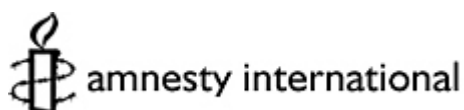


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Amnesty International Annual Report 2012 - Nigeria

Head of state and government: **Goodluck Jonathan**

Death penalty: **retentionist**

Population: **162.5 million**

Life expectancy: **51.9 years**

Under-5 mortality: **137.9 per 1,000**

Adult literacy: **60.8 per cent**

Nigeria's human rights situation deteriorated. Hundreds of people were killed in politically motivated, communal and sectarian violence across the country, particularly after the April elections. Violent attacks attributed to the religious sect Boko Haram increased, killing more than 500 people. The police were responsible for hundreds of unlawful killings, most of which remained uninvestigated. The justice system remained ineffective. Around two thirds of all prison inmates were still awaiting trial. There were 982 people on death row. No executions were reported. Forced evictions continued throughout the country, and violence against women remained rife.

Background

In April, President Goodluck Jonathan was declared the winner of the country's presidential elections. Violent attacks and rioting followed, resulting in hundreds of deaths. The President signed into law several bills, including the National Human Rights Commission Act in February; the Freedom of Information Act in May; and the Legal Aid Act and the Terrorism Act in June.

The National Human Rights Commission was given power to investigate human rights violations and visit police stations and other places of detention. By the end of the year, however, funds for the Commission had not been released.

Corruption remained endemic. In November, the President dismissed the Chairperson of the Economic and Financial Crimes Commission, six months before her tenure was due to end. No explanation was given. He also approved a 12,500 naira (US\$76) increase in the monthly minimum wage to 18,000 naira (US\$117). 1.3 million people remained internally

displaced throughout the country.

Unlawful killings and enforced disappearances

Police operations remained characterized by human rights violations. Hundreds of people were unlawfully killed, often before or during arrests on the street. Others were tortured to death in police detention. Many such unlawful killings may have constituted extrajudicial executions. Many people disappeared from police custody. Few police officers were held accountable, leaving relatives of those killed or disappeared without justice. Police increasingly wore plain clothes or uniforms without identification, making it much harder for people to complain about individual officers.

- On 19 April, Chibuike Orduku was arrested by police at his home in Ubinini, Rivers State, and detained along with three unidentified men. Chibuike Orduku was last seen by his sister on 5 May. He reported being tortured and denied food and water. The whereabouts of all four men remained unknown.
- On 2 November, police from the Port Harcourt Swift Operation Squad (SOS) killed three men in Abonnema Wharf and arrested four others. Two were later released while the other two were remanded in prison. Eyewitnesses said the community was peaceful before the police arrived. The police refused to release the three men's corpses to their relatives for burial. No investigation had been carried out by the end of the year.

Special task forces, including the Special Anti Robbery Squads and SOS, committed a wide range of human rights violations. In early 2011, the Bayelsa State government set up Operation Famou Tangbe – "kill and throw away" in the local language – to fight crime. Many officers linked to the operation reportedly unlawfully killed, tortured, arbitrarily arrested and detained people. Suspects in detention reportedly had no access to their lawyers or relatives.

- On 22 February, Dietemepreye Ezonasa, a student aged 22, was arrested by Operation Famou Tangbe and taken to a police station. On 27 February, the police denied that he was in their custody. His whereabouts have since remained unknown.
- On 11 May, Tochukwu Ozokwu, 25, was arrested by Operation Famou Tangbe. The next day the police told him to jump in a river or be shot. He could not swim and drowned. No investigation was carried out.

In September, the Federal Government stopped Operation Famou Tangbe. The human rights violations committed while it was active remained uninvestigated.

The police frequently disobeyed court orders.

- The police refused to release Mallam Aliyu Tasheku, a suspected Boko Haram member, after a court granted him bail on 28 March. He was finally released in July.
- The police failed to produce Chika Ibeku, who disappeared from police custody in April 2009, more than a year after a court ordered that he be brought to court.

The majority of cases remained uninvestigated and unpunished. Some relatives were threatened when they sought justice.

- Catherine Akor continued to receive death threats after suing the police for the unlawful killing of her son, Michael Akor, and his friend, Michael Igwe, in June 2009.

Torture and other ill-treatment

There were consistent reports of police routinely torturing suspects to extract information. Confessions extracted under torture were used as evidence in court, in violation of national and international laws.

Boko Haram

Violent attacks by suspected members of the religious sect Boko Haram increased, killing more than 500 people and often targeting police officers and government officials. Since June, bars and beer gardens in northern Nigeria were targeted, killing scores of people. The situation deteriorated towards the end of the year, with weekly reports of bombings and attacks. On 31 December, the President declared a state of emergency in parts of Borno, Niger, Plateau and Yobe states.

