Police patrols often find themselves fighting against heavily armed gangs of robbers and dozens of police officers have been killed in these encounters.

While the police force is understaffed, badly equipped and insufficiently trained, the Nigerian security forces bear an important responsibility in this crisis: the high degree of inefficiency, linked to a large extent to high levels of corruption within the Nigeria Police Force is in part responsible for their poor performance in law enforcement duties; alongside, allegations of human rights violations committed by the Nigerian police are numerous.

Police action has been particularly gruesome in their fight against crime. The proliferation of anti-crime operations by the federal police has resulted in extrajudicial executions, deaths in custody, acts of torture and cruel, inhuman and degrading treatment in police detention centres throughout the country. General public concern over crime has increased the pressure on the police to arrest as many armed robbers as possible. But this outcry by the population has also been used by the Nigerian police to systematically justify human rights violations as being an unavoidable part of this fight against crime.

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The federal government has called on the armed forces to mediate in some serious inter-ethnic and inter-religious conflicts in the past three years, instructing them to carry out occasional policing activities. In the two most serious incidents, the armed forces were responsible for the killings of civilians. In November 1999, over 250 citizens from the town of Odi, in Bayelsa State, were killed as a result of a retaliatory attack by the armed forces for the earlier killing of 12 policemen. The same kind of reaction was displayed by the armed forces in various villages of Benue State between 22 and 24 October 2002: over 200 people were killed by the armed forces in retaliation for the killing of 19 soldiers. The federal government has failed to investigate effectively the events of Odi and Benue State and not a single soldier has been sanctioned for the attacks on civilians. The federal government has not apologised for the killings in Odi and Benue State and no victim or their families received proper compensation and redress.

Amnesty International calls on the Nigerian government to put the respect and protection of human rights first in the reform of the security forces. The protection and promotion of human rights must be given the highest possible priority in all aspects of decisions relating to policing and security issues as they are central to providing justice and security through the work of security forces. The Nigerian government must make sure that all responsible for human rights violations within the ranks of the security forces are brought to justice, and guarantee redress and reparation for the victims of such violations.

¹ See AI report Nigeria: Vigilante violence in the south and south-east (AI Index: AFR 44/014/2002)

2. HUMAN RIGHTS VIOLATIONS BY THE NIGERIAN POLICE:

2.1. Capacity of the Nigeria Police Force

According to the Nigerian Constitution only the federal police are entitled to carry out policing activities throughout Nigeria. The Constitution stipulates that: "There shall be a Police force for Nigeria, which shall be known as the Nigeria Police Force, and subject to the provisions of this section, no other force shall be established for the Federation or any part thereof."² Special forces, such as the paramilitary Mobile Police (MOPOL) or the Special Anti-Robbery Squad (SARS) are part of the federal police, and as for all the other members of the Nigeria Police Force, they are directed by the Inspector General of the Police as their commander in chief.

Nigeria lacks police officers. According to official sources, there is one policeman for every 700 Nigerians. Lagos, the world's sixth most populous city with over 10 million people, has fewer than 12,000 police officers. President Obasanjo's administration pledged to equip the police, renew the barracks and eliminate part of the high degree of corruption within the force. According to official sources, the police force is planned to increase by 200,000 officers by 2005. However, working conditions in the police force remain poor. For example, some 60% of the policemen living outside the barracks are owed 10-month arrears on housing allowance.

The families of junior officers killed on active duty receive a 10,000 -Naira compensation (US\$ 89). On 31 January 2002, junior police officers in 13 of Nigeria's 36 states went on strike for the first time in Nigeria's history over salary arrears and working conditions. Following the protest, the government released 1.1 billion naira (US\$ 90 mill) to meet some of the demands of the policemen on strike. The Police Service Commission promoted 17,000 junior officers.

Police patrols often find themselves fighting against heavily armed gangs of armed robbers, who have killed dozens of police officers over the past three years. It was reported that 84 policemen were killed by armed robbers between October 2000 and July 2001. The increase in the number of weapons circulating in the country has led to the creation of numerous well-equipped and trained criminal groups that have brought fear and a lack of confidence into the ranks of the police force.

On 22 April 2002, the Inspector General of the Police, Adelayo Tafa Balogun, inaugurated an Anti-Corruption Squad with the power to "arrest, detain and prepare for prosecution any police officer found to have compromised the ethics in the profession for personal gain". Thus, the Inspector General has taken a step that could potentially fulfil the

² Constitution of the Federal Republic of Nigeria, 1999. Article 214 (1): Establishment of Nigeria Police Force.

aims of the Police Act of the Federal Republic of Nigeria, which states: "In the individual exercise of his powers as a police officer, every police officer shall be personally liable for any misuse of his powers, or any act done in excess of his authority."³

According to the Nigerian Police Force, the Inspector General of the Police ordered the dismissal of 99 junior police officers on 21 May 2002. In an internal investigation, the officers were found guilty of extorting money from commercial bus drivers at various checkpoints in Lagos and other cities. Overall the Nigerian police dismissed 150 police officers for corruption between April and May 2002.

2.2. Taking on crime and violence through extrajudicial executions and torture

In words of the former Minister of Police Affairs, Major General David Jemibewom, regarding the security situation in Nigeria: "... our new found democracy became to some extent a source of insecurity and lawlessness, as... rights were misconstrued and exercised without restraint. The last one year of this administration-Obasanjo's government- has therefore witnessed an increase in the wave of crimes in various parts of the country."⁴

The Nigerian security forces, however, are responsible for human rights violations that have taken place in relation to this upsurge of crime and violence. There are allegations by national and international human rights organisations and the Nigerian press of excessive use of force, torture and cruel, inhuman or degrading treatment of suspected criminals and extrajudicial executions by the federal police.

In addition to this, the introduction of armed vigilante groups in several parts of the country, with the tacit or explicit endorsement by some State governors, has multiplied allegations of human rights violations and abuses in several states of the federation. These armed groups receive no proper training in professional policing, are heavily armed and operate without the control of the federal government.⁵

In August and September 2002, the police carried out a series of raids against the armed vigilante groups in South-East, commonly known as Bakassi Boys, mainly in Abia and Anambra States, arresting at least 100 vigilante members and releasing scores of illegally held detainees.

³ Police Act CAP 359 of the laws of the federation of Nigeria 1990. Section 341.

⁴ Law Enforcement Review. Quarterly Magazine of the Centre for Law-Enforcement Education (CLEEN). July-September 2000.

⁵ For further information on armed vigilante groups, please refer to Amnesty International report *Nigeria: vigilante violence in the south and south-east* (AI index 44/014/2002)

The recent crackdown on the so-called Bakassi Boys however must not obscure the fact that the Nigerian armed forces and police are also responsible for numerous human rights violations. The protection and promotion of human rights must be given the highest possible priority in all aspects of decisions relating to policing and security issues as they are central to providing justice and security through the work of security forces.

