

COUNTRY OF ORIGIN INFORMATION REPORT

NIGERIA

25 MAY 2007

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Preface

- i This Country of Origin Information Report (COI Report) has been produced by Research, Development and Statistics (RDS), Home Office, for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The main body of the report includes information available up to 11 May 2007. The 'latest news' section contains further brief information on events and reports accessed from 12 May 2007 to 25 May 2007.
- ii The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any Home Office opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.
- iii The Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.
- iv The structure and format of the COI Report reflects the way it is used by Home Office caseworkers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.
- v The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated.
- vi As noted above, the Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties etc. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.

- vii The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.
- viii This COI Report and the accompanying source material are public documents. All COI Reports are published on the RDS section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the Home Office upon request.
- ix COI Reports are published regularly on the top 20 asylum intake countries. COI Bulletins are produced on lower asylum intake countries according to operational need. Home Office officials also have constant access to an information request service for specific enquiries.
- x In producing this COI Report, the Home Office has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to the Home Office as below.

Country of Origin Information Service

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ADVISORY PANEL ON COUNTRY INFORMATION

- xi The independent Advisory Panel on Country Information was established under the Nationality, Immigration and Asylum Act 2002 to make recommendations to the Home Secretary about the content of the Home Office's country of origin information material. The Advisory Panel welcomes all feedback on the Home Office's COI Reports and other country of origin information material. Information about the Panel's work can be found on its website at www.apci.org.uk.
- xii It is not the function of the Advisory Panel to endorse any Home Office material or procedures. In the course of its work, the Advisory Panel directly reviews the content of selected individual Home Office COI Reports, but neither the fact that such a review has been undertaken, nor any comments made, should be taken to imply endorsement of the material. Some of the material examined by the Panel relates to countries designated or proposed for designation for the Non-Suspensive Appeals (NSA) list. In such cases, the Panel's work should not be taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself.

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Latest News

EVENTS IN NIGERIA FROM 12 MAY 2007 TO 25 MAY 2007

- 17 May The Nigerian newspaper *Daily Champion* reported that Nigeria harbours the highest number of people with sickle cell anaemia in the world. The Chairman of the Sickle Cell Foundation of Nigeria, Prof. Olu Akinyanju, stated that a national sickle cell centre will be set up. The centre, when completed, will liaise with the relevant federal and state institutions to enhance its capacity to address the problem, and develop an effective national control programme. This will be achieved by conducting and promoting research, continuing capacity building in diagnosis, genetic counselling and treatment, developing appropriate curricula for educational institutions and producing public information.
'Daily Champion' (Lagos), Sickle Cell – Nigeria Tasked on Prevention, Research, 17 May 2007
www.allafrica.com/stories/printable/200705170291.html
Date accessed 17 May 2007
- 15 May The Nigerian newspaper *This Day* reported that on 14 May, Vice President Atiku Abubakar and former Head of State, Major-General Muhammadu Buhari (rtd), began their challenge of the April presidential elections. The Court of Appeal granted their requests to inspect and make copies of the electoral materials used by the Independent National Electoral Commission (INEC). Abubakar was the presidential candidate of Action Congress in the election while Buhari was the presidential candidate of the All Nigeria People's Party. They stated that their actions were necessary to show that the President-elect, Alhaji Yar'Adua of the PDP, does not have the mandate of Nigerians.
'This Day' (Lagos), Tribunal Grants Atiku, Buhari Access to INEC Documents 15 May 2007
www.allafrica.com/stories/printable/200705150085.html
Date accessed 17 May 2007
- 15 May The Nigerian newspaper *This Day* reported that Nigeria carries Africa's greatest malaria burden with 110 million cases per year, and accounts for 30 per cent of infant mortalities in Nigeria. The country has a budget of US \$738 million to combat malaria. This money will be used to distribute six million doses of Artemisinin-based combination drugs free to children under five; 1.9 million doses of drugs for pregnant women and three million treated bed nets free to children under five and pregnant women. The Ministry of Health is also developing a strategy that focuses on priority activities such as intermittent malaria-prevention treatments, insecticide treatment nets, management of malaria in pregnancy, and case management.
'This Day' (Lagos), Combating the Malaria Scourge, 15 May 2007
www.allafrica.com/stories/printable/200705150091.html
Date accessed 17 May 2007

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REPORTS ON NIGERIA PUBLISHED OR ACCESSED BETWEEN 12 MAY 2007 AND 25 MAY 2007

Amnesty International 2007 Annual Report

Nigeria section, 23 May 2007

<http://www.thereport.amnesty.org/eng/Regions/Africa/Nigeria>

Date accessed 23 May 2007

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Background information

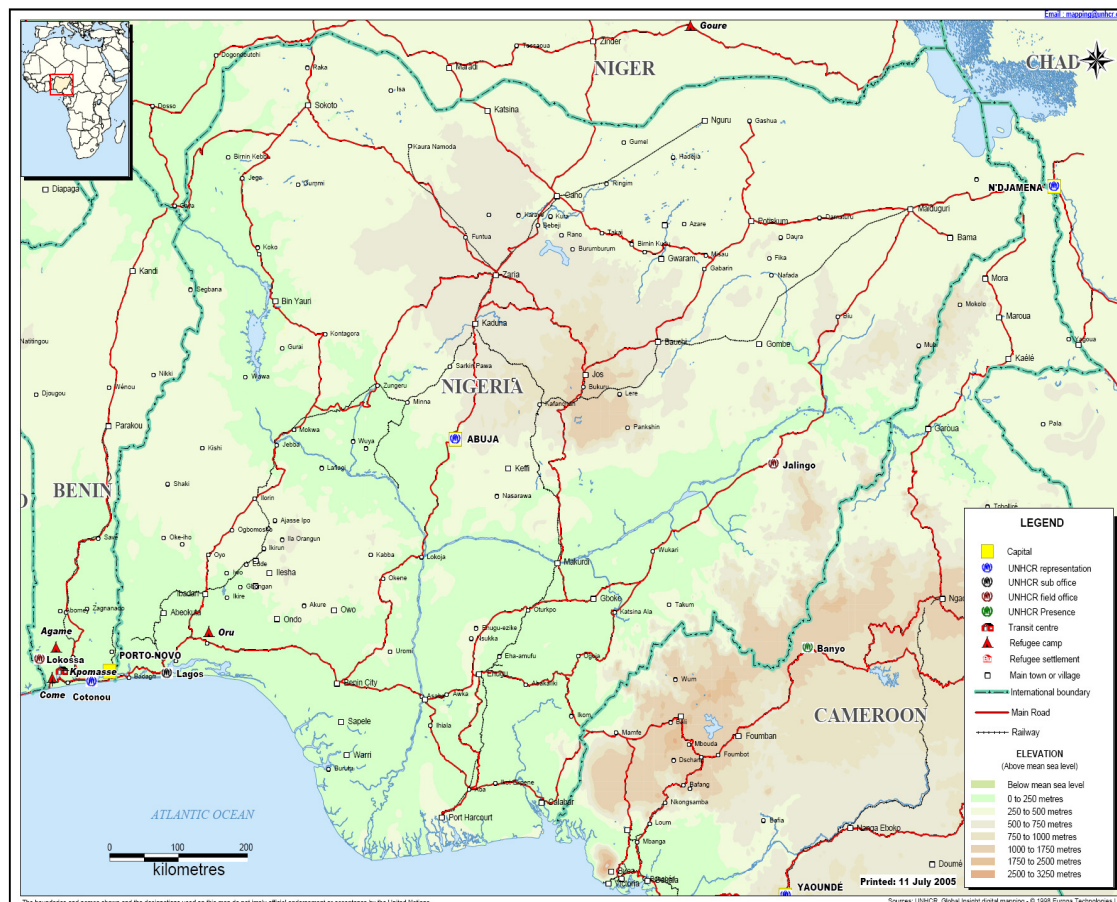
1. GEOGRAPHY

- 1.01 The Nigeria section of europaworld.com states that the Federal Republic of Nigeria is a west African coastal state, and covers an area of 923,768 square km. Nigeria's neighbouring countries are Benin to the west, Niger to the north, Chad to the north east and Cameroon to the east and south east. Nigeria has a climate that is characterised by relatively high temperatures throughout the year. [1]
- 1.02 The US State Department Background Note on Nigeria, published in April 2007, states that the capital city of Nigeria is Abuja. Other major cities include Lagos, Ibadan and Kano. English is the official language and Nigerians commonly communicate in English, although knowledge of two or more Nigerian languages is widespread. Hausa, Yoruba and Igbo are the most widely used Nigerian languages. Although less than 25 per cent of Nigerians live in urban areas, at least 24 cities have a population of more than 100,000. Nigeria is divided administratively into 36 states and a Federal Capital Territory. The states are further sub-divided into 774 local government areas. The country's main ports are at Lagos, Port Harcourt and Calabar. Most of the roads in Nigeria are in poor condition, but state governments have gradually been improving the road network, using central government funds. Nigeria has four international airports – Lagos, Kano, Port Harcourt and Abuja. There are several private Nigerian air carriers that operate internal flights. [3c] (p1-2, 9-10). In December 2006, the National Population Commission published provisional results of the 2006 national census which indicated that the national population was 140 million. ('This Day' [Nigerian newspaper], "Country's Population is 140m", dated 30 December 2006. [43a])

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MAP

1.03 The attached map can be obtained from www.unhcr.org.



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2. ECONOMY

2.01 The Economist Intelligence Unit (EIU) 2007 Country Profile on Nigeria states:

“Nigeria displays the characteristics of a dual economy: an enclave oil sector with few links to the rest of the economy, except via government revenue, exists alongside a more typical developing African economy, heavily dependent on traditional agricultural, trade and some limited manufacturing. During the colonial era cash crops were introduced, harbours, railways and roads were developed, and a market for consumer goods began to emerge. At independence in 1960 agriculture accounted for well over half of GDP and was the main source of export earnings and public revenue, with the agricultural marketing boards playing a leading role.” [10a] (p23)

“However, the rapid development of the oil sector in the 1970s meant that it quickly replaced the agricultural sector as the leading engine of growth. According to official Nigerian government estimates, the oil sector accounts for 70-80% of federal government revenue (depending on the oil price), around 90% of export earnings and about 25% of GDP, measured at constant basic prices. Agriculture (including livestock, forestry and fishing), which is still the main activity of the majority of Nigerians, constitutes about 40% of GDP. In recent years it has become clear that the manufacturing sector has also continued to decline, to well under 5% of GDP, while the services sector and the retail and wholesale sectors have continued to grow and now account for the majority of the remaining 30% of GDP.” [10a] (p23-24)

2.02 The International Crisis Group report ‘Nigeria: Want in the Midst of Plenty’, published in July 2006, adds:

“The country has abundant human and natural resources but still struggles with mass impoverishment. Agriculture, once its primary hard currency earner, has collapsed, and food imports now account for a sixth of the trade bill. Manufacturing is a smaller proportion of the economy – about 6 per cent – than at independence. The landscape is dotted with oversized industrial projects of limited utility and capacity.”

“...despite the country’s oil wealth, extreme poverty – defined by the World Bank as living on less than \$1 per day – now affects 37 per cent of the population. Nine out of ten Nigerians live on less than \$2 daily. Corruption, a boom and bust cycle of oil prices and failure to diversify the economy have left the country in ‘a development trap’.”

“...Nigeria continues to produce millions of migrants, essentially economic refugees, who live throughout Africa, Europe and the U.S. Since 1994, when Western Union started its operations in Nigeria, an average of \$3 billion in remittances has been channelled annually via this service alone. This is twice as much as the yearly inflow of foreign direct investment (FDI) during the early 2000s.” [17a] (Introduction)

- 2.03 The BBC News Online “Nigeria: Facts and Figures” report, published in April 2007, adds further:

“Nigeria is the economic powerhouse of West Africa, contributing nearly 50% of regional GDP. Economically, Nigeria remains dependent on the oil and gas sector. Nigeria is a member of Opec and is the world’s eighth largest exporter of oil. Revenue from Nigeria Liquefied Natural Gas Limited (NLNG) is expected to surpass oil revenues over the next 10 years.”

“Although the type of crude oil produced in Nigeria needs little refining, Nigeria has been unable to get its own refineries working to the point where it can produce petroleum products for domestic consumption and has to re-import refined products.”

“...Nigeria has some of the worst social indicators in the world: one in five children die before the age of five; 12 million children are not in school; and there are nearly two million Aids orphans.”

“More than 54.7% of the population (75 million people) live below the poverty line in a country where the life expectancy is 47.”

“Eight years after the introduction of the president’s privatisation programme, Nigerians are still waiting for a guaranteed electricity supply, running water, sewerage services, improved rail and road services and telephone facilities.”
[8k]

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3. HISTORY

3.01 The Nigeria section of europaworld.com states that Nigeria was under British rule during the second half of the nineteenth century and the first half of the twentieth century. In 1947, the United Kingdom introduced a new constitution, which established a federal system of government based on three regions – Northern, Western and Eastern. In 1954, the Federation of Nigeria became self-governing. A bicameral federal parliament was formed in January 1960 and on 1 October 1960, Nigeria became an independent country. Tafawa Balewa became the country's first Prime Minister. In October 1963, the country was renamed the Federal Republic of Nigeria. [1]

3.02 The UK FCO Nigeria Country Profile (January 2007 version) states that:

“The independence constitution provided for a federation of three autonomous regions - Northern, Western and Eastern - each with wide-ranging powers, its own constitution, public service, and marketing boards. The overarching but weaker federal government had powers limited to national issues, including control of the police and army, and economic planning.”

“...in the early 1960s, the inherited regional structure led to a series of crises and conflicts, both within and between the three ethno-centric regions, as competition grew for control over the federal centre. The 1964 federal elections were marred by violence and rigging. Inter-party and inter-ethnic tensions continued leading ultimately to a military takeover in January 1966, led by Igbo officers. Thereafter Nigeria's post-independence history was marked by a series of military interventions in politics: coups, counter-coups, and a civil war (1967-70) when the Eastern Region attempted to secede as the Republic of Biafra...Nigeria has only enjoyed three short periods of civilian rule - 1960-65, 1979-83, and 1999 to the present. The intervening periods, totalling 29 years, saw military governments in place.” [2d] (p2)

3.03 The Nigeria section of europaworld.com states that local municipal elections took place in December 1998 and state legislative elections were held in January 1999. The People's Democratic Party (PDP) secured about 60 per cent of the votes cast in the municipal elections and 50 per cent of the votes cast in the state legislative elections. National legislative elections were held on 20 February 1999. In those elections, the PDP secured 215 seats in the 360-member House of Representatives and 66 seats in the 109-member Senate. A presidential election was held on 27 February 1999, which was won by Olusegun Obasanjo, with 62.8 per cent of the votes cast. Obasanjo was formally inaugurated as President of Nigeria on 29 May 1999. A new constitution was formally promulgated on 5 May 1999, and came into force on 29 May 1999. Four years later, presidential and legislative elections were held in April and May 2003. Obasanjo won the 2003 presidential election, and his PDP party won large majorities in the 2003 legislative elections. Following the elections held in April and May 2003, Obasanjo was inaugurated as President on 29 May 2003. A new federal government was set up in July 2003. [1]

- 3.04 The ruling PDP party won local elections in 25 out of 30 states. The local elections were marred with claims of massive rigging, violence and a very low voter turnout. The elections did not take place in three local authorities due to a lack of ballot papers and many voters could not vote as a result. About 250,000 police officers were deployed throughout Nigeria to prevent fighting. (BBC News Online report “Nigeria’s ruling party wins poll” dated 29 March 2004) [8a]
- 3.05 President Obasanjo opened a national political conference in Abuja in February 2005 to discuss constitutional reforms, the control of national resources and federalism. The delegates’ recommendations should form the basis of any future constitutional reform. The vast majority of the delegates were nominated by the presidency and state governments, resulting in a heavy bias towards the ruling party. (BBC News Online report “Nigerians mull nation’s future” dated 21 February 2005) [8f]. The national political conference ended in July 2005. It was decided that the southern Delta region should receive 17 per cent of oil revenues, and that the terms of office for the president and regional governors should continue to be four years, renewable only once. (BBC News Online report “No deal at Nigeria reform debate” dated 12 July 2005) [8c]
- 3.06 In May 2006, the Nigerian Senate rejected a bill to amend the constitution to allow President Obasanjo to seek a third term in office. After a debate, which was shown live on national television, the Senate voted unanimously to reject the bill. The Economic and Financial Crimes Commission stated that it would investigate claims that some MPs had been offered bribes to support the moves to allow the President to have a third term in office. (BBC News Online report “No third term for Nigerian leader” dated 16 May 2006) [8i]
- 3.07 In December 2006, the National Population Commission published provisional results of the 2006 national census which indicated that the national population was 140 million. (‘This Day’ [Nigerian newspaper], “Country’s Population is 140m”, dated 30 December 2006. [43a])

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4. RECENT DEVELOPMENTS

- 4.01 On 14 April 2007, state governor and state assembly elections throughout the country took place. A local observers group stated that the elections were marred by abuses and intimidation. The elections were also marred by violence. The Independent National Electoral Commission (INEC) announced that the PDP had won 26 out of 33 states where the results had been issued, and that the elections in two states had to be cancelled due to widespread irregularities. (Africa Reuters.com report 'Observers reject many Nigerian poll results', dated 16 April 2007) [46]
- 4.02 On 21 April 2007, the 2007 federal legislative (National Assembly) and presidential elections were held. On 23 April 2007, INEC declared that Umaru Musa Yar'Adua of the PDP won the election with 24.6 million votes (72% of the votes cast). Muhammadu Buhari (ANPP), won 6.6 million votes (19% of the votes cast), and Atiku Abubakar won 2.6 million votes (7% of the votes cast). Other candidates won far fewer votes than Buhari and Abubakar. Buhari and Abubakar rejected the outcome of the election and vowed to pursue their grievances through the courts. Local and international observers stated that the election was seriously flawed. (United Nations IRIN report 'Nigeria: As poll winner declared, crisis of legitimacy predicted', dated 23 April 2007) [21g]

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5. CONSTITUTION

5.01 The Nigeria section of europaworld.com states that a new constitution was formally promulgated on 5 May 1999 and came into force on 29 May 1999. [1]. The constitution enshrines basic human rights freedoms including the right to life, the right to personal liberty, the right to a fair trial, freedom of expression and of the press, freedom of religion and the right to dignity of the person. [6]

5.02 The EIU's 2007 Country Profile on Nigeria states that:

"...the new constitution has been a source of tension. Critics claim that it concentrates too much power in the central government, contrary to the aspirations of many Nigerians for a looser federation. Other areas of contention include the dominance of the federal government in the control of state police and the appointment of judges. By stipulating that at least one cabinet minister must be appointed from each of Nigeria's 36 states, it is also argued that the constitution hamstrings the president and promotes mediocrity by emphasising origin rather than ability. The problem for the administration is that, while many of these claims are valid, the executive is fearful that changing the current constitution could prove more problematic than living with it. Various efforts to change the constitution have failed." [10a] (p8)

"...whatever its weaknesses, the constitution does guarantee personal freedom, which was absent during the years of military rule. It also stipulates that Nigeria is a secular state, but seems to allow the operation of Sharia (Islamic law) for consenting Muslims. In January 2000 the north-western state of Zamfara became the first state in the federation formally to adopt Sharia, triggering a bitter national row over the constitutional validity of the action in the multi-faith nation that that is unlikely to be resolved quickly." [10a] (p9)

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6. POLITICAL SYSTEM

- 6.01 The Nigeria section of europaworld.com states that Nigeria is a democratic federal republic with a multi-party political system, comprising the Federal Capital Territory and 36 states. Executive powers of the federation are vested in the President, who is the Head of State, the Chief Executive of the Federation and Commander-in-Chief of the Armed Forces. The president is elected by universal suffrage for a term of four years. The legislative powers of the country are vested in the National Assembly, comprising a Senate and a House of Representatives. The 109-member Senate consists of three senators from each state and one from the Federal Capital Territory, who are elected by universal suffrage for four years. The House of Representatives comprises 360 members, who are also elected by universal suffrage for four years. The ministers of the government are nominated by the president, subject to confirmation by the Senate. [1]

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Human Rights

7. INTRODUCTION

7.01 The British-Danish Fact-Finding Mission Report, published in 2005, states:

“The BHC [British High Commission] emphasized that the government of Obasanjo has a professed commitment to improve the human rights situation in Nigeria. Many of the serious abuses that have occurred since the restoration of democracy [in 1999] are a result of the security forces’ use of excessive force and their poor treatment of protesters, criminal suspects, detainees and convicted prisoners. This reflects the scale of the problems Obasanjo inherited from his military predecessors, particularly rebuilding the police force from scratch in a country facing so many other urgent and complex issues, such as inadequate infrastructure, endemic corruption and severe levels of poverty. The law enforcement agencies suffer from a lack of resources, particularly inadequate training. But Obasanjo has ended the pattern of systematic state-sponsored human rights abuses that were prevalent under military rule.” [15] (p4)