- On 16 June, a bomb exploded in the Nigeria Police Force headquarters car park, killing at least three people.
- On 28 August, Boko Haram bombed the UN building in Abuja, killing 24 people and injuring at least 80.
- On 4 November, at least 100 people were killed in bombings in Damaturu, the Yobe State capital.
- On 25 December, at least 44 people were killed in four bombings; 37 people were also killed and more than 50 injured when Boko Haram bombed a church in Madalla, Niger State. In Jos, Plateau State, and Damaturu, a further seven people died after bombs exploded.

In response to the violence, the Federal Government set up a Special Military Task Force (JTF) in Maiduguri in June, consisting of the army, navy, air force, the Department of State Security and the Nigeria Police Force. Reports subsequently increased regarding the security forces in Borno State resorting to unlawful killings, dragnet arrests, arbitrary and unlawful detentions, extortion and intimidation. Hundreds of people were arrested. On 25 December, Nigeria's National Human Rights Commission expressed concerns about possible extrajudicial executions by security forces in northern Nigeria.

- On 9 July, the JTF cordoned off the Kaleri Ngomari Custain area in Maiduguri after a Boko Haram bombing. Going from house to house, they reportedly shot dead at least 25 people. Many men and boys were reported missing. The JTF also burned down several houses, forcing occupants to flee. At least 45 people were reportedly injured. Women were allegedly also raped by the security forces.
- On 20 March, Sa'adatu Umar was arrested in Bauchi and detained with her three children, all aged below six. She was not charged with any crime and was unlawfully detained for several months, reportedly because her husband was a suspected Boko Haram member. On 17 October, a court ordered the police to release her and her children and to pay 1 million naira (approximately US\$6,200) in damages.

The government did not publicize the findings of a report on the July 2009 clashes between Boko Haram and security forces, in which more than 800 people died, including 24 police officers and Boko Haram's leader, Muhammad Yusuf. In July, five police officers suspected of extrajudicially executing Muhammad Yusuf were charged with his murder and detained.

A report by the Presidential Committee on Security Challenges in the North-East Zone was submitted to the President in September but was not made public. Senator Ali Ndume, representative of Borno-South and a Committee member, was arrested in November and charged under the Terrorism Act with concealing information and

providing information to a terrorist group. He was released on bail in December.

- On 17 September, Mallam Babakura Fugu, Muhammad Yusuf's brother-in-law, was killed. No investigation was carried out and no one was brought to justice.

A police appeal against the April 2010 Borno State High Court decision that they should pay compensation to the relatives of Mallam Babakura Fugu's father, Alhaji Baba Fugu – who was extrajudicially executed in police custody in 2009 – had not been heard by the end of the year.

Communal violence

Communal and sectarian violence continued in Nigeria's middle belt throughout the year. The authorities' failure to prevent violence and protect people's right to life caused violence to escalate. More than 200 people died in clashes in Plateau State alone, in relation to long-standing tensions and land conflicts between different ethnic groups. On 18 January, the Plateau State Commander of the Special Military Task Force reportedly ordered soldiers to shoot on sight.

Hundreds of people were killed in politically motivated violence across Nigeria before, during and after the national parliamentary, presidential and state elections in April. Politically motivated threats and intimidation also took place. The report of the Presidential Committee on Post-Election Violence, presented to the President in October, was not made public. The Committee Chairman highlighted Nigeria's climate of impunity as one of the main causes.

- Hundreds of people were killed in rioting and violent attacks in northern and central Nigeria following the presidential elections. According to the Inspector General of Police, 520 people were killed in Kaduna and Niger states alone.

Impunity

Scores of people were rounded up by the police and security forces in relation to northern Nigeria's ongoing violence, but few were successfully prosecuted or convicted. Previous commissions of inquiry into the Plateau State violence reportedly named suspected perpetrators, but no criminal investigations were started during the year.

Justice system

Nigeria's criminal justice system remained under-resourced, blighted by corruption and generally distrusted. When investigations occurred, they were often cursory and not intelligence-led. The security forces often resorted to dragnet arrests instead of individual arrests based on reasonable suspicion. Suspects were regularly subjected to inhuman and degrading treatment in detention.

Court processes were slow, resulting in most detainees being kept in lengthy pre-trial detention in appalling conditions. Seventy per cent of Nigeria's 48,000 prison inmates had not been tried. Many had awaited trial for years. Few could afford a lawyer.

In August, the Federal Government set up a Committee on the Implementation of Justice Sector Reforms to draft legislation, guidelines and recommendations and implement these within 24 months.