Federal and state governments must ensure the respect and protection of human rights, and that no human right violation or abuse by armed vigilante groups or the Nigerian security forces is carried out with impunity. The Nigerian authorities must ensure as well that victims of such abuses and violations receive adequate and prompt compensation.

2.3. Excessive use of force, torture, extrajudicial executions by the police

President Obasanjo sworn in May 1999 with a pledge to reorganise the federal police to render them more effective in ensuring the security of Nigerian citizens and re-establish their credibility. The police had been neglected and under-funded by the previous military administration. Reports of corruption and cases of human rights violations⁶ such as extrajudicial executions, torture and cruel, inhuman and degrading treatment of suspects while in custody were numerous during the time of military governments.

However, human rights violations by the police were reported over the year 2000 and renewed in 2001 and early 2002, including extrajudicial executions, excessive use of force, torture and other cruel, inhuman and degrading treatment, and on occasions, death in custody.

2.3.1. Torture and cruel, inhuman and degrading treatment in police detention centres

There is an increasing fear within the ranks of the police force of taking on organised and heavily armed crime groups, which often overpower police squads when they confront each other. Therefore, there is ever more reluctance from the police to release suspects of armed robbery or other serious crimes. On the other hand, rising popular concern over crime, in particular armed robbery has increased the pressure on police officers to arrest suspects of major crimes. Arrest of alleged robbers and murderers brings prestige to police officers.

With the ratification of the Convention Against Torture in June 2001, Nigeria has reaffirmed the obligation it subscribed to when ratifying the International Covenant on Civil

⁶ See Amnesty International document Nigeria: Time for justice and accountability. AI Index: AFR 44/14/2000.

and Political Rights, to prevent its security forces from committing torture and other forms of ill treatment under all circumstances and without any exception.⁷ Article 1 of the Convention against Torture defines torture as: "... any act in which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity...".

The Nigerian Constitution provides that: "every individual is entitled to respect for the dignity of his person, and accordingly- (a) no person shall be subjected to torture or inhuman or degrading treatment."⁸ In the same line, the African Charter on Human and People's Rights of which Nigeria is signatory states: Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of is legal status. All forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel inhuman or degrading punishment or treatment shall be prohibited.⁹

However, the practice remains inconsistent with the obligation to prohibit torture.¹⁰

- P.A. (m), 34 years old, from Imo State, was arrested by the police in July 1998 and charged with armed robbery. He was taken to the Owerri Police Station.¹¹ He told an Amnesty International delegation that police officers punched him, beat him on his back with a whip and ultimately shot him in the leg to make him confess. He finally pleaded guilty because of the torture. He did not receive any medical treatment, only medicines provided by his mother. P.A. spent two weeks in detention before he was sent to prison in August 1998. He has been awaiting trial for over three years in Owerri Prison. He still has visible scars on his back and leg.
- On 1 December 2000 Ch.A. (m), a suspected armed-robber, was taken to a police station in Lagos. According to him, a policeman shot him in the leg while he was already in custody. He was given no reason for the shooting. Ch.A. was taken to the Investigating Police Officer to make his statement but he couldn't finish it because of the pain in his

⁷ Article 7 of the International Covenant on Civil and Political Rights (ICCPR) states: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment...". Article 10 states: "All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person..."

⁸ Constitution of the Federal Republic of Nigeria, 1999. Section 34.

⁹ Article 5, African Charter on Human and People's Rights.

¹⁰ Principle 6 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment states: "No person under any form of detention or imprisonment shall be subject to torture or to cruel, inhuman or degrading treatment or punishment. No circumstance whatever may be invoked as a justification for torture or other cruel, inhuman or degrading treatment or punishment". This Body of Principles was adopted by General Assembly resolution 43/273 of 9 December 1988.

¹¹ Full names of victims in some of the cases in this document are withheld to protect the victims' families. (m) indicates male; (f), female.

leg. He was charged with armed robbery and sent to a cell at the police station. He did not receive any medical treatment in the five weeks he was kept in the detention centre. When he was taken to the magistrate, the police officers prevented the magistrate from seeing Ch.A. because of the apparent injury to his leg. The magistrate ordered, without seeing Ch.A. that he be sent to hospital. Ch.A. was taken back to the police station and sent to Ikeja General Hospital one week later. He was given medication and taken back to the police station one hour later. Ch.A. spent three more months and two weeks without further medical treatment that was essential for his condition. He was taken to Kiri-Kiri medium security prison in Lagos, where he is currently receiving medical treatment. A deep injury in his leg is still visible.

Cases of torture and cruel, inhuman and degrading treatment are often linked to attempts to extract confessions of armed robbery or murder, which would secure that the suspect would be imprisoned, even if the police are eventually unable to produce sufficient evidence to prosecute the suspect. In a study carried out by the Nigerian Human Rights Commission and the Nigerian NGO, Centre for Law Enforcement Education (CLEEN) in 2000, over 77% of inmates in Nigerian prisons claim to have been beaten by police, threatened with weapons and tortured in police cells.¹² An Amnesty International delegation visited several prisons throughout Nigeria in March 2002. The delegation collected over thirty allegations of torture and cruel, inhuman and degrading treatment received in police detention centres made by inmates who claimed to have reported their allegations to either a magistrate or to the prison authorities. It appears that in none of these cases the allegations were investigated.¹³

The UN Convention against Torture prohibits the use of evidence obtained using torture or ill treatment against an accused person in court.¹⁴ However, according to the Prisoners Rehabilitation and Welfare Action (PRAWA), a Nigerian organisation working towards improving prison conditions and penal reform, on very few occasions do judges in Nigeria overrule confessions under the suspicion that they were taken through torture.

On occasion, when the police cannot extract confessions from alleged armed robbers or murderers, they find a way to ensure that they are imprisoned; even when the evidence for a crime is absent. According to the Nigerian human rights organisation Civil Liberties Organisation (CLO), the police systematically send suspects of major crimes, such as murder or armed robbery, to magistrate courts instead of following the statutory procedure of sending them to the prosecutor of the Ministry of Justice for him or her to decide whether to take the case to the High Court.

¹² Police-Community violence in Nigeria. Centre for Law Enforcement Education and National Human Rights Commission.

¹³ Article 13 of the Convention Against Torture states: "Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities.

¹⁴ Article 15 of the Convention against Torture states that: "Each State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made."