“...Kabiru A. Yusuf, Editor-in-Chief, Daily Trust Newspaper, Abuja, considered that there has been a significant improvement in human rights since 1999. People are able to freely express their views and organise themselves. There are only a ‘very, very small number’ of incidents in which individuals have been detained because of their political views. Now and then individuals have been suspected of subversive activities, but such cases are extremely few. The cases have mostly been related to religious extremism in Muslim areas and those detained have all been released after a few months’ detention. Yusuf emphasised that the pattern of human rights violations of the days of military rule is completely gone.” [15] (p5)

“...Clement Nwankwo, Attorney-at-Law and former Director of the civil rights group Constitutional Rights Project, did not consider that deliberate persecution by state agents takes place in Nigeria. However, he stated that it is a serious human rights problem that the governmental institutions are not in place and ‘the bull has not yet been tackled by the horn’. The problem is that the authorities still permit human rights violations and that the government structures are suffering from shortcomings especially regarding regulations of police investigations into ill-treatment and harassment committed by the authorities.” [15] (p6)

“Nwankwo considered that Nigeria has moved far into the democratisation process since 1999 and that constitutional rights have been restored. However, in reality there are still problems as the NPF and the security service to a large extent have continued its own traditions from the period of military rule.” [15] (p6)

- 7.02 Although there has been an improvement in the human rights situation since democratic rule was restored in 1999, serious human rights abuses continue to be reported in reports such as the annual US State Dept Human Rights Country Reports. The most recent US State Dept Human Rights Report on Nigeria, published in March 2007, states that during 2006:

“The government’s human rights record remained poor, and government officials at all levels continued to commit serious abuses. The most significant human rights problems included the abridgement of citizens’ right to change their government; politically motivated and extrajudicial killings by security forces; vigilante killings; impunity; beatings of prisoners, detainees, and suspected criminals; harsh and life-threatening prison conditions; arbitrary arrest and prolonged pretrial detention; executive interference in the judiciary and judicial corruption; infringements of privacy rights; restrictions on freedom of speech, press, assembly, religion and movement; domestic violence and discrimination against women; female genital mutilation (FGM); child abuse and child sexual exploitation; societal violence; ethnic, regional, and religious discrimination; and trafficking in persons for purposes of prostitution and forced labor.” [3a] (Introduction)

- 7.03 The Human Rights Watch (HRW) ‘Overview of human rights issues in Nigeria’ report on Nigeria, published in January 2007, states that during 2006:

“Since the end of military rule in 1999 Nigeria has enjoyed the longest stretch of uninterrupted civilian government in its history as a nation. While this period has seen some improvements in respect for civil and political rights, government actors including the police, military, and elected officials continued to commit serious and persistent abuses against Nigerian citizens. The lack of political will to improve the country’s poor human rights situation and ensure accountability for abuses not only threatens to undermine the fragile gains made since the end of military rule but also poses daunting challenges to holding credible and violence-free elections in 2007.”

“As in previous years, grisly episodes of intercommunal violence were a regular occurrence in 2006. The government has done nothing to put a halt to one key factor that feeds some of this violence: unconstitutional policies that subject millions of Nigerians to discrimination and disadvantage because they are not deemed ethnic ‘indigenes’ of the communities they live in. The police and military have not only failed to prevent intercommunal violence but have been implicated in countless acts of criminal violence themselves.”

“Processes meant to bring accountability continued to be crippled by corruption, inefficiently, political influence, and an underlying culture of impunity; those responsible for Nigeria’s worst abuses have evaded meaningful sanction. Meanwhile thousands of prisoners accused of common crimes remained in punitively lengthy pre-trial detention, in some cases for more than a decade. However, in 2006 the authorities announced plans to free inmates who have been in prison for longer than the sentences they would face if convicted. Despite limited advances made in the federal government’s ‘war on corruption,’ graft remains rampant, particularly at the state and local levels, and is largely responsible for the government’s failure to meet its responsibility to provide for basic social and economic rights.” [22e] (p1)

THE NATIONAL HUMAN RIGHTS COMMISSION

- 7.04 The Human Rights Watch report 'Rest in Pieces – Police Torture and Deaths in Custody in Nigeria', published in July 2005, states that:

"The National Human Rights Commission (NHRC) is a parastatal body established in 1995 and charged with the promotion and protection of human rights in Nigeria. It is granted powers to monitor and investigate cases of human rights violations, including torture. The commission is fundamentally handicapped in two ways: it is acutely under-resourced, and lacks judicial power to enforce redress and can only make recommendations to the government. It is thus unable to effectively carry out its functions. Despite efforts to publicize its role, the NHRC is still relatively inaccessible to ordinary Nigerians. Many people are not aware of its existence and regional offices are understaffed. This is reflected in the low number of complaints of torture that the commission receives. For example it received just twenty-five cases of torture by law enforcement agents in 2003." [22b] (p62-63)

"Once commission investigators have verified the facts of each case, details are sent to the Inspector General of Police via a Police/Human Rights Commission committee. Held at regular intervals, this committee provides a formal channel through which cases of torture and other abuse can be directed to the police authorities for the purpose of recommending internal discipline. Senior commission staff told Human Rights Watch that through their intervention a number of officers have been dismissed or given corporate sanction for perpetrating abuses, including torture, although none have been prosecuted." [22b] (p63)

- 7.05 Regarding the NHRC, the British-Danish FFM Report states that:

"Tony Ojukwu, Assistant Director and Legal/Special Assistant to the Executive Director, NHRC, explained that [the] NHRC is the only governmental human rights body in Nigeria. There are no government human rights institutions at state level but a number of regional NHRC-offices have been established. These are located in Lagos (Lagos State), Maiduguri (Borno State), Port Harcourt (Rivers State), Kano (Kano State) and Enugu (Enugu State). An additional office will soon be established in Jos (Plateau State)."

"Ojukwu explained that NHRC records human rights violations, receives complaints from individuals and advises the government and the authorities regarding human rights. Within the last twelve months NHRC received approximately 800 complaints regarding extra-judicial killings, domestic violence, authorities misuse of power, illegal arrests and detention, police violence, pension and co-operative matters and environmental complaints. Only two such complaints were brought to the courts within the same period." [15] (p36)

PERSECUTION FROM NON-STATE AGENTS AND INTERNAL RELOCATION

- 7.06 The British-Danish FFM Report states that individuals who fear persecution from non-state agents can seek police protection, but also states that:

“The NPF [Nigerian Police Force] is however reluctant to challenge groups or individuals who may be better armed than the police and as a consequence the police do not take any action. The NPF is also sometimes reluctant to take action against such groups because these groups have the backing of senior government officials. Any prosecutions which are brought as a result of police action will invariably be in favour of the wealthier party to the complaint.” [15] (p31)

- 7.07 It is possible for Nigerians to relocate to another part of Nigeria to avoid persecution from non-state agents, however, those Nigerians who do relocate may encounter problems, as noted in the British-Danish FFM Report:

“The BHC believed that internal relocation to escape any ill treatment from non-state agents was almost always an option. Some individuals may, however, face difficulties with regard to lack of acceptance by others in the new environment as well as lack of accommodation, land etc. The situation would be considerably easier if the individual concerned has family or other ties on [sic] the new location.” [15] (p37)

“According to the Minister of Internal Affairs, Dr Iorchia Ayu there is no longer any state persecution in Nigeria. Persons that encounter any difficulties from non-state agents are able to relocate internally. There is free movement for all citizens within the country. Those who travel overseas to claim asylum have no reason to do so. Although claiming asylum overseas reflects badly on the country returnees will not encounter any problems upon return.” [15] (p37)

“A senior representative of the IGP stated that NPF does not return anyone to the jurisdiction of a Shari’a court if he or she has relocated elsewhere in Nigeria in order to escape Shari’a jurisdiction.” [15] (p37)

“Momoh [Channels Television] explained that it is possible to evade ‘social persecution’ e.g. FGM, forced marriage, Shari’a punishment etc by relocating inside Nigeria. Momoh saw only one obstacle for escaping FGM in the form of lack of means for a person from the rural hinterland. Regarding forced marriages Momoh explained that it is possible to escape such arrangements by relocating. Forced marriage is predominantly a phenomenon in the northern part of Nigeria and a woman can escape a forced marriage by relocating to the south. It was emphasised that there is freedom of movement throughout Nigeria.” [15] (p37-38)

- 7.08 The Nigeria section of the ACCORD/UNHCR 2002 Country of Origin Information Seminar Report adds:

“If a person relocates within Nigeria, he or she will usually seek to find shelter with a relative or a member of his or her community of origin. This means, however, that the same network which accord protection can become a source of persecution if some body has run afoul of his or her community. Informal communication networks function very well in Nigeria, and it is not too difficult to find a person one is looking for. This is true also for so-called big cities whose neighbourhoods are structured along village and community lines.” [31] (p169)

“The viability of an internal relocation alternative therefore depends on whether anybody would be interested to follow someone to e.g. Lagos. It is very hard to make a general statement for such cases. People might be able to relocate if they have run into trouble with a rival ethnic community or a vigilante group or if they flee violent conflict.” [31] (p169-170)

“...people who have difficulties with their own community – a woman refusing to enter a marriage or to undergo FGM – might not easily be harboured by their relatives or members of their community in another part of the country. Leaving their family signifies social and economic exclusion for the large majority of Nigerians and in particular for women. There are women NGOs who might take her in for a while, but they will not be able to support her forever. The only option for women in such cases would be prostitution.” [31] (p170)

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8. SECURITY FORCES

OVERVIEW

8.01 With regard to internal security, the USSD 2006 Report states that:

“The National Police Force (NPF) is responsible for law enforcement. Internal security is the duty of the State Security Service (SSS), which reports to the president through the national security advisor. Police were unable to control societal violence on numerous occasions during the year [2006], and the government continued its reliance on the army in some cases. Each NPF state unit was commanded by an assistant inspector general. The law prohibits state and local-level governments from organizing police forces. The NPF committed human rights abuses and did not noticeably decrease the incidence of violent crime nationwide. Corruption was rampant, most often taking the form of bribes at highway checkpoints. Police generally operated with impunity in the apprehension, illegal detention, and sometimes execution of criminal suspects. The SSS also was responsible for a variety of human rights abuses, particularly in limiting freedom of speech and [the] press.” [3a] (Section 1d)

8.02 The HRW report on police torture and deaths in custody adds:

“Several other national agencies carry out law enforcement functions and have the power to arrest and detain suspects, some at their own detention facilities. These include the National Drug Law Enforcement Agency (NDLEA), the Customs and Immigration Service and the Economic and Financial Crimes Commission (EFCC), a body established in 2002 to investigate a range of financial crimes such as money transfer fraud and money laundering. In addition, there are two principal intelligence agencies: the State Security Service (SSS) and the Directorate of Military Intelligence (DMI), dealing with criminal matters affecting the security of the state.” [22b] (p18)

THE NIGERIAN POLICE FORCE

8.03 The HRW report on police torture and deaths in custody states that:

“The Nigerian Police Force is a centralized and federally administered institution. It is headed by an Inspector General of Police appointed by and accountable to the President. The constitution vests the overall operational control of the force in the hands of the President.” [22b] (p16-17)

“...each of the thirty-six states and the federal capital territory is served by a unit called a command, under a state commissioner of police. Three or four state commands are grouped together to form one of twelve zones, each under an Assistant Inspector General. State commands are divided into smaller area commands, below which are divisional police stations, headed by a Divisional Police Officer (DPO) and finally local police posts. The force size currently stands at approximately 325,000 officers.” [22b] (p17)

“...as a federal institution, the Nigerian Police Force recruits officers from across the country. New recruits are posted to any one of the thirty-six state commands. Under a strict system of rotation officers are transferred to a new post every few years and therefore communities are policed by officers who may be from different ethnic or religious backgrounds to their own.” [22b] (p18)

“Serving alongside the regular police force are the Mobile Police, an especially trained anti-riot unit, numbering 30,000 officers. Known locally as MOPOL, they were originally created to contain civil disturbance or large-scale conflict but today are also deployed to carry out various other policing duties. The Mobile Police operate under a parallel authority structure with forty-six squadrons, organized into state and zonal commands and headed by a commissioner of police at the force headquarters.” [22b] (p18)

- 8.04 The police are poorly paid, poorly resourced, and are ill-equipped to deal with violent crime, according to the HRW report, which states:

“Like many other state employees in Nigeria, police officers are poorly trained, ill-equipped and poorly remunerated. The average take-home salary for a constable is approximately US\$ 61 per month, slightly less than the average wage for a schoolteacher which is approximately US\$ 77 per month. Indeed partly because of their poor pay and conditions, corruption within the force is rampant as the lower cadres try to supplement their meager incomes. At the other end of the scale however, is a more gratuitous form of corruption, appeared to be motivated purely by greed.” [22b] (p12)

“...rising poverty, high unemployment and the breakdown of traditional social structures have led to an upsurge of violent crime in recent years which the Nigerian police have been ill-equipped to address...While crime trends are notoriously difficult to analyze or interpret, it is apparent that the public perception is that crime rates in Nigeria are extremely high, particularly armed robbery.” [22b] (p12)

“The police have often been unable to meet the safety and security needs of local communities and are often overpowered by well-armed and often violent criminals. According to Nigerian police reform experts, the police force has insufficient well-trained manpower to adequately address policing needs. The loss of public confidence in the effectiveness of the police has resulted in the emergence of private security outfits and local vigilante groups, the most notorious of which include the Bakassi Boys in the south-eastern states, but also extends to hundreds of smaller groups across the country.” [22b] (p13)

- 8.05 In August 2005, the British High Commission in Abuja obtained information about the police from Prince Emmanuel Ibe, Special Assistant to the Chairman of the Police Service Commission, attached to the Presidency. According to Prince Emmanuel Ibe:

“In terms of protection the Nigerian Police Force is the same all over the country. It is one unified service and there is no variation in treatment. There is no discriminatory policy in the way people are attended to, whether they are rich, poor or [sic] from a particular area or not. There is no state policy to treat people unequally. The only problem that may happen is in the execution, where you may find variation in the individual.” [2a] (p9)

- 8.06 The United Nations Commission on Human Rights Report of the Special Rapporteur on extra-judicial, summary or arbitrary executions, dated January 2006, adds:

“The Nigerian Police have grown significantly under civilian rule to 325,000 in 2005. But the numbers are still inadequate, their level of training and funding insufficient, and their morale low. Although Nigeria suffers from high violent crime rates, the force is chronically under-resourced. All too often new recruits pay for their own uniforms, salaries are delayed for many months, equipment required in an emergency needs to be borrowed from other agencies, and complainants (even those alleging murder) are asked to cover the costs of the police investigation including travel and accommodation. Where they cannot afford to do so, the investigation fizzles. In addition, corruption is widespread among police officers, in part due to very low salaries.”

“For these reasons, and because police tactics are often marked by the arbitrary and unnecessary use of force, including high rates of extrajudicial killings, there is little public confidence in the police. Indeed, they are criticized by virtually all sectors of civil society.”

“Common complaints include the carrying of firearms in public by un-uniformed [sic] police, the wearing of uniforms by police when they are off-duty, and the widespread practice of police requiring payment to ensure the safe delivery of goods. As a result, the overriding public attitude towards the police is one of fear and mistrust.” [26b] (p13)

THE POLICE SERVICE COMMISSION

- 8.07 The HRW report on police torture and deaths in custody states that:

“The main body involved in the exercise of external oversight of the Nigerian Police Force is the Police Service Commission (PSC), an independent constitutional body established by law in 2001. The PSC is made up of a retired Justice of the Supreme Court or Court of Appeal, a retired Police Officer[r] not below the rank of Commissioner, and four members of civil society. Section 6 of the Police Service Commission Act grants the body responsibility for the appointment, promotion, discipline and dismissal of all Nigerian police officers below the rank of Inspector General.” [22b] (p61-62)

“According to the powers granted in the Act, the Police Service Commissioner is mandated to conduct investigations into cases of misconduct by the police in order to recommend internal disciplinary action against officers found negligent... The PSC has no authority to refer cases to the prosecutor. In reality, the commission lacks the political will to conduct investigations into cases of misconduct. All complaints of police misconduct, including serious human rights abuse[s], are currently referred to the police for further investigation. In 2004 the Police Service Commission received over fifty complaints of ill-treatment by the police from members of the public or human rights organizations, all of which were forwarded to the Inspector General of Police. In addition the PSC can recommend internal disciplinary action once an officer has been charged or convicted of a crime, but has rarely fulfilled this function. Rather the PSC merely ratifies recommendations of disciplinary action which have been made by [the] Assistant Superintendent of Police to Deputy Inspector General.” [22b] (p62)

“Many factors inhibit the exercise of the powers of the PSC, including lack of trained staff and equipment, all factors which could be addressed through greater financial support. There should be an appropriately resourced unit within the Police Service Commission to conduct their own independent investigation of crimes by police officers. Crucially this unit must be vested with the power to refer cases for prosecution. This would thus put in check any attempt by the police to derail an investigation of one of their own.” [22b] (p62)

8.08 The British-Danish FFM Report states that:

“The NPC is tasked with the overall organisation, administration and general supervision of [the] NPF. This does not include the appointment, disciplinary control and dismissal of members of [the] NPF. At present there appears to be no political will to establish strong mechanisms for accountability at this political level.” [15] (p32)

“Ayo Obe, member of [the] PSC, considered that the PSC is the very embodiment of the concept of civilian oversight for [the] NPF. PSC is responsible for the appointment, promotion, discipline and dismissal of every police officer in Nigeria other than the IGP. Acknowledging this Alemika [Professor of Criminology and Sociology of Law] considered that if the PSC was to be strengthened – organisationally, financially, materially and staff-wise – and allowed to function as an independent organisation as provided by the constitution, it will [sic] be one of the most powerful and autonomous civilian oversight institutions of the police in the world. However, the potential of the PSC has not been realised for a number of reasons e.g. lack of appropriate structures, directorates, policies [sic] and guidelines due to poor funding. Also as in many other countries the relationship between civilian oversight bodies and [the] NPF is often characterised by tension, suspicion and sometimes open hostility.” [15] (p32)

ARBITRARY ARREST AND DETENTION

8.09 Regarding arbitrary arrest and detention, the USSD 2006 Report states:

“By law [the] police must provide suspects with the opportunity to engage counsel and post bail. However, suspects were routinely detained without being informed of the charges, denied access to counsel and family members, and denied the opportunity to post bail for bailable offenses. Detainees often were kept incommunicado for long periods. Provision of bail was often arbitrary or subject to extrajudicial influence. In many areas there was no functioning bail system, so suspects were held in investigative detention for prolonged periods. Numerous suspects alleged that [the] police demanded payment before they were taken to court to have their cases heard. If family members attended court proceedings, [the] police often demanded additional payment.”