Death penalty

Seventy-two people were sentenced to death. There were 982 people on death row, including 16 women. Fifty-five people had their sentences commuted and 11 were pardoned. No executions were reported. Many death row inmates were sentenced following blatantly unfair trials or after more than a decade in prison awaiting trial.

In June, the scope of the death penalty was expanded to include supporting terrorism resulting in death. Provisions under the Terrorism Act were imprecise, too broad and inconsistent with human rights standards for due process, lawful deprivation of liberty and fair trial.

In October, Mohammed Bello Adoke, the Attorney General of the Federation and Minister of Justice, stated that Nigeria had introduced an official moratorium on executions. However, no official gazette was issued to confirm this.

Forced evictions

Evictions continued throughout Nigeria without genuine consultation with people affected, adequate notice, compensation or alternative accommodation. More than 200,000 people continued to live at risk of forced eviction from their waterfront communities in Port Harcourt, Rivers State.

- On 25 June, hundreds of people were forcibly evicted and at least one person killed when the Task Force on Environmental Sanitation, accompanied by armed police and soldiers, burned down structures in Panteka settlement and market in the Federal Capital Territory. Police reportedly fired shots in the air, set fire to buildings and arrested people trying to run away. Residents claimed that no prior notice had been given before the operation.
- No investigation was carried out into the 2009 shooting of at least 12 people in Bundu waterfront, Port Harcourt, when security forces opened fire on people peacefully protesting against the proposed demolition of their homes.

Violence against women and girls

Domestic violence, rape and other forms of sexual violence against women and girls by state officials and individuals remained rife. The authorities consistently failed to prevent and address sexual violence, or to hold perpetrators to account.

Children's rights

Twelve of Nigeria's 36 states had not passed the Child Rights Act. The police frequently arrested and detained children unlawfully, including those living on the street and other vulnerable children. Children continued to be detained with adults in police and prison cells. The country's one functioning remand home remained overcrowded.

No investigation was carried out into the violent clash on 29 December 2009 in Bauchi, in which 22 children were killed. Many were reportedly shot by the police.

Freedom of expression

A pattern emerged of intimidation and attacks against human rights defenders and journalists, with several being threatened, beaten or arrested by police and security forces. Politicians increasingly used their influence to secure the arrest of people criticizing the authorities.

- In January, Patrick Naagbantoni, the Co-ordinator of CEHRD, a Nigerian human rights NGO, received multiple death threats.
- On 9 November, Justine Ijeoma, the Director of the NGO Human Rights, Social Development and Environmental Foundation (Hursdef), was arrested after intervening to stop a police officer beating a woman. He was released after being detained for several hours. He and his staff were threatened by the police throughout the year.

- In October, Osmond Ugwu, a human rights defender from Enugu State, and Raphael Elobuikwe were arrested at a peaceful trade union meeting in Enugu after campaigning for the minimum wage to be implemented. They were subsequently charged with conspiracy to murder and attempted murder. In December, the Attorney General appeared in court to personally oppose the bail application. The judge adjourned his ruling on bail until January 2012.

Niger Delta

Despite the 2009 presidential amnesty granted to members of armed groups, armed gangs continued to kidnap oil workers and attack oil installations. The security forces, including the military, continued to commit human rights violations.

- No investigation was carried out into the JTF raid of the Ayokoromo community in 2010, in which up to 51 people were killed, including children, and at least 120 homes were burned down.

Oil industry pollution and environmental damage continued to have a serious impact on people's lives and livelihoods. However, affected communities still lacked access to vital information about the oil industry's local impact.

Environmental laws and regulations were poorly enforced, partly due to government agencies being compromised by conflicts of interest.

- The Bodo community launched a UK High Court law suit against Shell Petroleum Development Company, requesting compensation and a clean-up after two major oil spills in 2008.
- In August, the UN Environment Programme revealed the devastating human and environmental effects of decades of oil spills in Ogoniland. It found the contamination to be widespread and severe, and stated that people in the Niger Delta have been exposed to it for decades.
- On 20 December, according to Shell "fewer than 40,000 barrels" of oil leaked into the Atlantic ocean at the company's off-shore Bonga oil field.

Rights of lesbian, gay, bisexual and transgender people

Human rights abuses continued against people suspected of having same-sex relationships or non-conventional gender identity. In December, the Senate approved a bill which would impose a 14-year prison sentence for same-sex marriages. Any person or groups that "witness, abet and aids the solemnization of a same sex marriage or union" or "supports" gay groups, "processions or meetings", would face a 10-year prison sentence. The same sentence would apply to a "public show of same sex amorous relationship" and anyone who registers gay clubs and organizations protecting the rights of lesbians, gay men, bisexual and transgender people.

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