Magistrates do not have jurisdiction over cases of murder or armed robbery, offences that may attract the death penalty, nor can they grant bail for such cases or dismiss the case for lack of evidence; therefore, they can only send suspects to prison to await trial.¹⁵ However, under the Criminal Procedure Law of Lagos State, a magistrate in Lagos State is empowered to remand any person brought before him or her on suspicion of having committed a felony, pending the issuance of the Director of Public Prosecution's legal advice.¹⁶ This is called a remand hearing or, more popularly: "holding charge". This practice, generalised not only in Lagos State, but throughout Nigeria, does not establish any limit for the time a person remanded to prison has to await trial.

The generalisation of this practice evidences the lack of judicial control over the police regarding whether they in fact arrest Nigerian citizens based on legitimate charges. Since the police can secure that a suspect will be remanded in prison if he is suspect of a major crime and taken to a magistrate court, there is no need for the police to make sure that the accused has a case to answer if the objective is to keep him in prison.

The so called "holding charge" procedure gives extraordinary powers to the police to increase the pressure on detainees to confess crimes they might not have committed in order to escape being remanded in prison awaiting trial for years. An Amnesty International delegation that visited several prisons in March 2002 collected numerous declarations from awaiting-trial prisoners affirming that they would have pleaded guilty of armed robbery if they had known that only being convicted can a prisoner know for sure when he or she will be out of prison.

The Nigerian Federal Court of Appeal admits that this practice was not part of the Nigerian law. The court already observed in 1993: "...In a good number of cases, the police in this country rush to court on what they generally refer to as a holding charge, although there is nothing known in law as "holding charge".¹⁷ The Court of Appeal also states that: "As the Constitution of the Federal Republic of Nigeria or any existing law in force does not provide for a "holding charge", an accused ought to be released on bail within a reasonable time before trial"¹⁸

The Prison Rehabilitation and Welfare Action (PRAWA), reports that over 70% of the inmates awaiting trial in Nigerian prisons have been charged with armed robbery. The

¹⁵ Amnesty International opposes the death penalty in all cases on the grounds that it is the ultimate cruel, inhuman and degrading punishment and violates the right to life.

¹⁶ Section 236 (3) of the Criminal Procedure Law of Lagos State (1994) makes it mandatory for the magistrate to remand a person in remand proceedings without giving the suspect an opportunity to be heard, when the magistrate has no jurisdiction over the alleged offence. Under the Robbery and Firearms Act, only the State Attorney General can file charges in respect to offences created there under, while in respect to murder only the attorney general can file the information in the High Court. The situation is similar for Northern Nigeria.

¹⁷ *Onagorouwa Vs State* (1993) 7 NWLR pt.303, p.49. Nigerian Federal Court of Appeal.

¹⁸ *Enwere Vs. Commissioner of Police* (1993) 6 NWLR pt.299, p.333. Nigerian Federal Court of Appeal.

average time of awaiting trial in Nigerian prisons varies from one state to the other, but it is never less than 5 years. According to the CLO, 80% of prisoners awaiting trial for charges involving murder or armed robbery have been charged by the police and remanded in custody by a magistrate court instead of going through the legal procedure of being prosecuted by the Ministry of Justice in a High Court. In up to 40% of all the cases of alleged armed robbery, the suspect is eventually found not guilty.

The practice of using a "holding charge" in these cases has led to thousands of awaiting-trial prisoners whose dossiers have been seen by neither the Office of the Prosecutor, a judge with jurisdiction over the case nor even a lawyer. In many instances, the case was never filed by the police or taken from the police to the office of the prosecutor for it to decide whether there is a case to answer, and therefore, a formal prosecution to be filed. Unless a proper reform is carried out in the judiciary and prison systems, many of these prisoners awaiting trial prisoners could be in prison indefinitely as nobody in the administration of justice is aware of their cases.

- A.D. (f), 56, from Imo State, was charged with murder for killing her uncle in October 1998. According to the testimony she gave to Amnesty International, the police beat her with a wire and flogged her all over her body but she didn't confess to the murder. She has visible scars on her back. A.D. was taken to a magistrate, who ordered her imprisonment awaiting trial without hearing her case. She is still awaiting trial at Owerri Prison. No date has been set for the trial.

2.3.2. Death in custody

In some cases, torture and cruel, inhuman or degrading treatment in police detention centres has resulted in the death of suspects. In these cases, the police usually justify deaths in custody as failed attempts to escape, labelling the victim as an alleged armed robber, to ensure popular sympathy and inaction from higher ranks in the force to investigate allegations of extra judicial executions by police officers. There are reports by Nigerian NGO's, international organisations and on the press of hundreds of Nigerian citizens being extrajudicially executed by the police while in detention. Already in 1999, the National Human Rights Commission expressed its fear that "many innocent people may have been killed and labelled armed robbery suspects in order to justify police action".¹⁹

- I.M. (m), died at the age of 22 in Enugu, Enugu State. On 2 October 2001, I.M., a commercial motorcycle rider, was taken by police officers to the Abakpa Police Station. According to the LEDAP (Legal Defence and Assistance Project), a Nigerian human rights organisation, the Divisional Police Officer (DPO) in charge of the station ordered

¹⁹ Centre for Law Enforcement Education and National Human Rights Commission, *Policing a Democracy*, 1999.

his officers to torture him and shoot him in the leg. The following day, the DPO was reported to have given the order to shoot I.M. in the arm. I.M. died that day. The police claimed that I.M. was shot by the police at Trans Ekulu Bridge while attempting to escape after committing an armed robbery. Amnesty International is not aware of any investigation being carried out by the police into the death of I.M.²⁰

- K.I. (m), 33 years old, was arrested in March 2001, for impersonating a police officer. He was driving a friend's car when a patrol from the Lagos police halted him. The police found the identity card of his friend, a police officer, in the car. K.I. was taken to the Area C Police Station in Lagos. According to the Civil Liberties Organisation (CLO), police officers beat him on chest and head until he was unconscious, then they took him to a cell. His friends asked the police to allow him to go to hospital or at least take some medication, but he was kept in detention for two more days. When his friends went to the police station to pick him up two days later, he was not there. The police said they had taken him to hospital. His friend found him several hours later in the mortuary of Ikeja General Hospital.
- Nnaemeka Ugwoke (m), 17 years old, and Izuchukwu Ayogu (m), 18 years old were students of Nsukka High School in Enugu State. On 10 March, 2002, the two young-men went out to deliver a letter to a friend. On their way, three men who accused them of being thieves confronted them. They denied the allegation and their accusers started pursuing them until they were captured and taken to the Nsukka Urban Police Station. Their parents and some of their schoolmates came to the police station to testify to the fact that they were not thieves. The policemen in the station asked their families to go home and come back the following day as the Investigating Police Officer was not on duty. Five hours later the young men were taken out of their cells and killed allegedly on the orders of the Divisional Police Officer. The Legal Defence and Assistance Project (LEDAP) is to take the case to court.