“Persons who happened to be in the vicinity of a crime when it was committed were sometimes held for interrogation for periods ranging from a few hours to several months. After their release, those detained frequently were asked to repeatedly return for further questioning.” [3a] (Section 1d)

TORTURE

- 8.10 As regards the use of torture and other inhuman or degrading treatment by the police, the USSD 2006 Report states:

“Although the constitution and law prohibits such practices and provides for punishment of such abuses, police, military, and security force officers regularly beat protesters, criminal suspects, detainees, and convicted prisoners. Police [officers] physically mistreated civilians regularly in attempts to extort money from them. The law prohibits the introduction into trials of evidence and confessions obtained through torture.” [3a] (Section 1c)

- 8.11 The HRW report on police torture and deaths in custody in Nigeria adds:

“The most common types of abuse committed by the police in Nigeria described to Human Rights Watch by victims and perpetrators includes repeated and severe beatings with metal rods and wooden sticks or planks, as well as other implements described above. Other violations reported include the tying of arms and legs tight behind the body; suspension by hands and legs from the ceiling or a pole; resting concrete blocks on the arms and back while suspended; spraying of tear gas in the face and eyes; electric shocks; death threats, including holding a gun to the victim[’s] head; shooting in the foot or leg; stoning; burning with clothes irons or cigarettes; slapping and kicking with hands and boots; abusive language or threats; and denial of food and water.” [22b] (p28)

“Ordinary criminal suspects who have been detained and accused of crimes ranging from petty theft to armed robbery and murder are those most vulnerable to torture and death in custody, according to local human rights organizations, lawyers and members of the judiciary. Forty-one people, the majority of those interviewed by Human Rights Watch, fell into this group.” [22b] (p29)

“Numerous victims, witnesses and local NGOs described to Human Rights Watch how police unlawfully arrested, detained and tortured friends or relatives in place of a suspect who, at the time, was unable to be located. This appeared to be aimed at bringing forward the suspect or for the purpose of extortion, a fact recently recognized by the Acting Inspector General of Police. According to national media reports, the Acting Inspector General, at a meeting with force investigative heads in February 2005, criticized the practice and told the officers present: ‘If you go to arrest a suspect and could not get him, devise a technique, such as keeping surveillance instead of arresting his maternal or paternal relations.’ ” [22b] (p32-33)

“Other categories of detainees, such as protestors against government policies and members of self-determination groups, have sometimes been subjected to beatings or other ill-treatment in police custody. In these cases the abuse appears to be aimed at punishing them for involvement with groups which threaten or clash with the policies of the state or federal government. Over the last few years Human Rights Watch has documented human rights abuses against members of organizations advocating greater autonomy for distinct ethnic, regional or religious group[s], such as the Igbo organization, Movement for the Actualisation of the Sovereign State of Biafra (MASSOB) and the Yoruba, O’odua People’s Congress (OPC).” [22b] (p33-34)

“...in the vast majority of the cases of criminal suspects interviewed by Human Rights Watch the primary function of torture was to extract confessions or information about an alleged crime. The attitude that torture is an accepted tool of interrogation appears to pervade all levels of the police force...Typically, those interviewed described being beaten until they admitted to the alleged crime, after which the investigating police officer wrote or dictated a confessional statement for them to sign. Many victims described signing the statement without knowing what it said, either because they were illiterate or because the document was withheld from them, and first hearing of their charge when arraigned before a court.” [22b] (p36-37)

- 8.12 The widespread use of torture by the police, over time, has led many Nigerians to accept the fact that the police will commit acts of violence to achieve their aims, as the HRW report on police torture and deaths in custody in Nigeria states:

“One of the most challenging obstacles to the eradication of torture is the deeply engrained societal attitude to violence and the powers of the police. For many Nigerians, who have experienced years of oppression and brutality by military rulers, the use of violence by the institutions of the state is accepted, even seen as normal. Even where they know the police action was wrong and illegal, they appear to feel powerless to register a complaint or seek redress. The attitude was evident in the course of interviews with victims, who time and time again expressed a resignation to their fate...It was also evident in attitudes within the police force, where the perpetrators themselves see torture as acceptable. The Kano State commissioner of police even told Human Rights Watch that members of the public would recommend a subject is tortured.” [22b] (p64-65)

EXTRA-JUDICIAL KILLINGS

- 8.13 The International Crisis Group report ‘Nigeria: Want in the Midst of Plenty’, states:

“Throughout Nigeria’s independent history, the police and military, while failing to curb rising crime and politically inspired violence, have used unrestrained force on fellow citizens and caused thousands of deaths. The restoration of democracy has not ended widespread harassment, abuse, torture and extrajudicial murder by [the] security forces. Massive reprisal killings have occurred, such as in 1999, when an army unit destroyed the town of Odi in Bayelsa State, allegedly in response to the assassination of twelve policemen by local youths. According to research published in 2002, 2,483 people died in the massacre. In 2001, following the abduction and killing of nineteen soldiers by an armed group, about 200 civilians were killed in a retaliatory operation in Benue State. There have been numerous similar, though less murderous, incidents ever since.” [17a] (p27)

- 8.14 The USSD 2006 Report states that extra-judicial killings were reported to have been committed by the security forces during 2006:

“There were politically motivated killings by the government or its agents. National police, army, and other security forces committed extrajudicial killings or used excessive force to apprehend criminals and to disperse protesters during the year [2006].”

“Police and the armed forces were instructed to use lethal force against suspected criminals and suspected vandals near oil pipelines in the Niger Delta region. Multinational oil companies and domestic oil producing companies often hired private security forces and subsidized living expenses for police and soldiers from area units assigned to protect oil facilities in the volatile Niger Delta region. Freelance and former security forces accounted for a portion of the violent crime committed during the year.”

“...violence and lethal force at police and military roadblocks and checkpoints continued during the year, despite the January 2005 announcement by the acting inspector-general of police that police roadblocks would be eliminated. Police generally ignored the order, and a policy of establishing roadblocks was formally reinstated in December [2006] after a police commissioner was killed in Abuja. Security forces occasionally killed persons while trying to extort money from them.” [3a] (Section 1a)

“...police and military personnel used excessive force and sometimes deadly force in the suppression of civil unrest, property vandalism, and interethnic violence. There were reports of summary executions, assaults, and other abuses carried out by military personnel and paramilitary mobile police across the Niger Delta.” [3a] (Section 1a)

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AVENUES OF COMPLAINT

8.15 The British-Danish FFM Report states:

“The BHC stated that the Nigerian government does not tolerate ill-treatment by the police and that any such activity is by rogue elements within the police. Individuals who encounter ill-treatment are able to make formal complaints about the treatment they received but action is not always taken to investigate the complaint and few prosecutions are brought.”

“...a senior representative of the IGP explained that the NPF is a federal force. Nigerian law requires the NPF to investigate all complaints made to them. If a person makes a complaint to the Divisional Police, and he or she is not satisfied with the response or action of the NPF then the case can be appealed to the Area Commanders. If the person is still not satisfied the case can be taken to the State Police Headquarters. If still not satisfied the person can take the matter to the IGP (i.e. the Force Headquarters).”

“As previously stated, the senior representative of the IGP acknowledged that the use of excessive force by members of the NPF was a problem and that many complaints are made. When complaints are made, the police officers concerned are suspended pending the investigation. If the complaint is substantiated the officer concerned will be dismissed and action initiated in respect of the particular offence, e.g. charged with using threatening behaviour, actual bodily harm etc. and dealt with through the criminal courts.”

“Asiwaju [CLEEN] confirmed that the NPF is assigned to investigate allegations that are made about police brutality and other violations committed by NPF officers. Asiwaju explained that a police officer might be suspended and/or demoted in cases where accusations of use of excessive force were substantiated. If the victim of police brutality has died the case will be referred to the Ministry of Justice (Director of Public Prosecutions). The policeman will be treated as anyone else and enjoy the same rights. In cases where a police officer has been tried and found guilty he or she will be dismissed automatically from the NPF.” [15] (p31)

8.16 The HRW report on police torture and deaths in custody in Nigeria adds:

“Independent involvement in the investigation of criminal conduct by police officers and oversight of the prosecution of these acts is a key component of democratic policing which appears to be lacking in Nigeria. Where acts of serious misconduct, including human rights abuse[s], are lodged with the police by an individual, organization or lawyer, the police themselves are charged with conducting an investigation. Where the alleged act of misconduct qualifies as a crime under the criminal code, an Investigating Police Officer (IPO) within the command is assigned to investigate and, where sufficient evidence is found, refer the case to the Director of Prosecutions. In practice, however, very few cases of serious misconduct such as torture have ever been fully investigated by the police or referred to the prosecutor’s office for further action. This is due to an apparent lack of political will on the part of the police and, as the only channel for referral to the prosecutor, results in a serious accountability vacuum within the Nigerian Police Force.” [22b] (p58)

“In the rare cases where prosecution of a police officer commences, obstruction and lack of co-operation from the police have usually prevented the fair dispensation of justice. The Lagos State Director of Prosecutions told Human Rights Watch she knew of cases in which the accused police officer had gone missing or other police witnesses had refused to come forward to give evidence. Similarly the Kano State Minister of Justice told Human Rights Watch researchers it is rare to get co-operation from the police. He said that they may carry out an investigation but refuse to comply with actions necessary to bring about prosecution, for example by withholding case files.” [22b] (p58)

“In 2003, police authorities announced the opening of the Police Complaints Bureau (PCB), where members of the public can report incidents of misconduct for internal investigation in each state command, charged with dealing with complaints relating specifically to human rights abuses by [the] police. While Human Rights Watch welcomes the initiative in practice, the PCBs and Human Rights Desks, where they exist, are barely functional; they lack staff, training and office equipment. The Kano State commissioner of police told Human Rights Watch that the PCB at the state command does not receive many complaints and has never received a complaint of torture against a police officer.” [22b] (p60)

"The Nigerian police appear to have relied exclusively on internal 'peer-view' to ensure accountability for serious crimes including torture. In theory, once a formal complaint has been lodged by the Police Complaint[s] Bureau, Human Rights Desk, or through a written petition to any level of police authority by an individual or organization, the closest superior officer is assigned to undertake an investigation. Cases of minor misconduct are dealt with immediate disciplinary action. In cases of serious misconduct the superior officer will authorize the peer-review of officers of junior rank." [22b] (p60)

"This process is known as an 'orderly room trial' and is an internal police trial, similar to [a] military court martial, where the accused officer is cross-examined by peers. This is separate and parallel to a criminal investigation. For senior officers of Assistant Superintendent of Police rank and above, the Inspector General sets up [a] panel of senior officers to hear the case. In both cases recommendations of disciplinary action such as dismissal, suspension or demotion are made before forwarding to the Police Service Commission for sanction. In reality however, local human rights organizations told Human Rights Watch researchers that few such peer reviews take place and where they do rarely result in disciplinary action or prosecution." [22b] (p61)

- 8.17 In August 2005, the British High Commission in Abuja obtained information from Innocent Chukwuma, CLEEN [Centre for Law Enforcement Education] Foundation, about police discipline. According to Chukwuma:

"Discipline is multi-layered. Internally, there [sic] complaints about officers can be made to seniors. There is the Police Public Complaints Bureau in the Public Relations Department of every State Command. There is also monitoring by the 'X Squads' of plain-clothed officers who undercover 'sting' operations. The Inspector-General also has a special Monitoring Unit which is deployed in special cases when the State-based mechanisms are not working. But, in practice, even with these measures, the system is not very effective because they are short of resources and discipline is not a high enough priority in the Nigerian Police Force. But in the last 3-4 years they have made fresh efforts, especially against extortion at street level, which is mainly done by the X Squads. About 1,000 officers have been dismissed in the last three years, which is the maximum penalty under internal disciplinary procedures."

"In cases of extra-judicial killing the Director of Public Prosecutions can prosecute but in many cases such things are explained away as an exchange of fire incident, where the police have killed someone by returning fire against armed robbers."

"Torture is not widely frowned upon in the absence of alternative methods of investigation, such as forensics. Society puts the police under pressure to produce results and often the police simply don't believe that anyone they interview will tell the truth – a rather perverted belief."

"...wealth and social status matter. If you report a crime you have to fund the police investigation. If you are a poor man who complains to the police about a rich man and you don't have money to fund the investigation, and the rich man has money to pay the police, the case will be closed." [2a] (p4)

8.18 The British-Danish FFM Report adds:

“Yusuf [*Daily Trust* newspaper] did not believe that the government is doing enough to bring the NPF under proper control. Only when there is an outcry among the local people affected some investigation of police brutality may take place. Having said that Yusuf referred to reports of police officers being suspended, dismissed and prosecuted when they have acted improperly. These cases usually see the light of day when the victims are influential people or well connected to such people, which ensure that action is taken against the police officers concerned.” [15] (p33)

“According to CLEEN it is usually only when the NPF is being criticised by the media for serious violations of human rights such as extra-judicial killing or when the victim is a prominent person that one mostly hear about NPF’s internal disciplinary system. On these occasions NPF would either dismiss the erring officers from service or quickly convoke orderly room trials.” [15] (p33)

“Asiwaju confirmed that specific cases of police brutality and impunity would be dealt with only if NGOs or other observers are able to generate attention by mobilising the media and politicians.” [15] (p33)

“Alemika [Professor of Criminology and Sociology of Law] also confirmed that the NPF routinely use the internal mechanism to address problems that are identified by the public. However, the outcomes of the disciplinary procedures resulting in dismissals of hundreds of officers for corruption and other forms of abuse of power are not made available to the public, thereby inadvertently creating the impression of a police force that is complacent towards public complaints against abusive exercise of power.” [15] (p33)

“Regarding impunity LEDAP reported that the violation of the right to life and the failure to bring those responsible for unlawful killings to justice is prevalent. Most of the perpetrators of 700 victims of summary and extra-judicial killings in Nigeria between December 2001 and December 2003 have not been prosecuted and neither have the families of the victims been compensated. The Nigerian government does not only lack the capacity to apprehend the culprits but also the will to prosecute violaters.” [15] (p35)

“Professor Utomi considered that there is a strong government commitment to deal with police impunity in Nigeria but in practice improvements are only slowly being taken forward.” [15] (p35)

- 8.19 The United Nations Commission on Human Rights Report of the Special Rapporteur on extra-judicial, summary or arbitrary executions adds further:

“On paper, the system for investigating police misconduct is impressive. In practice, it is too often a charade. The outcome of investigations usually seems to justify inaction or to ensure that complaints are dealt with internally through ‘orderly-room hearings’ or the like. While police officers are certainly disciplined and some dismissed, the system has rarely worked in cases in which [the] police are accused of extrajudicial executions. In these instances genuine investigations are rare and referral to the DPP for prosecution are even rarer. It is also not uncommon for the primary accused police officer to escape, for charges to be brought against others, and for the latter to be acquitted on the grounds either of insufficient evidence or of prosecution of the wrong officers. The result gives the appearance of a functioning investigative system, while in fact promoting the goal of de facto police impunity.” [26b] (p15)

“...in terms of *internal accountability* [italics in document] the Nigeria Police system is weak. What few statistics were made available to the Special Rapporteur in response to repeated requests indicate that few serious disciplinary measures are taken except against rogue individuals. Indeed the single greatest impediment to bringing police officers to justice for their crimes is the Nigeria Police force itself. Evidence indicates that it systematically blocks or hampers investigations and allows suspects to flee.” [26b] (p16)

“...in terms of *governmental accountability* [italics in document], the Police Service Commission is charged with police discipline, but has opted to refer all complaints of extrajudicial police killings back to the police for investigation. The Commission’s mandate is potentially empowering. But despite efforts by one or two excellent commissioners, its performance has been dismal and self-restraining. Its Quarterly Reports to the President are not published and present a dismal chronicle of rubber-stamping decisions taken by the police, coupled with inaction in relation to pressing concerns.” [26b] (p16)

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EXTRA-JUDICIAL KILLINGS COMMITTED BY THE NIGERIAN ARMED FORCES

- 8.20 The United Nations Commission on Human Rights Report of the Special Rapporteur on extra-judicial, summary or arbitrary executions states:

“The military regularly supplement or even replace the police in establishing law and order in civilian disturbances. The President acts on his own initiative or in response to a State Governor’s request. The Minister for State for Defence informed the Special Rapporteur that the armed forces are not given any rules of engagement in such situations. It is unsurprising therefore that there have been frequent complaints of arbitrary and excessive use of force, but few, if any investigations or prosecutions.” [26b] (p17)

“The armed forces have also attacked towns to exact revenge on civilians for militia attacks on the army. In Benue State, in 2001, in response to the kidnapping and killing of nineteen soldiers by a militia group, carefully-planned army attacks killed over 200 civilians. A federal judicial inquiry reported in April 2003, but the report remains typically confidential, with no adequate Government response and no measures taken by or against the military.”
[26b] (p17)

“In February 2005 in Bayelsa State, a joint army/police patrol entered Odioma seeking a local militia leader. He escaped, but a number of people were killed and the town was burned down. Local leaders viewed the attack as an act of collective punishment. A federal Senate committee blamed the town for having shielded the militia leader, an assessment which unwittingly seemed to confirm the allegations. The Governor of Bayelsa State acknowledged to the Special Rapporteur that excessive force was employed. A judicial inquiry was established but, as usual, no report has been published.” [26b] (p17)

“In such incidents it is assumed by officials that the armed forces acted in ‘self defence’ or were otherwise justified in carrying out retaliatory executions of civilians. Thus, although the intentional killing of unarmed civilians, whether in situations of armed conflict or otherwise, is a clear violation of both international and Nigerian law, impunity is the reality. The Minister of State for Defence assured the Special Rapporteur that the media exaggerated the Odi and Odiamma incidents and that the military intervenes to promote community mediation.” [26b] (p17)

“There is a consistent pattern in responding to these incidents. Major human rights violations are alleged; the authorities announce an inquiry; and either the resulting reports are not published, or the recommendations are ignored. The reports become a substitute for appropriate civil and criminal measures, no-one is charged or disciplined, and no or inadequate compensation is paid.”
[26b] (p17)

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9. MILITARY SERVICE

- 9.01 Information obtained from the British High Commission in Abuja, dated January 2006, indicates that the Nigerian army does not have a compulsory military service scheme. Recruitment into the army is on a voluntary basis only. Officers and soldiers serve under different terms and conditions of service. If a soldier wishes to leave the army before the mandatory period of service has been completed, he is free to apply to do so. According to the Nigerian Armed Forces Act, the maximum penalty for army desertion in peacetime and wartime, if found guilty by court martial, is two years' imprisonment. In practice, this penalty and lesser ones are enforced by the Nigerian army. [2b]

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10. JUDICIARY

ORGANISATION

10.01 With regard to the judiciary, the USSD 2006 Report states that:

“The regular court system is composed of federal and state trial courts, state appeals courts, the federal court of appeal and the Supreme Court. There are Shari’a and customary (traditional) courts of appeal in states that use those bases for civil or criminal law, including in the Federal Capital Territory (Abuja). Courts of first instance include magistrate or district courts, customary or traditional courts, Shari’a courts, and for some specified cases, the state high courts. The constitution also provides that the Government establish a Federal Shari’a Court of Appeal and Final Court of Appeal; but these courts had not been established by year’s end.” [3a] (Section 1e)

INDEPENDENCE

10.02 An article published by the EIU in February 2006 states:

“Successive Nigerian constitutions have enshrined the independence of the judiciary. However the judiciary’s authority and freedom were considerably impaired during military rule, especially in the Abacha era, by the regime’s curtailment of judicial power and flouting of court rulings. The judiciary has regained some of its powers under the present civilian administration. It has also been required to adjudicate in political disputes, particularly those related to elections and the division of power and resources between the different tiers of government, which have proved controversial. However, the judicial system is still deeply undermined by corruption and hugely underfunded. This has resulted in poor administration of justice, including long delays in the hearing of cases, and is one of the main reasons why, for many northerners, the introduction of Sharia is attractive.” [10b]

10.03 The USSD 2006 Report adds:

“Although the constitution and law provide for an independent judiciary, the judicial branch remained susceptible to executive and legislative branch pressure. Political leaders influenced the judiciary, particularly at the state and local levels. Understaffing, underfunding, inefficiency, and corruption continued to prevent the judiciary from functioning adequately. Citizens encountered long delays and frequent requests from judicial officials for small bribes to expedite cases.” [3a] (Section 1e)

FAIR TRIAL

10.04 The USSD 2006 Report states that:

“Trials in the regular court system were public and generally respected constitutionally protected individual rights in criminal cases, including a presumption of innocence, and the right to be present, to confront witnesses, to present evidence, and to be represented by legal counsel. Although an accused person is entitled to counsel of his choice, there is no law preventing a trial from going forward without counsel, except for certain offenses such as homicide or other offenses for which the penalty is death. The legal aid act provides for the appointment of counsel in such cases, and a trial does not go forward without counsel. However, there was a widespread perception that judges were easily bribed or ‘settled,’ and that litigants could not rely on the courts to render impartial judgments. Many courts were understaffed, and personnel were paid poorly. Judges frequently failed to appear for trials, often because they were pursuing other source[s] of income, and sometimes because of threats [made] against them. In addition court officials often lacked the proper equipment, training, and motivation to perform their duties, with lack of motivation primarily due to inadequate compensation.” [3a] (Section 1e)

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11. SHARI'A PENAL CODES

INTRODUCTION OF THE SHARI'A PENAL CODES

- 11.01 The Human Rights Watch (HRW) report 'Political Shari'a? Human Rights and Islamic Law in Northern Nigeria', published in September 2004, states that:

"Shari'a is a system of Islamic law based on four main sources: the Qur'an (God's revelation to the Prophet Muhammed); the Sunna, or actions of the Prophet, described in the Hadith, the Qiyas or process of analogical reasoning based on understanding of the principles of the Qur'an or the Hadith; and the Ijma, or consensus of opinion among Islamic scholars." [22d] (p10)

"Shari'a has been applied in many different countries with large Muslim populations to both criminal and civil law. For many Muslims, it is also a philosophy and entire set of rules and guidelines which extends well beyond the Western concept of law and governs day to day conduct in terms of social relations, private life, and ethical codes...The majority of Muslims in Nigeria are Sunni. Within Sunni Islam, the four main schools of thought – Maliki, Hanafi, Hanbali and Shafi – have each developed slightly different beliefs and observe different traditions; they have also formulated different prescriptions. The form of Shari'a applied in Nigeria is based in most part on the Maliki school of thought, which is dominant among Muslims in west and north Africa." [22d] (p10-11)

- 11.02 An article published by the EIU in February 2006 adds:

"In January 2000 the north-western state of Zamfara became the first state in the federation to introduce Sharia, triggering a bitter national row over the constitutional validity of the action in the multi-faith nation that is unlikely to be resolved quickly. By the end of 2001 a dozen northern states had introduced Sharia, which remained in force at the end of 2004. However, its imposition is opposed by many groups within Nigeria and has been a major source of religious and ethnic conflict within the country. In the past year there have been tentative signs that support for Sharia among Muslims is waning, as the hoped-for equality for all before the law has not materialised. However, no state is likely to abolish it." [10b]

- 11.03 The introduction of Shari'a into some states' penal codes has had the general support of Muslims, as noted by the United Nations (UN) Commission on Human Rights Report of the Special Rapporteur on freedom of religion or belief, dated 7 October 2005, which states:

"Many of the Special Rapporteur's interlocutors including Muslims, supported the view that sharia penal codes had been introduced by state authorities seeking to please their populations. Others maintained that the extension of sharia was a result of the Government's failure to address the real problems of Nigerian society. Muslims had progressively turned their backs on the non-religious way of organizing their lives and had found in Islam an appropriate response to their concerns as citizens."