2.3.3. Excessive use of force and extrajudicial execution in police operations

Extrajudicial executions outside official places of detention are often attributed to special task forces created patrolling streets and roads to combat armed robbery and violent crime. These forces, such as the Mobile Police (MOPOL), operate, like the regular forces of the federal police, under the command of the Inspector General of the Nigeria Police Force.

²⁰ Principle 34 of the Body of Principles for the Protection of All Persons under any Form of Detention or Imprisonment states: "Whenever the death or disappearance of a detained or imprisoned person occurs during his detention or imprisonment, an inquiry into the cause of death or disappearance shall be held by a judicial or other authority..."

There are allegations of extrajudicial executions during illegal activities carried out by some members of the police force, including checkpoints set up to take bribes from citizens. Such illegal activities, which have been carried out for decades, have eroded the confidence in the police among the population and fostered the popularity of alternative armed groups to act as vigilantes.²¹

- **Ikechi Nwadinobi (m)** was a student of Abia State University. While he was travelling from Enugu to his University, the public vehicle on which he was travelling was stopped by a team of mobile policemen at a roadblock at Ozala junction. According to what eyewitnesses told Amnesty International, the policemen ordered all passengers to get out of the vehicle and before the victim could do so, the police shot him. He died as a result of the injury sustained. Apparently the policemen shot him for his delay in getting off the bus.²² The Legal Defence and Assistance Project (LEDAP), has sued the Inspector General of the Police for damages, on behalf of the father of Ikechi. The incident took place in 1999. The case is currently in court.
- **Adewale Afolaya (m)**, 52 years old. According to his family, he was shot and killed by the police at Palmgrove area of Lagos State in February 2002, while he was returning to his home in the Bariga area of Lagos. The policemen took his body to the Ikeja General Hospital Mortuary, labelling him as an armed robber. Afolaya was apparently shot for his refusal to offer the police a 20-naira bribe (the equivalent of US\$ 0.8).
- Witnesses reported to Amnesty International that, in May 2002, **Gbenga Akinmogan (m)** and **Shakirat Owolabi (m)**, students of the University of Lagos, were shot dead by a police officer at a check point on Finbarrs College Road, Pako. The killing took place when the policeman shot at the commercial bus they were driving in as it refused to stop for a search. The police officer was dismissed from the force; he was charged with murder and held in prison awaiting trial.

On occasion, extrajudicial executions take place within police detention centres. Excessive use of force against detainees has also caused death.

- On 1 December 2000 **Ch.A. (m)** was involved in a quarrel with some members of the O'Odun People's Congress (OPC) in Lagos for a minor offence.²³ OPC members took him and eight other people to the Alapere Police Station in Lagos. According to what he told an Amnesty International delegation, police officers made all 9 people lie down in

²¹ See AI report: Nigeria: Vigilante violence in the south and south-east (AI Index: AFR 44/014/2002)

²² Principle 4 of Basic Principles on the Use of Force and Firearms by Law Enforcement Officials states: Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms." The Basic Principles on the Use of Force and Firearms by Law Enforcement Officials were adopted by the Eight United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990.

²³ O'Odun Peoples Congress (OPC) is an armed group who claims to represent the interests of the Yoruba ethnic group.

front of the station for hours and eventually shot two of them in the leg. One died subsequently; the other, Ch.A., was badly injured.

There are also numerous cases of excessive use of lethal force by the security forces during their mediation in inter-communal or inter-ethnic clashes and in operations to confront demonstrations and other expressions of public unrest. Although the most serious allegations of excessive use of force resulting in killings have been attributed to the armed forces, the police have also been responsible for extrajudicial executions.²⁴ The International Covenant on Civil and Political Rights (ICCPR) to which the Federal Republic of Nigeria is State Party, states: "Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life".²⁵

The African Charter on Human and People's rights provides in its article 4 that: "Human rights are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person".

- Between 7 and 13 September 2001, the town of Jos, in Plateau State was virtually destroyed by violent riots between Christians and Muslims, which left over 1000 people dead. The Centre for Law Enforcement Education (CLEEN) claims that 23 inmates of the Jos Prison were shot dead by the police while allegedly trying to capitalise on the disorder provoked by the crisis to escape. A commission of inquiry set up by the Ministry of Justice in November 2001 was due to investigate the circumstances of the deaths and the role played by the police during the riots. Amnesty International is not aware of any outcome of the investigation.

Principle 14 of Basic Principles on the Use of Force and Firearms by Law Enforcement Officials states that "In the dispersal of violent assemblies, law enforcement officials may use firearms only when less dangerous means are not practicable and only to the minimum extent necessary..."

Clashes between police and students or youths have led to numerous killings over the past three years. A presidential Commission of Inquiry was set up on 13 March 2001 to investigate the causes of the conflict between security forces and groups of students and youths, which has repeated itself in several parts of the country. The commission concluded its investigation, but the report was not been made public.

- Taofik Lasisi (m) a student of Adekunle Ajayi University was shot and killed in March 2002 by the police in Akingba-Akoko, in Ondo State, during a demonstration by the students of the university over lack of facilities on their campus, and the alleged corruption of the administration of Governor Adebayo Adesin. According to witnesses, 30 other students were seriously injured in clashes with the police. The policemen were

²⁴ See chapter on human rights violations by the Armed Forces in this document

²⁵ Article 6. International Covenant on Civil and Political Rights (ICCPR)

said to be acting on the orders of State government officials.

- **Niran Onika (m)**, a student of University of Lagos, was killed by policemen attached to the Bariga Police Station on 9 March 2001 while students were demonstrating in response to a shooting incident by the police on the previous day in which some students of the University were injured.

According to principle 13 of Basic Principles on the Use of Force and Firearms by Law Enforcement Officials: "In the dispersal of assemblies that are unlawful but non-violent, law enforcement officials shall avoid the use of force or, where that is not practicable, shall restrict such force to the minimum extent necessary."

Violence in the Niger delta, Nigeria's oil belt, including Delta, Bayelsa and Rivers states has increased over the past three years. Encounters between the police and ethnic militia, students and other groups in the area have left dozens of people dead.

- Agence France Press (AFP) reported that, on 19 February 2002, armed policemen invaded the town of Obiaruku in Ukwuani Local Government Area of Delta State. According to AFP, at least 15 civilians were killed in the attack. The police were said to having entered into the town shooting indiscriminately.²⁶ Among those killed were Julie Ossai (f), 30 years old, Goodday Onyenewve (AKA) Obereto (m), 30 years old, Nwabueze Oriaku (m), 31 years old, Samson Okpueyi (m) 28 years old; Florence Ojumah (f), 19 years old, Sunday Okekpoko (m), 31 years old; Ben Eze (m), 40 years old, Edith Malagu (f), 28 years old; Chris Ozim (m), 35 years old and Edith Uchebenu (f), 28 years old.