“...a large number of Nigerian Muslims support the imposition of sharia. A number of Muslim leaders emphasized that sharia was a way of life for all Muslims and its non-application would deny Muslims their freedom of religion. In Nigeria sharia was only applicable to Muslims; therefore, it was argued, it did not in any way limit the freedom of religion of non-Muslims. In addition, a number of Muslim leaders believed that English common law had its roots in canon law, making Muslims subject to a legal framework based on non-Muslim norms. Muslim personal law has always been applied in Nigeria. On the other hand, after several years of application, Islamic criminal law has created various problems and is far from enjoying unanimous support, even among Muslims.” [26a] (p12)

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LEGAL FRAMEWORK

11.04 The Shari’a penal codes comprises three parts – penal codes laying down the criminal offences and sentences, criminal procedure codes regulating the procedures in criminal cases, and a law which relates to the establishment of the courts and the competence of the respective judicial authorities. As a result, the jurisdiction of the Shari’a courts has been widened to cover criminal cases. The main difference between the Shari’a penal codes and the secular Penal Code is that Shari’a offences, such as zina (sex outside marriage), and drinking alcohol, have been added to the Shari’a penal codes. These are sanctioned with specific Shari’a punishments. (Amnesty International report ‘The Death Penalty and Women under the Nigeria Penal Systems’ dated February 2004). [12c] (p6-7)

11.05 The HRW report on Shari’a and human rights adds:

“In terms of criminal law, there are three main categories of offenses and punishments under Shari’a. The first are the hudud (or hadd, in the singular) punishments laid out in the Qur’an and the Hadith; because they are specified by God, they are regarded as fixed and cannot be changed. They include theft (punishable by amputation), armed robbery (punishable by death or amputation), extra-marital sex (punishable by death or flogging), false accusation of extra-marital sex (punishable by flogging), consumption of alcohol (punishable by flogging), and apostasy or renunciation of Islam (punishable by death). However, even these offenses, despite their fixed nature have been interpreted differently by different schools of thought, and in different countries. For example in Nigeria, apostasy is not included as an offense in the Shari’a penal codes, presumably in recognition of the diversity of faiths in the country, even in the north, and the right to freedom of religion.”

“The second category are qisas and diya punishments. Qisas, applicable for murder or injury, is based on the notion of retaliation: it involves inflicting the same punishment on the defendant as she or he inflicted on the victim, in some cases using the same methods (for example, a murderer should be killed with the same type of weapon as she or he used to commit the murder). Diya, or the payment of blood money, requires financial or material compensation for the crime in cases where the family of the victim does not demand qisas. The third category are ta’zir punishments, where judges can exercise discretion and choose from a range of punishments, as the state is not bound by the wishes of the victim’s relatives.”

“In terms of criminal law, according to Shari’a, the accused should always be given the benefit of the doubt. Considerable latitude is provided to Shari’a court judges who are expected to exercise great caution before sentencing, even in the cases of hudud, where fixed punishments are specified. For certain crimes, the standard of evidence required for conviction is deliberately set so high as to be almost unattainable, meaning that the law is intended more as a deterrent than a real prospect of punishment.” [22d] (p11)

THE SHARI’A COURTS SYSTEM

11.06 As regards the Shari’a courts system, the HRW report on Shari’a and human rights states that:

“There are three types of Shari’a courts dealing with criminal cases at state level. The lower and upper Shari’a courts (of which there are several in each state) hear cases in the first instance. Upper Shari’a courts also have appellate jurisdiction and are able to hear appeals from cases tried in the lower Shari’a courts. Each state then has its own Shari’a court of appeal, which hears appeals on cases tried by the upper Shari’a courts. Only one judge sits in the lower and upper Shari’a courts – a cause for concern in the case of crimes which carry sentences such as the death penalty or amputations. Between three and five senior judges sit at the Shari’a state court of appeal; these judges are generally more experienced than those sitting in the upper and lower courts.”

“After being sentenced by the upper or lower Shari’a court, the defendant is given a thirty day period in which to appeal. In practice, a number of appeals which were filed after the thirty day period had elapsed have been accepted.”

“Once defendants have exhausted their avenues for appeal within the state, and if the Shari’a court of appeal has confirmed the sentence, they can then appeal to the Federal Court of Appeal, and ultimately to the Supreme Court. These are both federal institutions and are not Shari’a courts, although they have jurisdiction to hear appeals from Shari’a courts and their appeal panels are supposed to include judges with expertise and knowledge of Shari’a. Some advocates of Shari’a have complained about the absence of a specialized Shari’a court of appeal at the federal level, arguing that the judges of the Federal Court of Appeal and Supreme Court are not well-versed in Shari’a; some also fear, perhaps, that these institutions are too close to the federal government, and therefore likely to be opposed to Shari’a.”

"If a death sentence or amputation is confirmed by a state's Shari'a court of appeal and the defendant chooses not to appeal to the Federal Court of Appeal, the state governor must personally authorize the execution of the punishment before it can take place, or can choose to pardon the convicted person." [22d] (p18)

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IMPLEMENTATION OF THE SHARI'A PENAL CODES

11.07 The HRW report on Shari'a and human rights states that:

"Following the introduction of the new Shari'a legislation, most state governments set up structures and groups to ensure the implementation of Shari'a. These structures included Shari'a implementation committees and groups known as hisbah, whose main role was to ensure observance of Shari'a among the population and to report any breaches. The creation of the hisbah was popular in some quarters because of a deep distrust in the Nigeria federal police force, both among the general public and among state politicians. In several states, the hisbah have been used to carry out arrests, for example in cases of suspected adultery or fornication, consumption of alcohol and other offenses. As described in this report, members of the hisbah have been responsible for a range of human rights abuses in the course of enforcing Shari'a, especially in the one to two years after they were set up." [22d] (p16)

"...Shari'a has been applied inconsistently across the twelve states. The enthusiasm with which it has been enforced, both by the courts and by the hisbah and other implementation groups, has also varied greatly, depending on the religious make-up of the state and, to some extent, on the political whims of state governors. At the one end of the spectrum, Zamfara State has applied it the most strictly, although even there, the fervor has eased off since it was first introduced. At the other end of the spectrum, Kaduna State, where about half the population of the state are Christians and where the prospect of the introduction of Shari'a led to massive riots and killings in 2000, few criminal cases have been brought before the Shari'a courts, and with one or two exceptions, harsh corporal sentences have not been passed." [22d] (p16-17)

"...the Arabic term hisbah means an act which is performed for the common good, or with the intention of seeking a reward from God. The concept of hisbah in Islam originates from a set of Qur'anic verses and Hadith. It is an obligation on every Muslim to call for what is good or right and to prevent or denounce what is bad or wrong." [22d] (p73-74)

"In the Nigerian context, some observers have compared the role of the hisbah to that of vigilante groups operating in other parts of the country...the hisbah share some characteristics with these groups but there are also significant differences. Like other vigilante groups, the hisbah are made up mostly of locally-recruited young men who usually patrol their own neighborhoods and sometimes instantly administer punishments on people suspected of carrying out an offense, without, or before handing them over to the police. Hisbah members have been responsible for flogging and beating suspected criminals, but Human Rights Watch is not aware of reports of killings by hisbah members, in contrast with the Bakassi Boys or the OPC. Hisbah members may carry sticks or whips but unlike some vigilante groups in other parts of Nigeria, they do not usually carry firearms." [22d] (p74)

11.08 The UN Commission on Human Rights Report on freedom of religion adds:

"The speed with which the sharia penal codes were adopted has led to many difficulties and concerns regarding their practical implementation. Judges, it was contended, had not been sufficiently trained, a concern because, at the first level of sharia courts, judges do not have to be lawyers. In some cases, following the adoption of these new codes, rules of evidence and procedure had either been disregarded or not correctly followed; defendants had been deprived of legal representation and convictions were arrived at in haste; some defendants did not understand what they were being tried for or the implications of their trials. In this respect, a lack of awareness about the rights and obligations under Islamic law in general, in particular concerning women or vulnerable groups, is a real source of concern." [26a] (p12)

"...the strongest reactions to the implementation of sharia penal codes has evidently come from the religious minorities living in the states concerned, in particular the Christians, even though these laws are not applicable to them. Their main accusation is that the practical implementation of sharia may in a number of situations indirectly violate their rights or create discrimination of which they are victims. In this respect, new regulations like the banning of alcohol or segregated public transport indirectly limit their freedom, as they prevent them from living according to their own standards. In states like Zamfara, where the intention is to implement the principles of sharia strictly, segregated transport, health services and public schools have been established, which Christians claim violates their freedom." [26a] (p13)

"Indeed, while Christians or other religious minorities are not expected to observe themselves practise[s] like fasting on Ramadan, they are compelled to close restaurants and eating places during that period. This situation therefore subjects them, at least partly, to a religious obligation by obliging them to eat in their homes. This obligation also reportedly constitutes a significant economic loss for the non-Muslims engaged in the restaurant sector of the economy." [26a] (p13)

"Another difficulty of implementing sharia penal codes in places of mixed population is that it is almost impossible to draw a clear line between who is and is not subject to sharia. For instance, in all interfaith relationships the fact that the Muslim partner may be subject to sharia sanctions while the non-Muslim partner is not will nevertheless affect the entire family. Thus, the application of certain prohibitions affects the rights of non-Muslim populations." [26a] (p13)

11.09 The USSD 2006 Report adds further:

“Different formulations of Shari’a (Islamic law) were in place in 12 northern states. Shari’a courts delivered hudud sentences such as caning for fornication and public drunkenness, and death by stoning for adultery during the year [2006], but it was unknown if any of the sentences was [sic] carried out by year’s end. The term hudud refers to those crimes mentioned explicitly in the Koran, but which do not necessarily carry a specific punishment. Sentences of amputation were handed down in some cases for offenses other than theft, but no sentences were carried out. Several other stoning or amputation sentences were pending appeal or sentence implementation, but no such sentences were carried out during the year. Numerous sentences under Shari’a were not carried out by year’s end because of the lengthy process of appeals. No death sentences were carried out in cases originating in earlier years. Because no applicable case had been appealed to the federal level, federal appellate courts had yet to decide whether such punishments violate the constitution; stoning and amputation sentences previously had been overturned on procedural or evidentiary grounds but had not been challenged on constitutional grounds. Caning is also a punishment under common law in the Northern Region Penal Code and had not been challenged in the courts as a violation of the statutory law. In some cases convicted persons are allowed to choose to pay a fine or go to jail instead of being caned. These sentences were usually carried out immediately, while Shari’a allows defendants 30 days to appeal sentences involving mutilation or death. In practice appeals often took much longer than 30 days.” [3a] (Section 1c)

11.10 A Norwegian Fact-Finding Mission Report on Nigeria, published by the Norwegian Directorate of Immigration in October 2004, states that:

“It is important to stress that although the shar’ia legislation to a large extent is identical between the 12 states where it has been implemented since 1999, there is no cooperation to speak of among the shar’ia court systems in the different states – i.e. breaking shar’ia law in Kano state will not mean legal persecution under shar’ia law in Sokoto. If someone on shar’ia-related charges in a Northern state leaves that state, the police will not arrest and bring him/her back to the state – this [is] because the police is a federal institution with no responsibilities for a court system not following federal law. Hisba vigilante groups do [sic] generally [do] not have the resources to follow people across state borders.” [37] (p9)

11.11 The Nigeria section of the ACCORD/UNHCR 2002 Country of Origin Information Seminar Report adds further:

“It is possible to avoid the application of Sharia law by moving to another state where Sharia law is not applied. If one has committed a crime which is also punishable under the Northern penal code and the Southern criminal law, one would obviously be charged under these laws, but another state would not prosecute for actions punishable only under the Sharia penal code of a Northern State.” [31] (p164)

11.12 Despite the disillusionment that some Muslims have with the implementation of Shari’a, the HRW report on Shari’a and human rights states that there is still widespread support for it in northern Nigeria, but only as long as Shari’a is implemented faithfully and sincerely. [22d] (p90)

GOVERNMENT POLICY REGARDING THE SHARI'A PENAL CODES

11.13 The HRW report on Shari'a and human rights in northern Nigeria states that:

"From the start, the federal government has adopted a passive attitude towards the introduction of Shari'a...some senior government officials have publicly voiced their personal opposition to certain aspects - in particular sentences of death by stoning - but have stopped short of intervening to prevent such sentences from being passed. They have instead relied on the appeal system, hoping that the courts of appeal would eventually acquit those facing harsh sentences - a lengthy process which only prolongs the psychological suffering of the defendants. Nor has the federal government insisted on changes to the legislation which provides for such punishments. It has continued to allow state governors complete autonomy in this respect, even when the Shari'a system was used to justify flagrant human rights violations." [22d] (p99)

11.14 The UN Commission on Human Rights Report on freedom of religion adds:

"A main problem raised by the adoption of sharia penal codes in Nigeria is one of constitutionality...many detractors of these codes consider that making religion the only basis for regulating the behaviour of Muslim citizens in the society, including with regard to criminal matters, is equivalent to adopting a state religion."

"...in 2002 the Federal Minister of Justice sent a letter to the northern states that had adopted sharia penal codes pointing out that those laws were unconstitutional on different grounds; however, there has so far not been a constitutional challenge of the sharia penal codes at the Supreme Court level or before the Federal Court of Appeal. This may be explained by various reasons, including the fact that many sentences pronounced by subordinate sharia courts are usually quashed on appeal and that only persons who have a locus standi, that is an interest in filing a case because they have been personally affected by the application of these laws, may bring a constitutional claim before the Supreme Court. This therefore precludes non-governmental organizations or other entities from bringing such a case. But a few interlocutors of the Special Rapporteur have also raised the fact that the absence of constitutional challenge is also explained by the fear of most citizens subjected to Islamic laws to legally challenge sharia."

"Sharia law advocates consider that the Constitution has given the states legislative authority to adopt criminal laws and that the constitutionally protected right to freedom of religion entitles citizens of Nigeria to decide whether they want to be governed by Islamic law. Some Muslims told the Special Rapporteur that only the Holy Koran had legal significance for them, and that there could be no other laws, including the Constitution, that could govern their lives." [26a] (p14)

FREEDOM TO PUBLICLY EXPRESS CRITICISM OF SHARI'A

11.15 The HRW report on Shari'a and human rights in northern Nigeria states that:

"Human Rights Watch did not find substantial evidence of a systematic repression of criticism on the part of northern state government authorities, but a climate has been created in which people are afraid or reluctant to voice criticism of Shari'a and, by extension, of the policies or performance of state governments. Those affected were Muslims rather than Christians. There were instances, soon after Shari'a was introduced, when government critics, including some Islamic leaders and scholars, were publicly discredited or ridiculed. Open and frank debate about the advantages or disadvantages of introducing Shari'a was strongly discouraged and, in some instances, suppressed." [22d] (p86-87)

"Although there have been few documented incidents where people have been arrested, detained, or subjected to other forms of serious abuse directly in connection with their views on Shari'a, there is a strong reluctance among Nigerian northern society to express explicit or public criticisms of Shari'a or of the manner in which it is applied. Human Rights Watch researchers observed a form of self-censorship among critics – including academics, human rights activists, members of women's organizations, lawyers and others – who were willing to express strong reservations about Shari'a in private conversations, but not in public. They claimed that it was not possible, or too dangerous, to express such views in public." [22d] (p88)

"...their reluctance to express criticism publicly appear to be based primarily on a fear of being labeled as anti-Islamic – a charge commonly leveled against perceived critics of Shari'a. Very few Muslims in northern Nigeria – however strong their criticisms of Shari'a are willing to take the risk of being perceived in this way. The consequences of this self-censorship have been a virtual silence on the part of northern civil society about the more controversial aspects of Shari'a, including some of the more blatant human rights abuses, and, for a long time, the absence of genuine, open public debate on these questions." [22d] (p88)

"The politicization of religion has meant that criticism of northern state governments is also automatically labelled as criticism of Islam, even when it is not connected to issues of religion or religious law, and even when it focuses on specific legal or technical points. In the aftermath of the 1999 elections, opposition parties in the north were often described as anti-Islamic if they criticized the state government." [22d] (p88-89)

"...since around 2003, the climate appeared to be shifting slightly, with a greater opening of debating space, and some newspapers, such as the Daily Trust, widely read in the north, publishing articles by Muslim writers who were openly critical of the application of Shari'a. A human rights activist and academic in Kaduna explained: 'The atmosphere is calmer now. People can discuss the issue more freely. In 2000 and 2001, people were either for or against Shari'a. Now there is a more sober discussion'." [22d] (p89)

“However, most nongovernmental organizations in the north, including human rights groups and women’s groups, have still preferred to avoid addressing head-on the controversial issues which are seen as central to Shari’a, such as the nature of some of the punishments, and have concentrated their activities on raising public awareness, training, and other less sensitive areas.”
[22d] (p90)

“...as a result, most of the public criticisms of Shari’a have come either from predominantly Christian civil society groups based in the south or other parts of Nigeria, or from foreign or international organizations. This has led to an increased polarization of opinion, and a perception that Christian or Western organizations are leading the ‘attack’ against Shari’a. The more nuanced criticisms of the Muslim population of the north have not been heard.”
[22d] (p90)

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12. ARREST AND DETENTION

LEGAL RIGHTS

- 12.01 With regard to police powers of arrest and detention and the rights of citizens, the USSD 2006 Report states:

“Police and security forces were empowered to arrest without warrant based on reasonable suspicion that a person had committed an offense; they often abused this power. Under the law police may detain persons for 24 hours before charging them with an offense. The law requires an arresting officer to inform the accused of charges at the time of arrest and to take the accused to a police station for processing within a reasonable amount of time. By law [the] police must provide suspects with the opportunity to engage counsel and post bail. However, suspects were routinely detained without being informed of the charges, denied access to counsel and family members, and denied the opportunity to post bail for bailable offenses.” [3a] (Section 1d)

- 12.02 As regards pretrial detention, the USSD 2006 Report states:

“Lengthy pretrial detention remained a serious problem [in 2006]. Serious backlogs, endemic corruption, and undue political influence continued to hamper the judicial system. In March 2005 a working group assigned by the attorney general to investigate prison conditions in the country found that 64 percent of inmates were detainees awaiting trial. Multiple adjournments in some cases led to serious delays. Police cited their inability to securely transport detainees to trial on their trial dates as one reason why so many were denied a trial. The National Human Rights Commission (NHRC) reported that some detainees were held because their cases files had been lost. Some state governments released inmates detained for significant periods of time without trial.” [3a] (Section 1d)

PERSONS CONVICTED OF DRUGS OFFENCES AND DECREE 33 OF 1990

- 12.03 The British-Danish FFM Report on Nigeria states that:

“Section 12 (2) of Decree 33 of 1990 states that ‘Any Nigerian citizen found guilty in any foreign country of an offence in [sic] involving narcotic drugs and psychotropic substances and who thereby bring the name [of] Nigeria into disrepute shall be guilty of an offence under this subsection.’ The punishment is laid down in Section 12 (3) of the Decree: ‘Any person convicted of an offence under subsection [...] (2) of this section shall be liable to imprisonment for a term of five years without an option of [a] fine and his assets and properties shall be liable forfeiture as provided by this Decree.’” [15] (p55-56)

12.04 The FFM Report also states that:

“Odugbesan [Federal Ministry of Justice] explained that those convicted overseas on drug charges could face being tried and sentenced again on return to Nigeria. However, Odugbesan was not aware of anyone being convicted a second time when a ‘full sentence’ had already been served overseas. However, Odugbesan stated that drug offences are being punished sternly in Nigeria and he added: ‘if Nigerian law provides for an additional sentence it will take place’.”

“...Obiagwu [Legal Defence and Assistance Project], confirmed that persons, who have served their sentences abroad for drug trafficking, upon return to Nigeria have been prosecuted and convicted again. The legal argument is that ‘bringing the name Nigeria into disrepute’ as stated in the drug trafficking law is another crime and isolated from drug trafficking as such. The principle of double jeopardy is not violated according to this interpretation.”

“...Obi [PRAWA] confirmed that double jeopardy takes place in Nigeria. He explained that not only drug traffickers may be punished upon their return to Nigeria but also persons convicted of money laundering, advance fee fraud, armed robbery, rape and many other offences. The Nigerian authorities do not believe that imprisonment in Europe is ‘real punishment’ and therefore ‘proper disciplining’ in a Nigerian prison is needed. Depending on the investigations the courts may add another two to three years and in extreme cases up to seven years in Nigerian prisons to the term a person may already have served overseas. Such persons will often be put into a maximum-security person.” [15] (p55-56)

12.05 Information obtained from the National Drug Law Enforcement Agency (NDLEA) by the British High Commission in Abuja, Nigeria, in April 2007, shows that the NDLEA has attempted to prosecute 10 Nigerians repatriated from foreign countries under the provisions of Decree 33 of 1990 between January 2001 and March 2003. These cases are still pending in the courts system, with no convictions to date. There have been no convictions of Nigerian deportees since March 2003. According to NDLEA statistical information, from January 2001 to March 2007, a total of 418 Nigerians were deported from foreign countries for committing drug-related offences. The Nigerian Immigration Service (NIS) is able to identify the offence that a deportee may have committed as immigration officials interview Nigerians deported from abroad. [2e]

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13. PRISON CONDITIONS

13.01 With regard to prison conditions, the British-Danish FFM Report states:

“Deputy Comptroller General of Prisons, Paschel Nzerem was of the opinion that the current tempo of reforms in the Nigerian Prisons Service (NPS) has picked up and that there have been big improvements in standards, which, if sustained, will allow international standards to be met. Nzerem did not consider that prison conditions in Nigeria could now be considered as ‘life threatening’.” [15] (p58)

“Ogboxor [Country Director, PRAWA], stated that whilst prison conditions in general remain ‘inhumane, degrading and life-threatening’, he did not doubt the government’s commitment to address the problems. There has been increased funding to improve conditions and more prisons have been built of a high standard including those for specific categories of prisoner (e.g. drug offenders), and both health provision and conflict resolution have improved. The biggest problem does however remain that of overcrowding and in that regard the Presidential Task Force on Prison Congestion has been reconstituted in 2004 to address the issue. Ogboxor also pointed to two Bills currently before the National Assembly – one reforming the Prison Act of 1972 and the organisation of the NPS, and another to establish a Prison Service Commission with the power to recruit, set standards and discipline staff.” [15] (p58)

“...Nzerem pointed to the improvements regarding the availability of medical treatment in prisons. All prisons now have medical clinics with nurses or paramedics working there. Four large prisons have actual hospitals inside the prison (Lagos, Bauchi, Kaduna and Ilesha). Medical doctors are employed in almost all prisons, and where they are not, there is ready access to them. The situation regarding sanitation problems are being addressed and are improving with the introduction of public health officers in most of the prisons. Whilst access to safe drinking water remains a problem in some areas, due to the inability to connect the prison to any public water supplies, bore holes are being drilled to overcome this.” [15] (p59)

13.02 The USSD 2006 Report adds:

“Prison and detention conditions [in 2006] remained harsh and life threatening. Most prisons were built 70 to 80 years ago and lacked basic facilities. Lack of potable water, inadequate sewage facilities, and severe overcrowding resulted in unhealthy and dangerous sanitary conditions. Some prisons held 200 to 300 percent more persons than their designed capacity. The government acknowledged overcrowding as the main cause of the harsh conditions common in the prison system. Excessively long pretrial detention contributed to the overcrowding. A working group assigned by the attorney general to investigate prison conditions in the country released its report in March 2005. The group found that 64 percent of inmates were detainees awaiting trial, and only 25 percent of those detainees had legal representation. Nearly two-thirds of the country’s prisons were over 50 years old. All of the prisons were built of mud brick, and their sewers, food, health care, education, and recreational facilities were well below standard.” [3a] (Section 1c)

“...disease was pervasive in the cramped, poorly ventilated facilities, and chronic shortages of medical supplies were reported. HIV/AIDS was of particular concern within the prison population, and pre-existing infections were exacerbated by the substandard living conditions imposed on inmates. Prison inmates were allowed outside their cells for recreation or exercise only irregularly, and many inmates had to provide their own food. Only those with money or whose relatives brought food regularly had sufficient food; petty corruption among prison officials made it difficult for money provided for food to reach prisoners. Poor inmates often relied on handouts from others to survive. Beds or mattresses were not provided to many inmates, forcing them to sleep on concrete floors, often without a blanket. Prison officials, police, and security forces often denied inmates food and medical treatment as a form of punishment or to extort money from them.” [3a] (Section 1c)

“...harsh conditions and denial of proper medical treatment contributed to the deaths of numerous prisoners. According to the nongovernmental organization (NGO) Prisoners Rehabilitation and Welfare Action (PRAWA), dead inmates were promptly buried on the prison compounds, usually without notifying their families. A nationwide estimate of the number of inmates who died in the country’s prisons was difficult to obtain because of poor record keeping by prison officials.” [3a] (Section 1c)

“In practice women and juveniles were held with male prisoners, especially in rural areas. The extent of abuse in these conditions was unknown. In most cases, women accused of minor offenses were released on bail; however, women accused of serious offenses were detained. Although the law stipulates children shall not be imprisoned; juvenile offenders were routinely incarcerated along with adult criminals. The prison service officially required separation of detainees and convicted prisoners, but the method of confinement depended solely on the capacity of the facility. As a result, detainees often were housed with convicted prisoners.” [3a] (Section 1c)

“The government allowed international and domestic NGOs, including PRAWA and the ICRC, regular access to prisons. PRAWA and the ICRC published newsletters on their work. The government admitted that there were problems with its incarceration and rehabilitation programs and worked with groups such as these to address those problems.” [3a] (Section 1c)

“...despite the federal government’s announcement in early January [2006] that it planned to relieve prison overcrowding by granting amnesty to 25,000 of the country’s 45,000 prisoners, little progress was made on implementing this plan during the year. On November 30 [2006], President Obasanjo again ordered an audit of the cases of all prisoners awaiting trial with an announced goal of releasing those who had been detained for long periods of time, in ill health, or those over 60.” [3a] (Section 1d)

- 13.03 A United Nations IRIN report about conditions in Nigeria’s prisons, dated 11 January 2006, adds further:

“[Human] Rights organisations working in Nigerian prisons – and even prison officials themselves – say the conditions of death row inmates do not fulfil even minimum international human rights standards.”

"In Kaduna prison, death row inmates are locked up all day long, said Festus Okoye, executive director of Human Rights Monitor (HRM), a group based in the northern city."

"They are allowed out only rarely, for a few minutes, one by one,' he said. Meanwhile some prisoners collect the buckets used as toilets."

"Most of the death row inmates are utterly alone and never receive visitors – their families living too far away and having abandoned them for fear of being associated with their crimes, [human] rights group sources say. Some simply cannot pay the 'visiting rights' fee charged by the wardens."

"Nigeria this year acknowledged the sorry state of its jails, announcing plans to free some 25,000 inmates still awaiting trial – some for as long as ten years – in a bid to relieve overcrowding and bad conditions."

"The move could ease conditions for those left waiting on death row for years. Since 1999 only one prisoner has been executed in northern Nigeria, with authorities openly reticent to carry through with executions, according to HRM."

"Nigeria countrywide has 548 prisoners awaiting capital punishment – 10 of them women – among a total [of] 40,000 detainees, according to Ernest Ogbozor of Prisoners Rehabilitation and Welfare Action (PRAWA), Nigeria's largest prisoner rights organisation."

"...the two main problems in Nigerian prisons are congestion and lack of food,' said Hassan Saidi Labo, assistant to Nigeria's prison inspector general."

"Kaduna is a clear example. In December 2005, 957 detainees were crammed in 10 buildings – constructed nearly a century ago – designed for about 550 people."

"Labo says some prisons hold up to four times their capacity."

"...monitoring by outside groups has had some impact. Since prisons were opened to religious and humanitarian organisations more than 10 years ago, the prison death rate has fallen from 1,500 per year in the late 1980s to 89 deaths in 2003, according to authorities."

"Still the risk of death in prison remains high, particularly because of lack of food, said Harp Damulak, the Kaduna prison hospital doctor."

"...lack of food moreover aggravates already poor hygiene conditions. Damulak said that malnutrition makes prisoners highly vulnerable to infectious diseases such as tuberculosis or skin diseases caused by lack of hygiene."

"The situation is the same for women inmates in Kaduna prison, where 18 women live in two cells, sleeping on iron beds stacked one atop another, some without mattresses. The bathroom has long been without running water."

“...prison conditions weigh heavily on the detainees, often causing depression and other psychological problems, according to Damulak. And prison personnel are not trained to handle such issues, he said.”

“...under the recently announced plan to release prisoners, those who have spent three to 10 years awaiting trial will have their cases reviewed for immediate release. Also eligible will be the elderly, the terminally ill and those with HIV, as well as people locked up for longer than the prospective sentence for their crime.” [21c]

- 13.04 The United Nations Commission on Human Rights Report of the Special Rapporteur on extra-judicial, summary or arbitrary executions in Nigeria adds:

“Deaths in custody and the many prisoners on death row make the Nigerian prison system highly relevant to this report. On the basis of a largely malfunctioning justice system, Nigeria tolerates an arbitrary and especially harsh form of punishment of alleged criminals. Of approximately 44,000 prisoners, some 25,000, or well over 50 per cent, have yet to face trial. About 75 per cent of the latter have been charged with armed robbery, which is a capital offence. Three-quarters of those were not able to get legal assistance from the Legal Aid Council and a shocking 3.7 per cent remain in prison because of lost case files. Many of the 25,000 with whom the Special Rapporteur spoke are held in seriously health-threatening conditions, some for periods of 10-14 years.” [26b] (p18)

“Almost no accused [persons] with access to money will suffer this fate. Such unconscionable incarceration practices become the ‘privilege’ of the poor. Some State Chief Judges are highly conscientious in carrying out regular visits with a view to ordering the release of those held longer than their alleged crime could possibly warrant, but others are slow and unsympathetic and many inmates awaiting trial are rarely visited.” [26b] (p18)

“...prison conditions in general are not part of the Special Rapporteur’s mandate. However, because of the numbers of individuals on death row and the fact that perhaps a majority of inmates are charged with capital offences (armed robbery or murder), a comment on prison conditions is warranted. The Special Rapporteur heard impressively few accusations of official abuse, but the lack of resources to ensure humane conditions was decried by almost everyone, including senior administrators. Common phenomena included: considerably in excess of 100 prisoners in cells designed to hold 25, unsanitary conditions which breed terrible illnesses, untreated illnesses leading to death, and food which is wholly inadequate. Money to improve prison conditions is never on politicians’ list of priorities, but it is absolutely essential. While death row conditions are harsh, they are often better than those endured by the vast numbers awaiting trial. Most deaths in custody are due to atrocious conditions rather than intentional ill-treatment.” [26b] (p18)

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14 DEATH PENALTY

- 14.01 The Amnesty International (AI) report “The Death Penalty: Abolitionist and Retentionist Countries” (March 2007 update) states that Nigeria is a country which has the death penalty in force as a punishment for ordinary crimes. [12b]

- 14.02 The Amnesty International (AI) report “The Death Penalty in Nigeria”, published in May 2004, states that:

“Amnesty International is aware of the Nigerian courts having passed at least 33 death sentences since 1999. Of these, at least 22 were handed down under the Criminal Code or the Penal Code. As of July 2003, according to the Prison Rehabilitation and Welfare Action (PRAWA), a Nigerian human rights organization, there are in total 487 people awaiting the execution of their death sentence in Nigeria, 11 out of these are women. Official statistics from the headquarters of the Nigerian Prison Service, states that the figure is 448 as of 20 January 2004...the last person to be executed was Sani Yakubu Rodi who was hanged on 3 January 2002.” [12d] (p1)

- 14.03 Amnesty International’s December 2006 edition of “Death Penalty News” adds:

“On 1 October [2006] the Federal Minister of Justice, Chief Bayo Ojo, announced that 107 death-row inmates would have their sentences commuted to life imprisonment as part of the country’s Independence Day celebrations. Around 500 prisoners remain under sentence of death.”

“There is widespread support within the country for the death penalty which can be imposed both by high courts and, in northern Nigeria, by Islamic *Sharia* [italics in document] state courts, and death sentences continue to be handed down. In 2003, the federal government started a debate about capital punishment by instituting a National Study Group on the Death Penalty. Despite a recommendation by the Study Group to impose a moratorium on executions until the Nigerian justice system could guarantee fair trial and due process, the federal government has not yet decided to do so.”

“In a report published in January [2006], the UN Special Rapporteur on extrajudicial, summary or arbitrary executions highlighted concerns related to the death penalty including widespread procedural irregularities, the use of torture by the police to extract confessions and a lack of legal representation in capital cases. He stated that the average 20-year stay on death row was unacceptable and deplored the imposition of death by stoning for adultery or sodomy in 12 states, in contravention of Nigerian and international law.” [12e]

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15. POLITICAL AFFILIATION

15.01 The USSD 2006 Report states that:

“The constitution and law provide for the right to associate freely with other persons in political parties, trade unions, or special interest associations, and the government generally respected this right in practice. The constitution and law allow the free formation of political parties. There were 46 parties registered with the Independent National Election Commission (INEC) at year’s end, with the majority of those parties formed during the year [2006] to contest the 2007 elections.” [3a] (Section 2b)

FREEDOM OF POLITICAL EXPRESSION

15.02 The British-Danish FFM Report states:

“According to Professor Utomi opposition politicians can freely express their views. However, a problem among opposition politicians is that they all desire to be close to power and they limit their criticism towards the government. There are close personal relations between members of the government and members of the opposition.” [15] (p9)

FREEDOM OF ASSOCIATION AND ASSEMBLY

15.03 The USSD 2006 Report states that:

“The law provides for freedom of assembly, and the government generally respected this right for progovernment rallies, while opposition gatherings continued to be restricted. In areas that experienced communal violence, police and security forces permitted public meetings and demonstrations on a case-by-case basis.”

“Police frequently cited the 1990 Public Order Act to disband meetings critical of the government, in spite of the Abuja high court’s June 2005 decision to strike down the Act, which required a police permit to be issued for all public rallies and processions. Although the acting inspector general of police announced following the court’s decision that the police would appeal the ruling, he also stated that [the] police would respect the court’s injunction prohibiting police from interfering with peaceful rallies.”

“The government occasionally banned gatherings whose political, ethnic, or religious nature might lead to unrest. Open-air religious services held away from places of worship remained prohibited in many states due to fears that they might heighten interreligious tensions. The Kaduna State government ban on processions, rallies, demonstrations, and meetings in public places still was enforced on a case-by-case basis. A security forces committee ban on all political, cultural, and religious meetings in Plateau State continued to be implemented on an ad hoc basis.”

“Security forces forcibly dispersed demonstrations during the year [2006], which resulted in numerous injuries and at least one death. Police and army units used force to quell widespread ethnoreligious violence in February [2006].” [3a] (Section 2b)

16. FREEDOM OF SPEECH AND MEDIA

16.01 The USSD 2006 Report states that:

“The constitution and law provide for freedom of speech and of the press; however, the government sometimes restricted these rights in practice. While there were numerous private presses that published freely, there were also numerous attacks carried out by security forces during the year. Some journalists practiced self-censorship.”

“...there was a large and vibrant private domestic press that was frequently critical of the government. Only one national, government-owned daily newspaper was published. Several states owned daily or weekly newspapers that also were published in English. These publications tended to be poorly produced, had limited circulation, and required large state subsidies to continue operating. By year’s end there were more than 14 major daily newspapers, 6 weekly newsmagazines, and several sensational evening newspapers and tabloid publications.”

“Because newspapers and television [sets] were relatively expensive and literacy levels were low, radio remained the most important medium of mass communication and information. The government owned and controlled most of the electronic media. The National Broadcasting Commission (NBC) was the body responsible for the deregulation and monitoring of the broadcast media.”

“...editors reported that government security officers sometimes visited or called to demand information regarding a story or source. Local NGOs suggested that newspaper editors and owners underreported actual human rights abuses and killings due in part to self-censorship. State broadcasters and journalists remained important tools for governors; these officials used the state-owned media to showcase the state’s accomplishments and to promote their own political goals.”

“The law criminalizes libel and requires defendants to prove the truth of opinion or value judgment contained in news reports or commentaries. This limits the circumstances in which media defendants rely on the defense of ‘fair comment on matters of public interest’, and restricts the right to freedom of expression. Criminal Code penalties ranged from one to seven years’ imprisonment (seven years, if the libelous material was published to blackmail a person).” [3a] (Section 2a)

16.02 The BBC Country Profile on Nigeria, published in April 2007, adds:

“Nigeria’s media scene is one of the most vibrant in Africa. State-run radio and TV services reach virtually all parts of the country and operate at a federal and regional level. All 36 states run their own radio stations, and most of them operate TV services.”

“The media regulator reported in 2005 that more than 280 radio and TV licences had been granted to private operators.”

“But TV stations in particular are dogged by high costs and scarce advertising revenues.”

“Radio is the key source of information for many Nigerians. Television viewing tends to be centred more in urban areas, and among the affluent. International radio broadcasters, including the BBC, are widely listened to.”

“There are more than 100 national and local newspapers and publications, some of them state-owned. They include well-respected dailies, popular tabloids and publications which champion the interests of ethnic groups. The lively private press is often critical of the government.” [8d]

- 16.03 Regarding events that occurred in 2006, the Human Rights Watch (HRW) ‘Overview of human rights issues’ report on Nigeria, published in January 2007, states:

“Nigerian civil society and the country’s independent press are generally free to criticize the federal government and its policies, and a vibrant public debate exists around such issues. However, in 2006 security forces harassed and detained activists and journalists on several occasions for discussing issues of particular sensitivity. In July [2006] police in Abuja broke up a meeting of civil society groups convened to discuss the human rights record of the Obasanjo administration. As in other such cases, the police made use of the repressive Public Order Act, a widely denounced relic of military rule. In June [2006] two journalists were detained and charged with sedition in connection with a news report questioning the cost and age of a recently acquired presidential jet.” [22e] (p4)

- 16.04 Also regarding events that occurred in 2006, the Reporters without Borders 2007 Annual Report adds:

“Nigerian journalists yet again lived through an appalling year in 2006. They have had to face police brutality, arrests in certain cases for the least article that annoyed local authorities and corruption in the military, among politicians and businessmen. Undoubtedly, the Nigerian press is pluralist, vigorous and irreverent, buoyed up by the support of the people and a long tradition of resistance to different military juntas and dictatorships which have bled the country since independence. But as Reporters Without Borders stressed in March [2006], ‘journalists suffer from the daily violence which reigns in Nigeria’. It made this comment after recording over a three-month period: three physical assaults, one censorship order, one abusive sacking, one unfair arrest and one case of intimidation.” [13]

“...in a country in which power struggles are generally carried out against a backdrop of violence and corruption, journalists are the targets of choice. The editor of the newspaper Ebonyi Voice, Imo Eze, and one of his journalists, Oluwole Elenyinmile, spent more than two months in prison, from 14 June to August [2006], after carrying an article, on 16 April [2006], headlined, ‘Is Ebonyi A Failed State?’ The two journalists were charged by a court in Abakaliki, capital of Ebonyi state, with ‘conspiracy’, ‘sedition’ and ‘defamation’ of the governor, Sam Ominyi Egwu.” [13]

“The government also used abusive judicial procedures when journalists challenged President Olusegun Obasanjo. Accordingly, Mike Gbenga Aruleba, presenter of a popular political TV programme, and Rotimi Durojaiye, reporter on the Daily Independent, spent two days in prison and were charged with ‘sedition’ under a law which had been annulled by a 1983 appeal court ruling, in connection with their comments on the purchase of a new presidential jet. Durojaiye wrote an article in the Daily Independent on 12 June [2006], headlined, ‘Controversy Over Age, Cost of Presidential Jet’, in which he speculated about the details and timing of the acquisition of a new presidential plane. In his programme, ‘Focus Nigeria’, broadcast the next day on African Independent Television (AIT), presenter Mike Gbenga Aruleba also raised the subject, which provoked a huge controversy in the Nigerian press. Internal intelligence State Security Service (SSS) agents arrested Aruleba on 14 June [2006] and released him the following day on condition of reporting his movements, for using the pejorative word ‘tokunbo’ about the plane, suggesting it was second-hand. The following day, when he left Abuja for Lagos in connection with his work, Aruleba was arrested again but he was acquitted on 10 October [2006]. As for Rotimi Durojaiye, he was arrested on 25 [2006], but his trial was adjourned.” [13]

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17. HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

17.01 The USSD Report 2006 states:

“A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views. Criticism of the government’s human rights record was abundant in various media. Human rights activists reported that their interactions with the federal government were acceptable, but should be more frequent. The government selectively included some human rights groups in the National Political Reform Conference. However, the environment for interaction was still tense, and human rights groups were reluctant to form a close relationship with the government.”