2.3.4. Latest attempt to curb crime: "Operation Fire-for-fire"

Tafa Balogun replaced Musiliu Smith in March 2002 as Inspector General of the Police, the position with the highest rank in the Nigeria Police Force. Musiliu Smith had been criticised for his poor record in taking on increasing crime in the country and his lack of leadership to prevent junior police officers from going on strike.

On 11 March 2002, Tafa Balogun paid a visit to the Lagos Command Headquarters via which he directed the police throughout the whole of Nigeria to henceforth return fire without seeking approval from superior officers when they found themselves in "very difficult situations". Tafa Balogun said: "I have reminded you now that you do not need to await any order to fire. I am giving you that order now."²⁷

²⁶ Agence France Press (AFP): 15 killed, 25 injured in fresh violence in Nigeria, 21 February 2002.

²⁷ Tell magazine. No. 12. 25 March 2002.

These shoot-on-sight orders contravene the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials which states: "Law enforcement officials shall not use firearms against persons except in self-defence or defence of others against imminent threat of death or serious injury; to prevent the perpetration of a particular serious crime involving grave threat to life; to arrest a person presenting such a danger and resisting their authority or to prevent his or her escape only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life."²⁸

The new Inspector General of the Police launched "Operation Fire for Fire" in March 2002, to mark a new strategy for a tougher approach to fight crime in Nigeria. According to a statement by the Nigerian Police Force, 23 policemen died in the first 100 days of the operation and 225 alleged criminals were killed in encounters with the police during the same period. 41 by-standers reportedly died as a result of "accidental discharge" by the police or killed by alleged armed robbers.²⁹

Allegations of extrajudicial executions and torture and cruel, inhuman and degrading treatment of alleged criminals by the Nigerian police have continued after the introduction of the "Operation Fire for Fire".

- The Nigerian press reported that, on 22 June 2002, a policeman at a checkpoint Falomo, Ikoyi, Lagos, killed **Nmamdi Francis Okwuyasi (m)**, a student at Yaba College of Technology in Lagos and **Akerele Morakinyo (m)**, a student at University of Lagos, for refusing to stop their car at police orders.³⁰
- On 9 July 2002, the police opened fire on students of the Federal University of Technology, Minna on their way to Abuja, for refusing to stop at a checkpoint. Agence France Press reported that **one student** was killed in the incident. The following day, over 200 students from the Federal University of Technology besieged the office of the Inspector General of the Police in Abuja to protest against the killing of their colleagues. The students reportedly abducted a magistrate of the Federal Capital Territory. Two policemen were charged with culpable homicide. They were remanded in custody awaiting trial.³¹

The federal government has shown little commitment to payment of compensations to victims of human rights violations by the security forces, in particular for extrajudicial executions of alleged criminals, failing to comply fully with the Principles on the Effective Prevention and Investigation of Extrajudicial, Arbitrary and Summary Executions, which states in principle 20: "the families and dependents of victims of extrajudicial, arbitrary or

²⁸ Principle 9, United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

²⁹ Agence France Press: *Police in Nigeria kill 225 suspected robbers in three months*. 9 July 2002

³⁰ Daily Trust, Abuja: *The Nation Police, brutes or bunglers?* 18 July 2002

³¹ Agence France Press: *Two Nigerian policemen charged with murder*. 17 July 2002

summary executions shall be entitled to fair and adequate compensation with a reasonable period of time.³² In 2000, the former Minister of Justice, the late Bola Ige, announced that the government had set aside 500 million Naira (the equivalent to US\$ 4.5 mill) for compensation to victims of human rights violations committed by the security forces.

2.4. Case-study: The Special Anti-Robbery Squad (SARS)

The Special Anti-Robbery Squad (SARS) is an elite group within the police force created during the time of military government mainly to combat armed robbery and deployed in the main cities of Nigeria. The group is part of the Nigeria Police Force under the command of the Inspector General of the Police.

The squad has become notorious over the past three years in the context of the federal government campaign against the upsurge of crime in Nigeria. Allegations of extrajudicial executions in the stations of SARS all over Nigeria have sharply increased in 2001 and 2002.

- **Ndudiri Onyekwere (m)** a 28 year-old student was arrested on 11 June 2002, in Onitsha, Anambra State, and taken to Alausa Police Station. A friend had accused him of robbery. Onyekwere died six days later, after he had been transferred to the Special Anti-Robbery Squad (SARS) facility in Panti. According to his family, he was taken to Ikeja General Hospital on 17 June, as he complained of stomach pain, and died there hours later. An autopsy showed that Onyekwere had been severely beaten. The autopsy stated that he suffered from "...battered face with cuts and bruises and encrusted blood in the nose, upper and lower lips and chin (...) bruises all over the body involving, in particular, head, neck and torso". The autopsy report attributes Onyekwere's death to "traumatic shock consequent upon multiple soft tissue and skeletal injuries".
- **Titus Obi (m)** was killed at the age of 27. In March 2000, the police took him and his mother to the Special Anti-robbery Squad (SARS) in Lagos to interrogate them about the location of his brother, a suspected robber. According to the Civil Liberties Organization (CLO), Titus was severely tortured by the police. When he was taken out of his cell he was unconscious. The police released his mother and told her that if she wanted to take her son to hospital, she should pay 7,000 naira (US\$ 63). She did so but Titus died in hospital. The autopsy determined that a hot metal had been inserted through his anus. The CLO requested an investigation to the police, who never replied. The CLO has

³² In resolution 1989/65, paragraph 1, the Economic and Social Council recommended that the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions should be taken into account and respected by Governments.

brought the case to the High Court in Lagos. The mother of the deceased has also sued the Attorney General of the Federation for damages for the unlawful killing of Titus. The case is currently in court.

The SARS is reported to systematically apply torture and other cruel, inhuman and degrading treatment to obtain confessions of armed robbery.

- G.O. (m) was arrested in February 1999, for an alleged involvement in stealing a bus from his boss. The police arrested him and allegedly beat him to obtain his confession. Several days later, he died in custody in SARS, Lagos, under unexplained circumstances. His case has been taken to court by the Civil Liberties Organisation (CLO). The case is still in court.

With social and political pressure to curb delinquency, SARS and other police units are alleged to have arrested and charged hundreds of Nigerians of armed robbery without any kind of evidence.

- On the night of 19 June 2001 F.A (m), 26 years-old, a bus driver from Lagos, was on his way to pick up his boss when he was accosted by three non-uniformed people who asked him where he was heading for. According to him, they shot him in the leg as he did not reply. Then they took him to the Awosonga Police Station where he discovered that the three individuals were policemen. When the Divisional Police Officer (DPO) asked them about the reason for the arrest, the three individuals apparently alleged that F.A. had been caught with other armed robbers but they could not prove it. Some minutes later, he was taken to hospital. When he was released from hospital he complained to the Divisional Police Officer of the police station asking for disciplinary measures to be taken and 100,000-Naira compensation (US\$ 900) for harassing and shooting an innocent man. He was offered 10,000 Naira (US\$70). The Civil Liberties Organisation (CLO) took the case to court. The process is still in court.

3. HUMAN RIGHTS VIOLATIONS BY THE ARMED FORCES:

3.1. Armed forces intervention in internal conflicts

Inter-ethnic and inter-communal conflicts are arguably one of the longest-lasting problems in Nigeria, a country with more than 250 different ethnic communities. Disputes are often linked to struggle for the possession of land and historic claims over rights of exploiting it between communities.

Such clashes resulted for instance in 100 deaths in Kaduna, in May 2000. In Ebonyi State inter-communal fighting took place on 25 July 2001 resulting in the killing of 27 people.

Also in Taraba State, Mambilla and Fulani communities clashed in January 2002. 100 people reportedly died as a result of the fights and over 23,000 people were displaced. As of May 2002, there are still 20,000 refugees from Taraba State in Cameroon. Also in January 2002, more than 20 people were estimated killed in clashes between Hausa-Fulani and Berom communities in the village of Turu, near Jos, Plateau State. In May 2002, at least 15 people were killed and a hundred displaced in clashes between Yege and Lakpor communities of the Ogoni ethnic group in Bori, Niger Delta.

Many of these clashes have led the federal government to deploying the armed forces to complement the action of the police in several parts of the country. Such is the case of Nassarawa State, in central Nigeria, where Tiv and Azeri communities clashed between 12 June and 17 July 2001. 200 people were reportedly killed in the fights. The conflict spread to the neighbouring states of Taraba and Benue. In Taraba State, 21 people reportedly died in clashes between Tiv and Jukun communities in October 2001. The Tiv and Jukun conflict provoked the intervention of the armed forces and the subsequent events of Benue some days later.³³

3.2. Excessive use of force and extrajudicial executions of civilians by the armed forces

In November 1999 large-scale killings by the armed forces were reported in the village of Odi, Bayelsa State, in the Niger Delta region, in reprisal for the murder of 12 police officers during earlier attempts to arrest armed youths in the town. Several reports by Nigerian and international human rights organizations claim that soldiers allegedly killed over 250 civilians and razed the entire village using rockets and heavy weapons. The armed forces reportedly looted and set on fire more than 1000 homes. Human rights groups and journalists were denied access to the area for several days and the government was accused of covering up the true facts.³⁴

President Obasanjo told an Amnesty International delegation in June 2000 that he would not hold an independent and open inquiry into the reported killings by government forces. In fact, two years later, no member of the armed forces had been internally sanctioned or brought to justice in relation to the extrajudicial killings of civilians in Odi.

On March 2001, President Obasanjo declared to a local television channel that he had "no apology to make" over the armed forces' destruction of the town. And that he was obliged to order the armed forces into Odi. This statement by the President is a clear signal that there is no political will to prosecute those in the armed forces responsible for the human

³³ See section 3.3. Case-study: The Benue massacre of civilians by the armed forces

³⁴ See *Time for justice and Accountability*, December 2000 (AI Index: AFR 44/14/00)

rights violations perpetrated in Odi, and as a dangerous declaration that could pave the way for new incidents of this nature to take place again in the future.

3.3. Case-study: The Benue massacre of civilians by the armed forces

Between 22 and 24 October 2001, two years after the massacre at Odi, the Nigerian armed forces carried out the extrajudicial execution of over 200 unarmed civilians in Benue State, marking the single most serious case of human rights violations by the Nigerian authorities ever since the extrajudicial execution of over 250 civilians in Odi. The massacre of Benue took place in the context of peace operations by the armed forces in the long-lasting conflict between the Tiv and Jukun ethnic-groups in several states of Central Nigeria and the retaliation by the armed forces for the killing of 19 soldiers reportedly by a Tiv militia group on 10 October 2001.

3.3.1. *The Tiv-Jukun conflict in central Nigeria*

Members of the Tiv and Jukun ethnic groups have been involved in inter-communal disputes over possession of land in central and eastern Nigeria for decades. This conflict has resulted in hundreds of deaths in Nassarawa, Plateau, Taraba and Benue states. Over the past decades, the conflict has also involved Hausa Fulani, Chamba, Kuteb and other ethnic groups in the area. The Tiv are the majority ethnic group in Benue State, but they are a minority in Nassarawa, Plateau and Taraba states.

A set of clashes in the Tiv-Jukun conflict started afresh in Taraba State in May 2000, claiming thousands of lives. The conflict spread to Benue State later in the year. An estimated 500 people were killed in clashes between the Tiv and Jukun in Benue in the first two weeks of October 2002. Thousands of Tiv were displaced and took refuge in different parts of neighbouring Benue State.

3.3.2. *Armed forces intervention in Tiv-Jukun conflict*

In the context of the intervention of the armed forces in the area, a company of 150 soldiers, from the 24th Armoured Brigade, usually stationed in Yola, Adamawa State was sent to Takum Barracks, in Taraba State, in September 2001. The troops were deployed upon request by the Governor of Taraba State and with the authorisation of the Head of State, with orders to clear roadblocks in the border zone between Taraba and Benue States.

On 10 October 2001, 19 soldiers from the 24th Armoured Brigade were allegedly captured by Tiv militiamen while the soldiers were patrolling in a pick-up, which belonged to the Taraba State government in the border zone between Benue and Taraba States. According to official military sources, the soldiers had been sent to clear roadblocks in Southwest of Taraba State when they ran into an ambush of several dozens of armed Tiv militiamen.

According to military sources, an armed Tiv militia group from Taraba State, near Vaase, captured the 19 soldiers. Other sources however, indicate that the soldiers had penetrated the state of Benue and were captured there by this militia group.

According to several witness in the area, the 19 soldiers were reportedly taken to Gbeji, in Benue State from where they were taken to Zaki Biam where they were mutilated and killed by a mob of an estimated 300 people. It is unclear why the soldiers were killed. Some reports suggest that the soldiers were confused with Jukun militia, as ethnic militia often wear army uniforms. Other reports state that the soldiers were thought to have collaborated with Jukun militias in their conflict with the Tiv and that they were executed for their complicity with the rival ethnic group.

The Governor of Benue publicly apologised on behalf of the state for the outrageous killing of the 19 soldiers. He requested President Obasanjo to deploy the armed forces in the area in order to restore peace and allow the police to investigate the killings and find those responsible. The members of the armed forces are said to have visited subsequently some of the Tiv villages to reassure the population that they had been deployed to keep peace. They reportedly invited the population to gather to sustain peace talks with the soldiers.