“Numerous domestic and international NGOs were active in the country. Significant NGOs included AI Nigeria, the Campaign for Democracy, the Center for Law Enforcement Education (CLEEN), the Committee for the Defense of Human Rights (CDHR), Women Trafficking and Child Labor Eradication Foundation (WOTCLEF), and the Women’s Consortium of Nigeria. The NGOs were generally independent of the government, although some, such as WOTCLEF, which the vice president’s wife chaired, had close government ties.”

“...international NGOs actively addressed human rights issues in the country during the year [2006]. The ICRC in Abuja and Lagos provided assistance to victims of interethnic violence in the north and conducted presentations and trainings on human rights reports and was awarded [US] \$69,230 (9 million naira), the customs service neither paid the award nor returned the seized books.”

“The NHRC, which the government tasked with monitoring and protecting human rights, strove to improve its credibility with the general public and NGO community as an independent monitoring body. The NHRC had zonal affiliates in each of the country’s six political regions. Since its inception, the NHRC’s operations have been limited by insufficient funding. The commission also lacked judicial authority and could only make nonbinding recommendations to the government.” [3a] (Section 4)

17.02 The British-Danish FFM Report adds further:

“During the mission to Nigeria the delegation held meetings with the following NGOs: LEDAP, PRAWA, Women Trafficking & Child Labour Eradication Foundation (WOTCLEF), WACOL and BAOBAB. The representatives of these five organisations all stated that in one way or another they provide legal assistance and support to individuals that are victims of injustice, harassment from non-state agents, e.g. violent husbands, forced marriages, FGM, trafficking agents or madams as well as rulings by *Shar’ia* courts.” [15] (p36)

“The five NGOs mentioned operate in various locations throughout Nigeria and they cooperate with a number of other local NGOs so that individuals in need of protection and/or legal assistance will find such kind of assistance available to them. However, it was also emphasised that poor, illiterate or uneducated people may be unaware of the existence of the legal system and the avenues to seek redress or the availability of support from and protection provided by the extensive network of NGOs in Nigeria.” [15] (p36)

“Being one of the most important women’s NGOs in Nigeria BAOBAB co-operates with a number of women’s NGOs and the representatives of BAOBAB explained that its co-operation with the following has been rewarding:

Girl Power Initiative: located in Benin City, Calabar (Cross River), Asaba (Delta) and Uyo (Akwa Ibom).

Project Alert on Violence Against Women (Project Alert): located in Lagos.

Catholic Secretariat: located in Lagos.

Women Consultants of Nigeria: located in Lagos, Abeokuta (Ogun State) and Enugu.”

“In addition WOTCLEF explained that it co-operates with the Abuja-based NGO Daughters of Ibrahim. Daughters of Ibrahim assist victims of trafficking and prostitution.”

“According to BAOBAB between 10 and 15 NGOs in Nigeria are exclusively devoted to support women, as there is no government system to support women.” [15] (p37)

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18. CORRUPTION AND THE GOVERNMENT'S EFFORTS TO TACKLE IT

- 18.01 An article by Osita Agbu, published in *West Africa Review* in 2003, states that corruption is endemic in Nigeria but also acknowledges that the Government has taken some measures to tackle the problem. The article states:

"To say that corruption is rampant in Nigeria is to restate the obvious. Corruption in Nigeria, as it presently manifests, should more appropriately be termed endemic or systemic. However, this is not to say that the democratically elected government of President Olusegun Obasanjo did not recognize the fact, or has done nothing about it. But in a situation in which corruption has become institutionalized, it may take nothing less than a decade to make a dent on the solid wall of bribery and corruption existing in the Nigerian society at this moment in time."

"For Nigeria, various factors have been identified as instrumental in enthrone corrupt practices. These include, briefly, the nature of Nigeria's political economy, the weak institutions of government, a dysfunctional legal system, a culture of affluent and ostentatious living that expects much from 'big men,' extended family pressure, village/ethnic loyalties, and competitive ethnicity."

"Drawing inspiration from the Corrupt Practices and Economic Crime Draft Decree of 1990, the Obasanjo Government has put in place the legal framework encapsulated in the Corrupt Practices and other Related Offences Act, 2000, signed into law on June 13, 2000. This bill seeks to prohibit and prescribe punishment for the hydra-headed problem of corrupt practices and related offences. To this end, the Act establishes an Independent Corrupt Practices and other Related Offences Commission (ICPC). The efforts of the Obasanjo government in tackling corruption, though not very satisfactory, should be recognized. Already stolen funds totaling about N84 billion as at 2001, had so far been recovered from the family of the late Head of State, Sani Abacha, and returned to the Central Bank of Nigeria. This was part of the monies stolen and stashed away in foreign bank accounts by Abacha and his family members."

"It is widely believed that the present anti-corruption law, being a federal legislation, has positioned government in a better position to confront corruption generally. Keen observation also shows that most common forms of corruption are now criminal offences. Problems associated with undue technicalities and unnecessary delays during regular trials of corruption crimes are now largely eliminated because the new law stipulates that trials must be concluded within 90 working days. The new law provides for the seizure of movable and immovable property suspected to have been acquired through corrupt means and forfeiture of same following conviction. The legal framework for preventing corruption is quite adequate in its objectives, whether it will achieve its aim will, however, depend on other variables...the only way the government can convince the people of its seriousness about fighting corruption is to enforce the law in instances where corruption has been clearly established. Unfortunately, it cannot be said that the government has done this." [27b]

- 18.02 The International Organization for Migration report 'Migration, Human Smuggling and Trafficking from Nigeria to Europe', published in 2006, adds:
- "The corruption in Nigeria touches many parts of society and takes some surprising forms. After a mission to Nigeria in 2004, the Norwegian Directorate of Immigration reported that false newspaper reports have been made to support asylum applications. In other words, journalists or editors allegedly accept bribes for publishing stories that underpin specific claims of persecution, which are later used as evidence in asylum applications. Many also take advantage of their position in other ways than by taking bribes. For instance, it is a problem that physicians at public hospitals refer patients to their own private clinics, or that they steal equipment from public hospitals (Norwegian Directorate of Immigration, 2004)." [44] (p18)
- 18.03 A '*Daily Telegraph*' (UK) newspaper report, dated 20 April 2007, about the scale of corruption in Nigeria adds further:
- "Corruption in Nigeria is so endemic that it almost rivals oil as the country's main economic activity, which is saying something given that Nigeria is one of the world's top five oil-exporting nations."
- "But that vast oil wealth has never been channelled into the hands of those who most need it, the tens of millions who struggle to survive on a subsistence diet. And so those who are denied access to conventional employment resort to any manner of illegal undertakings."
- "Corruption, though, is not confined to the dispossessed – i.e. the majority of Nigeria's 140 million people. In its 47 years of independence, the country's considerable natural wealth has been controlled – some would say – looted – by the clique of tribal elders and military dictators who have dominated the political landscape."
- "Some estimates put the amount of oil wealth that went missing between 1960 and 1999 at \$440 billion. For much of that time the country was governed by a succession of military dictators who ensured the country's riches were confined to the elite group of businessmen who helped to keep them in power." [34]
- 18.04 Transparency International's 2006 Corruption Perceptions Index (CPI) of 163 countries, published in November 2006, ranks Nigeria as the 142nd most corrupt country, with a CPI score of 2.2. The CPI defines corruption as the abuse of public office for private gain, and measures the degree to which corruption is perceived to exist among a country's public officials and politicians. The 2006 CPI is a composite index, that draws on multiple expert opinion surveys that poll perceptions of public sector corruption in 163 countries. The CPI scores range from 10 (low level of corruption) to 0 (high level of corruption). [35]

- 18.05 In an article published in allAfrica.com in April 2007, Nuhu Ribadu, the Executive Chairman of the Economic and Financial Crimes Commission (EFCC) [the Government's anti-corruption agency], acknowledges that corruption in Nigeria is a serious problem, but states that the EFCC has had some success in tackling it. In the article Ribadu states:
- "Corruption is the greatest challenge to progress across much of the developing world. In Nigeria, it has poisoned our potential. Between 1960 and 1999 more than \$440 billion was stolen from the Nigerian people. As a foot soldier in the battle against corruption, I have seen that – for all Africa – the ultimate cost of corruption is immeasurable. Apart from providing fertile ground for injustice and violence, I believe that corruption is responsible for as many deaths as HIV/AIDS."
- "...over the last three years, Nigeria has become a country at the forefront of the war against corruption."
- "Fighting corruption is, first and foremost, about establishing the rule of law, so this has been the primary focus of Nigeria's anti-corruption campaign."
- "The Economic and Financial Crimes Commission is the agency on the frontline of these efforts. Since I was appointed to lead the EFCC, I have been determined to address systemic corruption head on. We have gone after top-level politicians and businessmen, and we have brought them to justice."
- "In a country that never saw one conviction for fraud or corruption before the beginning of our reform campaign, we have now recorded 150 convictions, with 400 more cases awaiting [a] decision in the courts. We have recovered \$5 billion dollars in stolen public funds." [47]
- 18.06 The USSD 2006 Report states that investigations were carried out on officials suspected of corruption during 2006:
- "At year's end [2006] 31 of the country's 36 governors had been or were being investigated, most on suspicion of corruption. Three governors were impeached during the year, although the Supreme Court later ruled that one governor should be returned to office because of procedural flaws in his impeachment. Although allegations of gubernatorial corruption were generally credible, some observers believed that persons were targeted for investigations for political reasons."
- "...the EFCC and the Independent Corrupt Practices Commission (ICPC) won no convictions of high-level officials during the year [2006], although numerous investigations and arrests were conducted. In November 2005 former inspector-general of police, Tafa Balogun, pled guilty to minor obstruction charges and received a six-month prison sentence." [3a] (Section 3)

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USE OF FORGED DOCUMENTATION

- 18.07 It is easy to obtain forged documentation, and genuine official documents that contain false information in Nigeria, as noted in the Norwegian 2004 FFM Report:

“According to press reports and diplomatic sources, Nigeria – like most countries in the region – struggles with corruption among civil servants on all levels of the administration, in addition to widespread problems with forgeries of official documents. Diplomatic sources also confirmed our [FFM delegation] impression that genuine documents with false information constitute as big a problem as falsified documents. Obtaining genuine documents issued correctly, but containing dubious or false information, is comparatively easy in Nigeria. Government authorities seldom have routines for verifying the information going into official documents, changing names is also a relatively easy procedure, simply done through the publication of an affidavit in a newspaper, and subsequent new official documents can be issued under the new name.”

“The legal source we talked to maintained that the only way of actually establishing a Nigerian’s true identity, was by making investigations through talking to a wide range of people in that person’s home area.”

“Diplomatic sources stated that they had little faith in Nigerian passports, as it was fairly easy to get a genuine passport containing false information. A birth certificate is often the only means of identification to which the passport issuing authorities have access. Birth certificates are often issued only on [the] basis of information given by the person asking for the birth certificate at the time he/she is doing so.” [37] (p21)

- 18.08 The British-Danish FFM Report adds:

“Newman [BHC, Abuja] explained that passports are issued at offices in each state. The process takes a maximum of two to three weeks but often passports are issued within a matter of a few days of the application being made.”

“According to Newman the presentation of false travel documents in Nigeria is prevalent. These are usually genuine passports which have been falsified, typically, through inserting fake bio data pages. The changes made to passports are usually of a high quality.”

“BAOBAB [NGO] confirmed that falsified documents are prevalent in Nigeria. BAOBAB especially emphasised the prevalence of falsified certificates of custody allegedly issued by magistrates’ courts and high courts. BAOBAB warned that even though the form itself may be genuine the documents might be falsified.”

“Regarding false newspaper warrants Momoh [Channels Television], confirmed that this phenomenon is very common and that the printed media would let persons buy space in a second unofficial edition of a newspaper in order to insert a false warrant including the name of a wanted person. This is being done to support a potential asylum seeker’s case when applying for asylum abroad.” [15] (p67)

- 18.09 Many Nigerians use false documentation or employ corrupt practices to allow them to travel to and settle in wealthier countries, as noted in the Norwegian FFM Report:

“We [the FFM delegation] were told that because of the general pessimism regarding the situation in Nigeria and lack of belief in positive changes, a large number of Nigerians contemplate migration as a way of improving the living conditions for themselves and their families (the immediate family through migration with the main person, the extended family through money transfers back home after getting a fixed income abroad). We were repeatedly told that many Nigerians are willing to go to drastic ends in order to be able to secure a foothold in a high income country – i.e. hazardous trips through the Sahara and across the Mediterranean, submitting false information and documents to obtain visas and/or residence permits, contracting marriages of convenience abroad, despite already being in stable relationships in Nigeria (either legally married or living together), and finally living as illegal aliens in Europe under difficult conditions.”

“The pressure to migrate has resulted in a steady increase in the number of applications for visas in Western countries – also after many of the embassies have been moved from Lagos to Abuja, including their consular sections. Diplomatic sources stated that migration scams are disturbingly common ways of trying to obtain a Schengen visa. Methods used are i.e. paying your way into official delegations and being included on their visa applications, presenting false documents with applications, etc.” [37] (p5)

- 18.10 The International Organization for Migration report ‘Migration, Human Smuggling and Trafficking from Nigeria to Europe’, published in 2006, adds further:

“The widespread corruption and crime in Nigeria is also evident in connection with emigration. It is relatively easy to get genuine documents with partially or completely wrong information as long as one is willing to pay. In addition, there is a well-developed industry [which has] specialized in altering data in documents already issued. Weaknesses in Nigeria’s public administration also result in weak quality control of documents being issued even when there is no corruption involved. Nigerian passports are often produced only based on birth certificates, and birth certificates may be issued based on the information provided by the applicants themselves (Norwegian Directorate of Immigration, 2004).” [44] (p23)

“...the most central document in connection with emigration, the passport, is misused mainly in three ways:

- Original passports are altered, e.g. by replacing the photograph of the visa with another one.
- Genuine passports are issued with false information by means of bribes.
- Several persons use the same passport one after the other.” [44] (p23)

“Especially when a passport has a valid Schengen visa, it is often sent back to Nigeria as soon as the first holder has arrived in Europe, so that as many people as possible can enter with the same visa. Depending on which method is used to get the passport and the visa, the cost is usually between US\$ 500 and US\$ 3,000. Since Nigerian passports tend to raise suspicion, false passports from West African countries are frequently used, e.g. from Benin, Ghana, Togo and Senegal.” [44] (p23)

“...even those who do use their own passport with correct information may use falsified additional information in visa applications, for instance about work and income. The embassy staff at the European embassies in Abuja note that different forms of fraud to obtain a Schengen visa are very widespread (Norwegian Directorate of Immigration, 2004). However, the forgeries and the suspicion they create may also affect bona fide applicants who are then also unjustly suspected of submitting incorrect documentation.” [44] (p23)

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19. FREEDOM OF RELIGION

CONSTITUTIONAL RIGHTS

- 19.01 The USSD 2006 International Religious Freedom Report on Nigeria, published in September 2006, states that:

“The Constitution provides for freedom of religion, including freedom to change one’s religion or belief, and freedom to manifest and propagate one’s religion or belief through worship, teaching, practice, and observance. While the Federal Government generally respected religious freedom, there were some instances in which limits were placed on religious activity to address security and public safety concerns.”

“The Government remained a member of the Organization of the Islamic Conference during the period covered by this report. However, there is no state religion.”

“...there are thirty-six states; governors have substantial autonomy in all decision making but derive the vast majority of their resources from the Federal Government. The constitution prohibits state and local governments from adopting an official religion; however, some Christians have alleged that Islam has been adopted as a de facto state religion in several northern states, citing the reintroduction of criminal law aspects of Shari’a (Islamic law) and the continued use of state resources to fund the construction of mosques, the teaching of Kadis (Shari’a judges), and pilgrimages to Mecca (Hajj). However, several states, including northern states, use government revenues to fund Christian activities, including pilgrimages to Jerusalem. In general, state governments, whether dominated by Christians or Muslims, tend to lean toward the faith practiced by the majority of residents.” [3b] (Section 2)

GOVERNMENT RESTRICTIONS ON FREEDOM OF RELIGION

- 19.02 The UN Commission on Human Rights Report on freedom of religion states:

“The Government of Nigeria generally does not deliberately violate the right to freedom of religion or belief. Although Nigerian authorities have often limited or restricted important religious gatherings or religious ceremonies or, in some places, prohibited the use of microphones, in order to prevent interreligious tensions, the Special Rapporteur has not received indications of the existence of a policy that would directly limit the right to freedom of religion or belief of Nigerians.” [26a] (p9)

“This however does not mean that Nigerians do not suffer from violations of their right to freedom of religion or belief. There are indeed strong and consistent indications that violations of this particular right occur in many parts of Nigeria and are either committed by non-State actors - or are the consequences of acts committed by non-State actors - or indirectly result from the Government’s policy or, on the contrary, from the absence of appropriate measures to protect.” [26a] (p9)

“It would therefore be wrong to consider that in the apparent absence of direct violations of the right to freedom of religion or belief by the Government, that it is relieved of its international obligations related to this and other rights. As the Special Rapporteur and her predecessor have recalled in many reports to the Commission on Human Rights or to the [UN] General Assembly, the internationally accepted standards of freedom of religion or belief include a relatively extensive catalogue of positive obligations.” [26a] (p9)

“Many of the Special Rapporteur’s interlocutors from all religious communities agreed that the Federal Government as well as state governments interfered excessively with the religious life of Nigerians. For most of them, this attitude is the main explanation for the current problems faced by religious communities in Nigeria. Some examples of this interference are the selective subsidizing of religious communities, including by financing pilgrimages for both Christians and Muslims, the use of public money to build places of worship and the appointment of persons to government positions or in public services on the basis of their religion.” [26a] (p9)

“...both Christians and Muslims complained of limitations on the rights to freedom of religion or belief suffered by members of their respective community. Generally, the limitations affecting Christians occurred in predominantly Muslim areas. Most of the time, the limitations were imposed by either non-State actors, in particular religious groups, or state governments, or a combination of both, but rarely were there complaints of limitations imposed by the Federal Government, apart from those restricting rights in situations that could potentially foment religious violence. Nigerians who are neither Muslim nor Christian complain of neglect by the Government and of being ‘overpowered’ by the tensions between the Muslim and Christian communities.” [26a] (p10)

“...in many cases, the examples of limitations brought to the attention of the Special Rapporteur were related to the building of places of worship, or their confiscation or transformation for a different purpose. Although it appeared that restrictions on building were justified by invoking zoning laws, it was often claimed that the zoning laws were usually not closely followed and that only in the case of places of worship were the regulations applied, resulting sometimes in the complete destruction of the places built. In some instances, the difficulties related to the construction of a place of worship have been resolved through the mediation of an organized interreligious dialogue at the local level.” [26a] (p10-11)

19.03 The USSD 2006 Report on Religious Freedom adds:

“Christian and Islamic groups planning to build new churches or mosques are required by law to register with the Corporate Affairs Commission (CAC). The CAC did not deny registration to any religious group during the period covered by this report. Many nascent churches and Islamic congregations ignored the registration requirement, and a small number, most notably those in Abuja, had their places of worship shut down or demolished when the zoning laws were enforced.”

“...the Government required permits for outdoor public functions; government authorities and those assembling often ignored this requirement. In June 2005, an Abuja High Court ruled that long-standing legal provisions of the Public Order Act banning gatherings whose political, ethnic, or religious content might lead to unrest were unconstitutional. While it is not specific to religious gatherings, the act has nonetheless allowed authorities wide latitude in dispersing gatherings in which they have a ‘reasonable ground to fear a breach of the peace’.”

“Despite the court ruling, several state governments continued to ban public mass-rally proselytizing to avoid ethno-religious violence. Some proselytizing groups remained active even before the court ruling, but since the ban was ruled unconstitutional in 2005, large outdoor religious gatherings were less likely to be restricted. Some state governments continued to impose bans inconsistent with the court ruling.”