3.3.3. Retaliation by the armed forces: extrajudicial executions of civilians

Between 22 and 24 October 2001, soldiers of the armed forces of Nigeria launched an attack on several Tiv villages in Benue State in what seemed an act of retaliation for the killing of the 19 soldiers on 10 October. The armed forces reportedly razed over eight towns and villages, including Zaki Biam, Gbeji, Anyiin, Iorja, Kyado, Vaase, Tseadoor and Sankera.

- T.Z, (m) 70 years old, from Anyiin, Benue State, told an Amnesty International delegation that soldiers in three armoured cars and seven trucks arrived on 22 October 2001 in his town. The people of Anyiin had been told that the armed forces would come for peace talks, but somebody who fled Gbeji came early in the day to warn the population that in fact the armed forces were killing people in other villages. T.Z. thought that the soldiers wouldn't attack Anyiin because the village belongs to a different local government area than Zaki Biam, where the 19 soldiers were reportedly killed. The 20.000 inhabitants of Anyiin had already abandoned the town when the soldiers arrived. T.Z. spent one week on the bank of the river with no shelter before he decided to go back

to Anyiin. The soldiers had burned down his house and the petrol station he used to operate.

There are numerous reports and testimonies describing how an estimated 300 soldiers systematically rounded up unarmed civilians and shot them in towns and market squares. Allegedly over 200 unarmed civilians, including two women and 22 children, died as a result of the armed forces attacks and over 13 were killed in subsequent demonstrations against the massacres.

- M.T. (m), 17 years old, from Gbeji, Benue State, testified to Amnesty International that some soldiers paid a visit to the village on 19 October 2001 asking which day the market was open. M.T. was walking the streets of Gbeji when the soldiers came back on 22 October 2001. Some armed soldiers approached M.T. and asked him who the leader of the town was. Then they told M.T. to go to the market square and tell everybody to gather for peace talks with the soldiers. Before he could move, he heard shots and was paralysed with fear. According to M.T., two soldiers poured petrol over his body while others were pointing their guns at him. He was set on fire. After five minutes the soldiers started to attack M.T. with a knife, cutting his legs and neck, he showed to Amnesty International delegate's deep scars and bruises all over his body. He fell to the ground and stopped breathing, pretending to be dead. The soldiers left him lying with other bodies and joined the rest of the troops.
- S.A. (m), 21 years old, from Gbeji, told Amnesty International that on 22 October 2001, he was in Gbeji when he saw about 300 soldiers arrive in armoured cars. The soldiers jumped out of their cars and spread through the village. According to S.A., one of the soldiers asked him to come closer because he had something to tell him. When S.A. approached several soldiers grabbed him, poured petrol over him and set him on fire. While he was burning, the soldiers were pointing their weapons at him. The soldiers eventually shot at him before they left. The bullet grazed his head.

There are also testimonies of torture and cruel, inhuman and degrading treatment of people suspected to be involved in the killing of the 19 soldiers or to have helped militia groups.

- Chief Orsar TYOWA, 72 years old, a Tiv community leader of Kwado, in Benue State. He was arrested on 19 October 2001 by the armed forces. According to the testimony he gave to Amnesty International, he was repeatedly beaten and whipped on their way to the police station. He was put in a cell for three days accused of furnishing Tiv militia groups with weapons. On 22 October, he was taken to his property in search for weapons. His house was looted and destroyed by soldiers who did not find any evidence of his involvement in unlawful activities. Chief Tyowa was then taken to Zaki Biam Police Station. From there, he was taken by soldiers to Wukari, Taraba State for interrogation, where he was kept for 24 hours in a 9 square meters room without toilet, light or ventilation together with four other people. Members of the State Security Service

interrogated him for one week in the course of which he was forced to jump up and down and was repeatedly kicked in his stomach. He was sent to prison from where he was eventually released after the direct intervention of the Governor of Taraba State.

A spokesman for the Ministry of Defence denied publicly on 24 October 2001 that soldiers had been sent to Benue State and said that the Ministry had no information whatsoever of an attack by the armed forces.³⁵ However, the Chief of Army Staff later acknowledged that the soldiers had been sent to retrieve the corpses of the 19 soldiers killed on 10 October 2001 and their weapons. He was unable to explain to an Amnesty International delegation why the Ministry of Defence had denied that the military authorities had ordered such operation in the first place.

According to the Chief of Army Staff, the soldiers sent to retrieve the corpses of the 19 murdered soldiers belonged to three units: the 24th Armoured Brigade was sent together with the Third Battalion and the 72nd Battalion of Parachutists. Considering that the soldiers who were killed on 10 October belonged to the 24th Armoured Brigade, the risk of troops that belong to the same unit engaging in acts of retaliation was much higher.

The conclusion that the Chief of Army Staff drew from the massacre in an interview with Amnesty International delegates was that the operation that took place between 22 and 24 October 2001 in Zaki Biam and adjacent villages in Benue State fell within the orders given by the higher command of the army. He regretted that "while confronting armed militia some people were killed". Commenting on the complete destruction of over eight towns and villages, he said that "the ethnic militias had already caused much of the destruction when the soldiers got to the villages".

The military authorities have taken no measures against any armed forces personnel in connection with the events of October 2001 and an inquiry ordered by the Chief of Army Staff concluded that troops had acted within the orders given to them.

Amnesty International considers that the operation carried out by the armed forces between 22 and 24 October 2001 was in fact a studied act of revenge. Soldiers went on rampage, opening fire on civilians and setting them ablaze. An overwhelming majority of the 200 people who were killed were from the Tiv ethnic group. The troops destroyed houses and property in over 9 villages along the border between Taraba and Benue States. Heavy weapons, machine guns, and grenades reportedly destroyed only Tiv villages. Gbeji, the village where the 19 soldiers had been first taken when they were captured, was especially targeted: over 130 civilians were killed there after being gathered in the street and set on fire or shot, and the village was completely razed. The town that suffered the highest level of destruction was however Zaki Biam, the place where the 19 soldiers were reportedly killed. Six months later, the town of Zaki Biam had not yet been rebuilt.

³⁵ The Guardian newspaper (Nigeria): *Army refutes report of reprisal killings in Benue*. 26 October 2002

Following the instructions given on 30 October 2001 by the House of Assembly, the federal government created a 10-member Judicial Commission of Inquiry on 11 November 2001. It began sitting in May 2002, and was still open in October 2002. The commission was given the terms of reference to investigate the long-term causes of the inter-communal violence in Nassarawa, Plateau, Benue and Taraba states, and to set up long-lasting strategies to secure peace in the area. The terms of reference of the inquiry do not include any explicit reference to the behaviour of the armed forces in the Benue massacre.

According to principle 9 of the United Nations Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions: "There shall be thorough, prompt and impartial investigation of all suspected cases of extra-legal, arbitrary and summary executions". Principle 18 states: "Governments shall ensure that persons identified by the investigation as having participated in extra-legal, arbitrary or summary executions in any territory under their jurisdiction are brought to justice."

Between 24 and 26 January 2002, President Obasanjo organised a closed conference on peace and inter-ethnic conflict resolution in some states of Central Nigeria, where the Tiv-Jukun conflict was thoroughly discussed by Governors of the states concerned and federal government officials. The conference stressed the necessity to secure the prompt return of all displaced people and the immediate withdrawal of the military in the crisis areas "in the context of demonstrated evidence of the restoration of lasting peace and security".³⁶

A spokesperson to the government of Benue State estimated that over 100,000 civilians had been internally displaced as a result of the Jukun-Tiv crises in the Benue, Taraba, Nassarawa and Plateau states. More than nine camps for internally displaced people, including Duadu, Sankera, Ukpiani, Chito, Tor-Donga, Abeda, Umanger, Torkula and Agacha, were set up in Benue by the government of the State and UNDP (United Nations Development Program). There are still hundreds of displaced in Benue State, coming from Plateau, Taraba and Nassarawa states.

In the months following the killings, there have been numerous reports by communities in the area, in particular in the town of Katsina-Alam of harassment, intimidation, extortion and rape committed by the armed forces that were still deployed in Benue State.

The Federal High Court in Makurdi, Benue State ordered the armed forces to withdraw from Benue State in March 2002. They were replaced by the Mobile Police (MOPOL). According to official reports, the armed forces are still deployed in Taraba State.³⁷

³⁶ Presidential retreat on peace and conflict resolution in some central states, Kuru 24-26 January 2002, official statement.

³⁷ Further information on the incidents in Benue State can be found in the Human Rights Watch document: military revenge in Benue: a population under attack (April 2002).

4. CONCLUSION

The Nigerian security forces continue to carry out extrajudicial executions of citizens, exert excessive use of lethal force and perpetrate acts of torture and cruel, inhuman and degrading treatment of alleged criminals on a regular basis.

The Nigerian security forces are not only responsible for failing to respect human rights; the poor performance of the Nigeria police to tackle on crime, the high level of corruption reported within their ranks and the constant human rights violations being committed by the security forces also pose a serious threat to the peace and stability of the country and foster an ever higher level of mistrust and suspicion towards the security forces among Nigerians.

This sense of mistrust has paved the way for the search of alternative means to counter-balance an alarming increase in crime and violence. Thus, armed vigilante groups, accused of blatant human rights abuses, proliferate throughout the country with a relatively high popular support, the tacit or explicit endorsement by some state governments and houses of assembly and an ambiguous position from the Nigerian federal government.

Amnesty International calls on the Nigerian authorities to reverse this deadly cycle of human rights violations by putting the respect and protection of human rights first in the reform of the security forces. The federal government should set the example of protection and promotion of human rights and give the highest priority to human rights in all decisions relating to law enforcement and security.

5. AMNESTY INTERNATIONAL RECOMMENDATIONS

5.1. In relation to the right to life and the right to freedom from torture and cruel, inhuman and degrading treatment:

- The federal government must take all necessary steps to ensure that the security forces of Nigeria do not commit acts of torture or inflict other cruel inhuman or degrading treatment of suspects and do not carry out extrajudicial executions nor use excessive force. The federal government and the Nigerian military authorities must declare publicly that both military and police forces will be held accountable for any involvement in human rights violations.

5.2. In relation to investigation of human rights violations and the right to compensation:

- The federal government must ensure that all those members of the security forces allegedly responsible for torture or other cruel, inhuman or degrading treatment and for extrajudicial executions and excessive use of force are investigated and sanctioned with disciplinary measures or judged, when required, according to international standards of fair trials. Every law enforcement officer under investigation should be suspended from active duty pending the outcome of the investigations.
- The federal government must make all necessary provisions to ensure that every victim of torture or other cruel, inhuman or degrading treatment and the families of victims of extrajudicial executions by the security forces obtains redress and reparation, including fair and adequate compensation, restitution, rehabilitation, satisfaction and guarantees of non-repetition in accordance with article 14 of the Convention against Torture.
- The federal government must ensure that those responsible for the extrajudicial executions and excessive use of force that resulted in the death of hundreds of civilians in Odi, in 1999 and Benue State in 2001 are brought to justice according to the international standards of fair trial. Independently from the Judicial Commission of Inquiry, the Attorney General of the Republic must order a criminal investigation to clarify the events of Odi and Benue State. The investigation must identify those within the ranks of the armed forces responsible for the extrajudicial executions of Odi and Benue State and the circumstances under which they took place. It should also include those authorities, civil or military, which gave the orders. Those found responsible must be prosecuted and suspended from service until a judgement has been passed.
- Any Commission of Inquiry on the conflict in Central Nigeria, in particular the Judicial Commission of Inquiry, must investigate the responsibility of the armed forces and the allegations of human rights violations committed by them. The Commission must also order compensation for the victims of such violations and the identification of their perpetrators.
- The federal government must provide humanitarian assistance to the internally displaced people in the conflict in central Nigeria, and ensure the prompt and safe return of all displaced people to their villages and towns. It must also guarantee their security once they have returned.
- Further measures must be taken within the Nigeria Police Force and the armed forces to eradicate corruption and crime among the ranks of the security forces. Internal investigations must be carried out on all allegations of misconduct by police officers

and soldiers, and those suspects of human rights violations must be suspended from duty throughout the investigation.

5.3. In relation to legal framework and practices of policing:

- The federal authorities must issue clear orders to law enforcement officers not to recur to torture or inflict cruel, inhuman or degrading treatment of detainees under any circumstance.
- The authorities must withdraw shoot-on-sight orders as they contravene the United Nations' Basic Principles on the Use of Force and Firearms by Law Enforcement Officers.
- The federal government must ensure that the Nigeria Police Force and the Nigerian armed forces receive proper training, are adequately equipped and staffed and receive a fair return for their work. The federal authorities must ensure that training programs for the federal police and the armed forces include specific training on the use of force according to international standards such as the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, the UN Code of Conduct for Law Enforcement Officials, the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment and the UN Standard Minimum Rules for the Treatment of Prisoners.
- In line with article 15 of the Convention against Torture, the authorities of Nigeria must ensure that no statement extracted as a result of torture or ill-treatment is invoked as evidence in any proceedings, except as evidence against all those law enforcement officers accused of extracting confessions through torture and other cruel, inhuman or degrading treatment.
- The federal authorities must make all necessary legal and administrative provisions to avoid that any suspect who has not been charged with a recognisable offence by the relevant judicial institution according the Nigerian law, be remanded in prison.