“...although distribution of religious publications was generally unrestricted, the Government sporadically enforced a ban against broadcasting religious advertisements on state-owned radio and television stations.” [3b] (Section 2)

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RELIGIOUS GROUPS

19.04 The UN Commission on Human Rights Report on freedom of religion states:

“According to different sources, approximately half of the population is Muslim, about 40 per cent is Christian and the remaining 10 per cent practice traditional African religions or other beliefs, or have no religion. Religious affiliation is usually but not always linked to ethnicity. While most Hausa/Fulanis are Muslim, Yorubas and Igbos are mainly Christians. Geographically, the majority of the population of the north of the country is [sic] Muslims while most of the Christians live in the South. States of the so-called ‘middle belt’ have both Christians and Muslims in different proportions.”

“Most Muslims are Maliki Sunnis, but there are other Muslim groups like Shias and Ahmadiyyas. The Ahmadiyya community is mainly located in the South. Christian denominations include Roman Catholics, Anglicans, Methodists, Presbyterians, Pentecostals, Evangelicals and the Organization of African Indigenous Churches.” [26a] (p6)

INCIDENTS OF VIOLENCE BETWEEN RELIGIOUS GROUPS

19.05 In recent years, violent clashes between different religious groups have occurred, which have caused the deaths of many people. This is noted in the UN Commission on Human Rights Report on freedom of religion which states:

“Over the last few years, a number of violent riots and other attacks have occurred in several locations in Nigeria and caused the deaths of several thousand people, probably constituting one of the most serious human rights concern [sic] in the country.” [26a] (p17)

“...most interlocutors at governmental level as well as from the civil society stated that those events were the result not only of religious intolerance but also, if not mainly, of political, economic and ethnic factors. In Jos, for example, the riots were explained as a conflict between the indigenous people and settlers and their respective rights, particularly in terms of land acquisition and property.” [26a] (p17)

“The Special Rapporteur notes that the reasons for this violence are manifold and complex, but she also observed that in many cases the violence has unfolded along religious lines: it is noticeable that the instigators of this violence have found that they can gain more support if they put their arguments in religious terms. Religious beliefs not only constitute a very emotional issue in Nigeria, but also provide a relatively simple and easy way to identify an opponent.” [26a] (p18)

“These instances of violence are striking in their intensity. In each case, a great number of killings occurred in only a few days. This also shows that a very significant portion of the population took part in the killings or has been affected by them. For this reason among others, the killings are still very much in the minds of all those living in the places affected by the violence.” [26a] (p18)

“...in the many consultations held during her visit, especially with representatives of religious groups, the Special Rapporteur clearly felt a high level of tension and strong indications that the situation could degenerate into a conflict of much larger intensity. Members of religious communities and representatives of non-governmental organisations often expressed their fear of further violence and their exasperation with regard to the current situation.” [26a] (p18)

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INCIDENTS OF VIOLENCE BETWEEN CHRISTIANS AND MUSLIMS FROM 2001 TO 2004

- 19.06 In recent years, incidents of communal violence between Christians and Muslims have occurred in Plateau State and Kano State. Human Rights Watch (HRW) published details of the communal violence that have taken place in those two states in its May 2005 ‘Revenge in the Name of Religion – The Cycle of Violence in Plateau and Kano States’ report. The HRW report described three major outbreaks of violence in Yelwa: the first occurred on June 26, 2002, the second occurred on February 24, 2004, and the third occurred on May 2-3, 2004. All three incidents involved deliberate attacks. In all three cases, the victims included both Christians and Muslims. [22c] (p12)

19.07 The HRW report on violence in Plateau and Kano adds:

“Large-scale inter-communal violence is a more recent phenomenon in Plateau State than in some other parts of Nigeria. There had been longstanding grievances between different communities for several decades, but it was not until 2001 that people began turning to organized violence to express their frustrations at perceived political and economic marginalization. The turning point was the massive violence in the state capital Jos in September 2001 (commonly referred to as the Jos crisis) which claimed around 1,000 lives. Most of the violence which followed, from 2002 to 2004, can be seen as directly or indirectly connected to the events in Jos.” [22c] (p6)

“...to date, the violence has not been carried out by recognized groups or militia with a clear structure. No individual or organization has openly claimed responsibility for the killings...ever since the 2001 Jos crisis, the situation has been fluid: the violence goes in waves, and it may not be the same individuals participating on every occasion. Yet the pattern of the larger attacks, in particular, indicates a high level of organization, forethought and planning. Claims by sympathizers of both sides that these attacks were spontaneous lack credibility.” [22c] (p6)

“...at the root of the conflict in Plateau State is the competition between ‘indigenes’ and ‘non-indigenes.’ Throughout Nigeria, groups considered ‘indigenes’, or the original inhabitants of an area, are granted certain privileges, including access to government employment, scholarships for state schools, lower school fees, and political positions...The definition of the term ‘indigene’ is commonly understood to be based on a person’s place of origin, but many people born and brought up in a particular area are not accorded that status, even though they may never have lived in any other part of Nigeria.” [22c] (p8)

19.08 In reaction to the religious violence in Plateau State, President Obasanjo declared a state of emergency in the state, as noted in an Afrol News report dated 18 May 2004:

“The federal government of Nigeria today [18 May 2004] declared a state of emergency in the central Plateau state after massacres between two ethnic groups were turning into a religious war. President Olusegun Obasanjo feared the violence here could ‘spread across the country.’ Federal President Obasanjo announced the decision in Abuja today, after he had suspended state governor Joshua Dariye – whom he accused of being ‘weak and incompetent’ – and other Plateau state officials. Governor Dariye yesterday had been rapidly called to Abuja, the federal capital.”

“...during the last months, the unrest in Plateau state has built up from a lesser dispute over land rights and livestock between the Tarok people – a mostly Christian people of cultivators – and the Fulani livestock breeders, who are mostly Muslim. The conflict turned violent early this year [2004].”

“In February [2004], an armed Fulani group massacred 50 Taroks while in church. This was revenged as a larger Tarok group attacked several Fulani villages earlier this month, killing an estimated 300 villagers. As the violence has escalated in Plateau state, a religious element has grown stronger.” [9]

- 19.09 Regarding the May 2004 state of emergency in Plateau State, the HRW report about the violence in Plateau and Kano States stated that the situation remained relatively calm over the following months and that some of the objections to the state of emergency gradually dissipated. On 18 November 2004, the state of emergency was lifted, and Joshua Dariye was returned to the post of Governor of Plateau State. Since that time, the situation in Plateau State has remained relatively calm. [22c] (p42)
- 19.10 The HRW report about the violence in Plateau and Kano States report that on 11 May 2004, Muslims in Kano began rioting and attacking Christian residents of the city, in direct response to the news of the killings of Muslims by Christians in Yelwa. More than two hundred people were killed on May 11 and 12 in Kano. The majority were Christians killed by armed Muslims seeking revenge for the events in Yelwa. When the security forces eventually intervened, supposedly to quell the riots, the death toll rose even further, as police and soldiers killed dozens more people, most of them Muslims. Kano, the largest city in northern Nigeria and the capital of Kano State, is a predominantly Muslim city but is home to many different groups, including a large Christian minority, many of whom have settled there for trade. Kano is viewed as one of the main centers of northern political opinion and, to some extent, acts as a barometer of the mood across northern Nigeria. Like Kaduna, the other large northern city, Kano remains one of the more volatile towns in the north, where violence is most likely to erupt when there are tensions elsewhere in the country. [22c] (p50). During the two days of violence in Kano, Christians were hunted down and killed; their houses, churches and other buildings were burnt. [22c] (p53). On the basis of its own research, Human Rights Watch believes that around 200 to 250 people or more, were killed in Kano on 11 May 12 May. Most of the victims of the violence were men, but a number of women and children were also killed. [22c] (p55)

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INCIDENTS OF VIOLENCE BETWEEN CHRISTIANS AND MUSLIMS IN FEBRUARY 2006

- 19.11 In February 2006, violent incidents between Muslims and Christians occurred again. On this occasion, the violence took place in Onitsha and Maiduguri. A news report dated 24 February 2006, published by *‘The Independent’* (UK newspaper), described what occurred:

“Clashes between Nigeria’s Muslim and Christian communities have left nearly 150 people dead and thousands displaced after five days of violence sparked originally by the publication of cartoons depicting the Prophet Mohamed.”

“In the southern city of Onitsha, where the worst of the killing took place, Christians yesterday burnt the corpses of their victims and defaced mosques in revenge for attacks on Christians in the north of the country earlier this week.”

“...last Saturday [18 February], violence broke out in Maiduguri, northern Nigeria, leaving at least 15 Christians dead and 11 churches in flames. The riots were led by Muslims furious at the cartoons, published in Danish and other European newspapers. More than 100 people were arrested and the army was called in to help the police. In revenge, on Tuesday [21 February] morning, riots broke out against the Muslim population in the Christian city of Onitsha.”

“...the Anambra state governor, Chris Ngige [Onitsha is in Anambra State], has deployed 2,000 policemen on the streets and appealed for calm.” [41]

- 19.12 A CNN World News Online report, dated 24 February 2006, reported on violent incidents that took place in other parts of Nigeria during February 2006:

“Muslim and Christian mobs took to the streets of three Nigerian cities on Friday [24 February] and killed at least four people, extending a week of tit-for-tat religious riots that have claimed at least 150 lives.”

“...Christian youths armed with machetes and clubs attacked Muslims in the southeastern city of Enugu, beating one Muslim motorcycle taxi driver to death.”

“In the northern town of Kotangora, Muslim mobs killed three people, torched nine churches and looted shops, police said.”

“The Christian rioters in Enugu laid siege to a bank where two Muslims from the Hausa ethnic group were hiding. Police fired tear gas at the crowd, but failed to dislodge them.”

“...in northeastern Potiskum, Islamic youths burned shops, churches and houses belonging to minority Christians early on Friday [24 February]. Police said 65 rioters were arrested.” [42]

- 19.13 Violent clashes also took place in Bauchi in February 2006. A news report published by the *‘Daily Champion’* (Nigerian newspaper), dated 27 February 2006, reported on violent incidents between Muslims and Christians that took place in Bauchi in February 2006:

“Islamic fundamentalists, said to be protesting over the caricatures of [the] Prophet Mohammed in a Danish and other European newspapers, went on the rampage in Maiduguri, Borno State and Katsina, in Katsina State about 10 days ago.”

“...the nation was still trying to come to grips with this unfortunate incident when, on Monday, last week, another round of riots erupted in Bauchi, the Bauchi State capital. As with the Maiduguri and Katsina incidents, this also has religious connotations. The Bauchi riot was allegedly sparked by the refusal of a female student of Government Day Secondary School in the town, to heed her teacher’s instruction to drop the copy of the Quran that she (the student) was reading while the teacher was teaching in the class to enable her [to] concentrate.” [25b]

THE RESPONSE OF THE GOVERNMENT AND THE POLICE TO THE INCIDENTS OF VIOLENCE OF FEBRUARY 2006

- 19.14 A 'Vanguard' newspaper (Nigeria) report, dated 24 February 2006, about the Government's response to the incidents of violence that took place in February 2006, states:

"The Federal Government, yesterday [23 February], directed the General Officers Commanding the Army divisions to team up with the police immediately to stop the wave of religious attacks and/or reprisals in parts of the country. Already, soldiers have been deployed on the streets of Onitsha, which was the scene of two days of reprisals against northerners, to check further violence."

"...Vanguard gathered that the Presidency fearing that the attacks might spread to other parts of the country directed the Chief of Defence Staff, General Alexander Ogomudia, to activate the internal security apparatus of the military for the purpose of quelling the sectarian/religious violence."

"Consequently, the Service Chiefs were told to deploy troops to flash points at the slightest hint of possible confrontation." [29]

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INCIDENTS OF VIOLENCE BETWEEN THE YAN-GWAGWARMAYA ISLAMIC SECT AND THE GOVERNMENT'S SECURITY FORCES DURING 2004

- 19.15 A BBC News Online report, dated 5 August 2004, reported on a violent incident involving an Islamic sect called the Yan-Gwagwarmaya and Government security forces, that occurred in August 2004:

"Several people have been killed after Nigerian police raided the headquarters of an Islamic sect, whose members exchanged their wives."

"Members of the Yan-Gwagwarmaya sect battled the police with guns and machetes before being overwhelmed, the police say."

"Residents of the remote north-western town of Birnin Kebbi complained after they tried to recruit local youths."

"Five policemen, including an assistant commissioner, were seriously injured."

"The group's leader, Sanusi Makera-Gandu was also badly hurt in the clashes."

"The BBC's Elizabeth Blunt in the capital, Abuja, says this is the latest in a series of such incidents in Nigeria involving Muslim youths who set up their own communities and refused to accept conventional civil or religious authority."

"The authorities refuse to say how many people were killed in the raid."

“The sect, which is reported to have thousands of followers, had incensed other local Muslim groups by calling their bases the Kabah – after Islam’s holiest site in the Saudi Arabian town of Mecca.” [8b]

INCIDENTS OF VIOLENCE BETWEEN THE AL SUNNA WAL JAMMA ISLAMIC SECT AND THE GOVERNMENT’S SECURITY FORCES DURING 2003 AND 2004

- 19.16 A Global Security report dated July 2005 reported on incidents of violence that took place in 2003 and 2004 between a Nigerian Islamic sect known as Al Sunna Wal Jamma and the Government’s security forces. The report states:

“Al Sunna Wal Jamma – Arabic for ‘followers of Mohammed’s teachings’ – is an Islamic movement of university students fighting to create a Taliban-style Muslim state in Nigeria, Africa’s most populous nation. Since 2002 the group has campaigned for an Islamic state and publicly criticized officials it saw as lax in implementing Islamic law. The movement enjoys a following among university students in Maiduguri, the main city in northeastern Nigeria.”

“...Nigerian officials reported on 03 January 2004 that the government had put down an armed uprising after running battles that killed at least eight people. Two police officers and at least six of the militants died in five days of clashes in three towns in predominantly Islamic Yobe state, including the capital, Damaturu. Violence started on 31 December 2003, when roughly 200 militants attacked two police stations in Geidam and Kanamma, killing a policeman. The attackers targeted police stations and took their weapons, chiefly AK-47 assault rifles, which they then used against security forces. Following this initial confrontation with the security forces in Kanamma on 31 December, the militants attacked three police stations in the Yobe state capital Damaturu and set fire to a government building there. A further battle with the security forces took place on the outskirts of Maiduguri, 135 km east of Damaturu, the following day.”

“The militants are self-professed admirers of the Taliban in Afghanistan. They flew flags bearing the word ‘Afghanistan’ during their brief occupation of Kanamma.”

“The attacks marked the first time the movement has been known to take up arms. This was the first armed push for an Islamic regime in Nigeria’s predominantly Muslim north since 12 states in the region – including Yobe – began adopting the Islamic Shariah legal code in 1999. At least 10,000 people fled their homes in northeastern Nigeria over the two weeks following clashes in the region between the security forces and armed Islamic militants.” [33c]

- 19.17 Violent clashes between the Government’s security forces and members of the Al Sunna Wal Jamma Islamic sect also took place in September 2004, as reported in a United Nations IRIN report dated 22 September 2004:

“An armed Islamic militant group inspired by the Taliban in Afghanistan has launched a fresh series of attacks on police stations in northeastern Nigeria, nine months after it first took up arms in the region.”

“Government officials said armed militants of the Al Sunna wal Jamma sect attacked police stations in two towns in Borno state on Monday night, killing six people, including four policemen.”

"The group, whose name means 'Followers of the Prophet' in Arabic, first came to public notice in December 2003 when it launched a series of attacks on remote towns in neighbouring Yobe state and went on to attack the state capital Damaturu."

"That group of around 200 militants, was rapidly broken up by the security forces. Many of its members were killed or arrested, but some escaped into nearby Niger and Cameroon."

"The latest attacks took place in the towns of Bama and Gworza in the east of Borno state, close to the Cameroon border, Borno state police commissioner Ade Adekanye told reporters."

"In Bama, 73 km southeast of the state capital Maiduguri, a group of about 20 militants killed the local police commander and two other policemen, he said."

"In Gworza, some 40 kilometres further south, a similar armed band killed one policeman and two civilians and abducted four other people, he added."

"The Al Sunna wal Jamma sect was formed by university and polytechnic students in Maiduguri, two or three years ago, but drew adherents from all over Nigeria. Many of them were the children of wealthy and influential people."

"...political analysts saw the emergence of Al Sunna wal Jamma as a sign that violent, extremist groups may be gaining a significant foothold in religiously and ethnically divided Nigeria. They expressed fears that they could make the country a theatre for acts of terrorism and worse sectarian violence that it has seen in recent years."

"Although four members of the group were killed while attempting to break out of jail in Damaturu in June, Monday's [20 September 2004] attacks on Bama and Gworza were the first since the militants were routed in early January [2004]." [21e]

- 19.18 Further violent clashes between the Government's security forces and members of the Al Sunna wal Jamma sect took place in October 2004, as reported in a United Nations IRIN report dated 11 October 2004:

"Armed Islamic militants killed three policemen and took 12 others hostage when they ambushed a police patrol near Lake Chad in northeastern Nigeria at the weekend, police said."

"Borno State police commissioner Ade Ajakaiye said Islamic fundamentalist fighters modeling themselves on Afghanistan's Taliban movement attacked a group of 60 policemen in the town of Kala-Balge, near the Lake Chad on Friday night [8 October 2004]."

"The police had been sent there to pursue the militants following battles with them last month near the Cameroon border, he added."

"Ajakaiye said a police vehicle carrying munitions was stuck in deep mud and while the policemen were pushing it, they were fired upon by the militants."

This caused the vehicle to explode, killing three policemen on the spot and injuring others.”

“Twelve of the police contingent remained unaccounted for after ‘a fierce battle’ and were believed to have been captured by the militants, he said.” [21b]

INCIDENTS OF VIOLENCE BETWEEN MEMBERS OF THE SUNNI AND SHI’ITE ISLAMIC SECTS DURING 2005

- 19.19 A United Nations IRIN report, dated 6 June 2005, reports that violent incidents between two Islamic sects occurred in 2005. The report states that:

“Hundreds of armed riot police have been deployed in Nigeria’s northern city of Sokoto, where Sunni protestors razed a government building in escalating violence with rival Shi’ites that could engulf the mainly Islamic region, government officials said on Monday.”

“Hundreds of protesters who besieged the Sokoto North local government secretariat and set it alight on Friday were angered by the arrest of a Sunni cleric Uma Dan-Masidhiyya, accused by the authorities of inciting violent attacks against the Shi’ite minority, Soko state governor spokesman Mustapha Shehu said.”

“‘In their anger they completely burned down the secretariat building,’ Shehu told reporters. ‘The government has reacted by deploying policemen to prevent further violence,’ he added.”

“More than a dozen people have died in Sokoto since February [2005] in tit-for-tat violence between the Sunni majority and Shi’ite minority, centred on demands by Shi’ites for access to the city’s biggest mosque to preach their brand of Islam.”

“...in the past three weeks there has been fighting every Friday, the Islamic day for prayers, between the two groups at the city’s main mosque as Shi’ites tried to gain access and Sunnis tried to keep them out.”

“Two weeks ago a Sunni mob attacked the Shi’ite seminary in the city and burnt it down, and last Thursday a prominent Shi’ite leader was attacked and killed in his house.”

“...Sokoto police commissioner, Abdul Bello, said on Sunday that 20 people were arrested for Friday’s violence but have yet to be charged.”

“Last week 38 people arrested for previous violence were taken to court for public order offences.” [21d]

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TRADITIONAL NIGERIAN RELIGIONS AND RITUAL KILLINGS

- 19.20 The Canadian Immigration and Refugee Board (IRB) Research Directorate published a response to a country of origin information request (NGA100384.E), dated 22 July 2005, about the prevalence of ritual murder and human sacrifice and reaction by government authorities. An associate professor and chair of the Department of Anthropology at Franklin and Marshall College (Pennsylvania, USA) was consulted. The professor stated:

“ ‘Ritual murder’ is actually a legal category, a holdover from the British colonial days that can be prosecuted under Nigerian law. It refers to the killing of human beings for ritual purposes (one of which might be characterized as human sacrifice)...ritual murder covers all delicts [offences] that relate to the murder of people and the use of human parts for any magical purpose, whereas in sacrifice the killing of a person to mollify deities is the point. A sacrifice seems more central to religious practice and even more dignified in some sense than what ‘ritual murder’ is meant to cover.”

The professor also added that anyone is a potential victim of ritual killing, although the old are considered to be of less value than the very young and fertile.

- 19.21 Regarding how effective the authorities are in investigating ritual killings, the professor stated:

“ ‘In the past, there have been few arrests - but a lot of splashy press coverage. In the ‘Otokoto saga,’ however, there were some quite important people arrested, several of whom were executed. According to published reports, there have been a few, other cases where arrests have been made as well. But mostly the idea of ritual murder sits there and people fear it, not least because they think the police and courts have been co-opted by the wealthy murderers.’ ” [38d]

- 19.22 The IRB Research Directorate also consulted a professor at the Africana Studies and Research Centre at Cornell University (USA), who explained that:

“human sacrifices involve the participation of the community in a formalized manner, while ritual murders are individual acts, often performed following consultation or with the participation of a shaman or witch doctor, and are designed to call the favour of the gods onto an individual.” [38d]

- 19.23 In February 2000, the IRB Research Directorate also consulted a Lago-based lawyer and director of the Constitutional Rights Project NGO, who explained that:

“ritual murders are not usually associated with any particular group...ritual killings are perpetrated mainly by ‘native doctors’ who have been involved in this since time immemorial, mostly through traditional cultic practices that have nothing to do with modern-day cults...those who perform ritual murders are individuals working for their own profit.” [38d]

19.24 A report by Leo Igwe, published by Earthward in 2005 adds:

“Generally, ritual killing is a common practice in Nigeria. Every year, hundreds of Nigerians lose their lives to ritual murders, also known as head-hunters. These head hunters [sic] go in search of human parts – head, breast, tongue, sexual organs – at the behest of witchdoctors, juju priests and traditional medicine men who require them for some sacrifices or for the preparation of assorted magical portions [sic]. Recently, there have been several reported cases of individuals who were kidnapped, killed or had their bodies mutilated by ritualists in Nigeria.”

“...and now, the question is: why do Nigerians still engage in such bloody, brutal and barbaric acts and atrocities even in this 21st century? For me [Igwe], there are three reasons for that. 1. Religion: Nigerian is a deeply religious society. Most Nigerians believe in the existence of supernatural beings, and that these transcendental entities can be influenced through ritual acts and sacrifices. Ritual making constitutes part of the people’s traditional religious practice and observance. Nigerians engage in ritual acts to appease the gods, seek supernatural favours or to ward off misfortune. Many do so out of fear of unpleasant spiritual consequences, if they default. So at the root of spiritual killing in Nigeria is religion, theism, supernaturalism and occultism. 2. Superstition:- Nigeria is a society where most beliefs are still informed by unreason, dogmas, myth making and magical thinking. In Nigeria, belief in ghosts, juju, charms and witchcraft is prevalent and widespread. Nigerians believe that magical portions [sic] prepared with human heads, breasts, tongues, eyes, and sexual organs can enhance one’s political and financial fortunes; that juju, charms and amulets can protect individuals against business failures, sickness and diseases, accidents and spiritual attacks. In fact, ritual-making is perceived as an act of spiritual fortification. 3. Poverty:- Most often, Nigerians engage [in] killing for money-making purposes. Among Nigerians, there is this popular belief in a special kind of ritual, performed with human blood or body parts that can bring money or wealth, even though such a belief lacks any basis in reason, science or common sense [sic].”

“For example, there has never been a single proven instance of any Nigerian who became rich through a money making ritual. And still the belief in ‘ritual wealth’ or ‘blood money’ remain strong among the people, and features prominently in the nation’s media and film industry. Most times, what we hear are stories and speculations founded on ignorance and hearsay. For instance Nigerians who enrich themselves through dubious and questionable means, like the scammers who swindle foreigners, are said to have indulged in money-making rituals using the blood or body parts of their parents, wives, children or other close relations. So driven by ignorance, poverty, desperation, gullibility and irrationalism, Nigerians murder fellow Nigerians for rituals.” [36]

- 19.25 The Norwegian Landinfo (Norwegian Country of Origin Information Centre) 2006 Fact-Finding Mission Report on Nigeria adds further:

“Asylum applications presented by Nigerians [in Norway] regularly contain claims that the applicant fears persecution from persons or groups threatening to use occult powers, or *juju* [italics in document]. This is the common term in Nigerian English for all religious practices with some sort of basis in traditional African animist religion. Such practices are common among the substantial minority of Nigerians who are neither Christians nor Muslims, but they also influence the religious life and outlook of many Christians and Muslim Nigerians, whose religious practice must be categorised as syncretistic. Even more importantly, many Christian and Muslim Nigerians who themselves will not get involved in rites and rituals associated with traditional religion, may still regard occult forces as very real influences to be reckoned with in their lives. Thus the fear of being a victim of other people’s (attempted) manipulation of supernatural forces is very widespread. As Pastor Dayo Olutayo put it, ‘many are suspicious that people are after them, and think they don’t succeed because of other people’s evil intentions’. Pastor Olutayo also stressed that it is not unusual that people blame other people’s use of witchcraft as an excuse for not dealing with their own problems.” [40b] (p18)

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20. ETHNIC GROUPS

20.01 The USSD 2006 Report states that:

“The country’s population was ethnically diverse, and consisted of more than 250 groups, many of which were concentrated geographically and spoke distinct primary languages. There was no majority ethnic group. The four largest groups, which comprised two-thirds of the country’s population, were the Hausa and Fulani of the north, the Yoruba of the southwest, and the Ibos [also known as Igbos] of the southeast. The Ijaw of the South Delta were the fifth largest group, followed by Kanuri in the far northeast, and the Tiv in the Middle Belt.” [3a] (Section 5)

ETHNICITY AND SOCIETAL DISCRIMINATION

20.02 The USSD 2006 Report states that:

“Societal discrimination on the basis of ethnicity was practiced widely by members of all ethnic groups and was evident in private sector hiring patterns, de facto ethnic segregation of urban neighbourhoods, and a continuing paucity of marriages across major ethnic and regional lines. There was a long history of tension among some ethnic groups.”

“Many groups complained of insufficient representation in government office.”

“The law prohibits ethnic discrimination by the government, but claims of marginalization continued, particularly by members of southern groups and Ibos. In particular the ethnic groups of the Niger Delta continued their calls for high-level representation on petroleum problems and within the security forces. Middle Belt and Christian officers dominated the military hierarchy, and some persons in the North believed that the northern Hausa were underrepresented in the military. Northern Muslims accused the government of favoring Yorubas or Christians from the Middle Belt for those positions. Traditional relationships continued to be used to impose considerable pressure on individual government officials to favour their own ethnic groups for important positions and patronage.”

“In April [2006] HRW published a report describing discrimination against non-indigenes. While all citizens have the right to live in any part of the country, state and local governments frequently discriminated against those not judged to be indigenous to the area, occasionally compelling individuals to return to a part of the country where their ethnic group originated from but to which they have no personal ties. On different occasions, individual non-indigenes were compelled to move by government use of bulldozers, clubs, and torches, and discrimination in hiring and employment. When they were allowed to stay rather than be removed, these persons experienced discrimination including denial of scholarships and exclusion from employment in the civil service, police, and the military.” [3a] (Section 5)

20.03 A Global Security report dated April 2005 adds:

“Conflicts spurred by competition over economic opportunities have been part and parcel of life for more than 150 years in the area now known as Nigeria. Such competition has long been managed with varying degrees of success in many places in the country, but it can erupt at any moment into violent confrontations. Both Kano and Lagos, Nigeria’s two largest urban centers, attract immigrants from most other parts of the country. They come seeking economic opportunities, and frequently gain access to employment through kin networks or, failing that, through membership in any ethnic group. This means that economic competition often occurs between groups organized on ethnic bases. In consequence, such conflicts incorporate powerful potential to destabilize Nigeria’s transition to democracy as well as the political situation more broadly, and to wreak havoc with the economy. At the same time, such economic competition, like other forms of dispute, can be managed successfully if local leaders have the training and institutional facilities that allow them to diffuse ethnic tensions before they boil over into open violence.”

“The diverse groups of Nigeria generally co-exist peacefully in mixed ethnic neighborhoods throughout the country’s urban areas. Nonetheless, members of different ethnic groups often look with suspicion on one another. They remember the violence of the past, and remain sensitive to slights, insults, and ‘unfair’ advantages. They frequently interpret the actions of members of other groups as efforts to assert (or reassert) domination over them. Each group has its own history of perceived slights, injuries, and disadvantages experienced at the hands of other groups. Each group has militants to mobilize those most ready to engage in intergroup violence, and each group has hurt members of the others.” [33b]

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INCIDENTS OF VIOLENCE BETWEEN DIFFERENT ETHNIC GROUPS

20.04 The USSD 2006 Report states:

“Conflict over land rights and ownership continued [in 2006] among members of the Tiv, Kwalla, Jukub, and Azara ethnic groups; each of these groups resided at or near the convergence of Nassarawa, Benue, and Taraba States. The Tiv, who were claimed by their opponents to have migrated to the country later than other inhabitants of the disputed area, were regarded as interlopers by the other groups, which considered themselves ‘indigenous.’ Tivs were the largest ethnic group in much of Benue and parts of other states.” [3a] (Section 5)

INTER-ETHNIC VIOLENCE IN THE DELTA REGION

20.05 The Norwegian 2004 FFM Report on Nigeria states that:

“According to the Nigerian Red Cross and others, the Niger Delta is one of the main areas of ethnic conflict in Nigeria. The Nigerian Red Cross mentioned a number of underlying reasons for the conflict, the main one being resource control – i.e. who controls the vast oil resources in the area. In addition to this, there are enormous social problems in the area – some directly related to the oil business, some not: generational conflicts, huge unemployment and crime – organised and other kinds – as alternative ways of finding income. They pointed to general thuggery, gangs involved in ‘bunkering’ of oil from pipelines as well as dealing in narcotics as widespread problems in the area.” [37] (p10)

“...the areas where conflicts mostly erupt into violence are Warri Town and the swamp area along the coast. The local populations’ main interest was seen to be to state a claim to local resources, and to focus on being able to control their own future. They focus much of their attention on the international oil companies operating in the area.” [37] (p10-11)

“...the strong sentiments in the population of being unfairly treated, make people - especially the youth - prone to manipulation. An opinion commonly held in the region is that the oil companies should stop compensation schemes benefiting individuals, and rather invest in education, health services and other kinds of infrastructural development projects.” [37] (p11)

“...they [the Nigerian Red Cross] pointed to several interested parties in the conflict - local authorities, international oil companies, local ethnic groups, central government and others. Local organisations are also active, both political parties and ethnicity-based organisations. There are many splinter groups, and [they] operate in a manner similar to cults. The level of conflict between different ethnic groups is high, but it is also considerable within ethnic groups, where subgroups and clans may be in conflict - also armed.” [37] (p11)

20.06 Information published by Global Security in April 2005 adds:

“Organizations like the Movement for the Survival of Ogoni People (MOSOP), the Movement for the Survival of Ijaw Ethnic Nationality (MOSIEN), and Ijaw Youth Council have been at the fore of popular mobilization in the Niger Delta. Since the implosion of MOSOP, Ijaw youths have increasingly taken centerstage. Ijaw youth groups are leading a struggle for the right to share their land’s oil wealth. They have organised into groups, the most daring being the Egbesu Boys of Bayelsa, the Chicoco Movement, the Ijaw Youth Council, Federated Niger Delta Ijaw communities and the Niger Delta Volunteer Force. Several splinter groups have turned to extortion, hijacking, sabotage and kidnapping for private gain. Many of the Ijaw youths who are fighting are also idlers for whom violence has become a source of daily entertainment.”

“The Ijaw National Congress is involved in the struggle to achieve cultural change and free the people of the Niger Delta, and the Ijaws in particular from decades of environmental pollution, corporate violence, unjust socio-economic structure and political oppression.”

“Moujahid Dokubu-Asari, who heads the Niger Delta People’s Volunteer Force, is seen as a folk hero by many poor residents who complain they’ve never shared in the country’s oil wealth. Dokubu-Asari claims to be fighting for self-determination in the region and greater control over oil resources for more than 8 million Ijaws. The NDPVF says it is seeking a better deal for the Ijaw people, the largest tribe in the Niger Delta which accounts for most of Nigeria’s oil production. But the government says it is nothing more than a criminal gang which finances itself by stealing oil from pipelines and selling it clandestinely to tankers offshore.” [33a]

20.07 The USSD 2006 Report adds further:

“Interethnic fighting has long been a problem in Warri, Delta State, resulting in casualties and the displacement of tens of thousands of local inhabitants. Despite a ceasefire in Warri that was negotiated in 2004, fresh violence broke out during the year [2006].” [3a] (Section 5)

“Interethnic fighting elsewhere in the Delta also displaced tens of thousands of local inhabitants. In 2004 militia groups operating in Port Harcourt and other areas around the Delta region carried out violent operations that ended when officials from the presidency negotiated directly with militant leaders and reached a cease-fire agreement. Following the October 2005 arrest of Dokubo, leader of the Niger Delta People’s Volunteer Defence Force, tensions remained high for several weeks with increased threats and instances of crime, particularly against foreign interests, that could have been politically motivated. However, these threats also may have resulted from groups taking advantage of the heightened tensions for monetary gain. The situation remained largely unchanged from the previous year.” [3a] (Section 5)

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21. LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

LEGAL RIGHTS

21.01 Article 214 of the Nigerian Penal Code states that the act of sodomy between males is illegal and the penalty is imprisonment for 14 years. Attempting to commit the offence of sodomy is also illegal and the punishment for this offence is imprisonment for seven years. Under Article 217 of the Penal Code, other male homosexual acts or practices, defined as 'gross indecency', whether in private or in public, are also illegal and the punishment for this offence is imprisonment for three years. Lesbianism and lesbian sexual acts are not mentioned in Nigerian criminal law. (International Lesbian and Gay Association 1999 World Legal Survey on homosexuality) [23]. The USSD 2006 Report notes that "Homosexuality is illegal under federal law; homosexual practices are punishable by prison sentences of up to 14 years", and also adds that in "the 12 northern states that have adopted Shari'a, adults convicted of having engaged in homosexual intercourse are subject to execution by stoning, although no such sentences were imposed [in 2006]." [3a] (Section 5)

21.02 The British-Danish FFM Report adds:

"Homosexuality is illegal according to Nigerian common law in the south but few cases have been tried in the courts and there is usually very little attention in the press and among the public regarding these cases. The penalty for homosexual activities depends on whether the offence is dealt with under the penal code, criminal code or the Shari'a codes of the various states. The penalties can vary from a few years up to 14 years of imprisonment, although in some cases only a fine will have to be paid, but under Shari'a the sentence could be death." [15] (p23)

"According to Obiagwu [LEDAP] there are no cases of legal action taken against consenting adults. However, one death sentence regarding sodomy has been handed down under Shari'a law. Obiagwu referred to a case concerning Jibrin Babaji who was sentenced to death by stoning in September 2003 by a Shari'a court in Bauchi after being convicted of sodomy. The individual was subsequently acquitted on appeal. The three minors who were also found guilty in this case had already had their punishment of flogging carried out before the appeal was determined." [15] (p24)

- 21.03 The Canadian Immigration and Refugee Board (IRB) Research Directorate published a response to a country of origin information request (NGA43276.E), dated 15 February 2005, about the situation of homosexuals and their treatment under Shari'a law. The IRB research response states:

"Two sources reported that a sharia court in Keffi, Nasarawa State, had issued a bench warrant against Mr. Michael Ifediora Nwokoma for allegedly engaging in homosexual relations with Mallam Abdullahi Ibrahim (*Vanguard* 28 Nov. 2004; 365Gay.com 20 Nov. 2004). Nwokoma has reportedly escaped arrest, but Ibrahim was detained by authorities (*Vanguard* 28 Nov. 2004). According to media reports, neighbours accused the two men of 'homosexuality,' a crime punishable by stoning under sharia, and handed Ibrahim to the authorities who nearly 'lynched' him while trying to force a confession (*ibid.*; 365Gay.com 20 Nov. 2004). The court ruled that since the two must be tried together Ibrahim must remain in jail until Nwokoma is arrested (*ibid.*)."

"In another story, *This Day* [italics in document] reported on the escape of Yusuf Tajudeen Olawale from a jail in the northern state of Kano, where he had been awaiting trial for allegedly having sex with another man (16 Jan. 2005). The news article explained that Tajudeen, who had escaped from prison on 13 May 2004, had been added to the wanted list by sharia state authorities, but remains in hiding (*This Day* 16 Jan. 2005).

"A Human Rights Watch (HRW) report entitled '*Political Shari'a*?' *Human Rights and Islamic Law in Northern Nigeria* [italics in document], which examines sharia in the sphere of criminal law as it is applied in the northern states of Nigeria, identifies specific aspects of the legislation and practices that have led, or are likely to lead, to violations of human rights (Sept 2004). In the section on use of the death penalty, HRW explains that various states classify homosexual relations as sodomy, defined in their penal codes as the 'carnal intercourse against the order of nature with any man or woman,' and, if convicted, a person faces the penalty of death by stoning, by flogging, or by 'any other means decided by the state' (HRW Sept. 2004). HRW claims, however, that the study found no evidence that anyone has ever been sentenced to death for sodomy with an adult (*ibid.*). Instead, HRW learned that '[i]n practice, most of the sodomy cases which have come before the Shari'a courts have not been about consensual, sexual activity between adults but rather allegations of adults sexually abusing children' (*ibid.*)."

"...reports of the federal government's enforcement of the section of Nigeria's criminal code that criminalizes homosexuality and calls for a jail term of 14 years upon conviction, could not be found among the sources consulted. In correspondence to the Research Directorate, a representative of Alliance Rights Nigeria (ARN), a non-governmental organization promoting the interests of lesbian, gay, bisexual and transgendered persons in Nigeria (BTM n.d.), said that the 'Nigerian penal code is more strict on paper than [it] [is] practically' (9 Feb. 2005). He further claimed that in Lagos, for example, gays and lesbians can live freely as long as they do not impinge upon the rights of others (ARN 9 Feb. 2005). He cautioned, however, that gays and lesbians residing in Nigeria's northern states are not as free since sharia is 'more serious' (*ibid.*)."

- 21.04 There is some evidence to indicate that the laws on homosexuality are, in some instances, enforced. The International Gay and Lesbian Human Rights Commission (IGLHRC) reported in July 2005 that a man in Kano had been convicted of sodomy charges and sentenced to death, and that in November 2004, police arrested a man and issued an arrest warrant for another, after they had been accused of engaging in a homosexual relationship. It was also reported that two other men were arrested on sodomy charges in July 2005. (IGLHRC report "IGLHRC Monitoring Sodomy Prosecutions in Nigeria" dated 15 July 2005) [45a].

GOVERNMENT ATTITUDES

- 21.05 An Amnesty International report, dated 3 May 2006, about government attitudes to homosexuals states:

"The Nigerian Federal government is introducing legislation that, if passed, would introduce criminal penalties for relationships and marriage ceremonies between persons of the same sex as well as for public advocacy or associations supporting the rights of lesbian and gay people, in contravention of Nigeria's obligations under international and regional human rights law."

"The broad and sweeping provisions of this proposed legislation could lead to the imprisonment of individuals solely for their actual or imputed sexual orientation in a number of ways, including for consensual sexual relations in private, advocacy of lesbian and gay rights, or public expression of their sexual identity. Anyone imprisoned under this law would be a prisoner of conscience."

"On 19 January 2006, Minister of Justice Bayo Ojo presented to the Federal Executive Council an 'Act to Make Provisions for the Prohibition of Relationship[s] Between Persons of the Same Sex, Celebration of Marriage by Them, and for Other Matters Connected Therewith.' According to a draft of the bill, the law would provide five years imprisonment for any person who 'goes through the ceremony of marriage with a person of the same sex,' 'performs, witnesses, aids or abets the ceremony of same sex marriage,' or 'is involved in the registration of gay clubs, societies and organizations, sustenance, procession or meetings, publicity and public show of same sex amorous relationship[s] directly or indirectly in public and subject to the same prison term. The draft bill would also prohibit the registration of gay organizations, any gay public display of a 'same sex amorous relationship,' and adoption of children by lesbian or gay couples or individuals. In addition, the draft [sic] bill would invalidate same sex relationship[s] formally entered into or recognized in foreign jurisdictions."

"The bill received its first reading in the Senate on 11 April 2006 at which the provisions were widened further still. It is now proposed that any individual who witness[es], celebrates with or supports couples in same-sex relationships would also be subject to a prison term." [12f]

- 21.06 An International Gay and Lesbian Human Rights Commission report, dated 15 May 2006, about the bill on homosexuality adds:

“Any public display, including a march for gender equality or the rights of the disabled or a group of youth[s] rallying for their favorite sports team, if there is a ‘gay’ person present, will be a criminal act. Any literature on gay and lesbian issues published by the media, even electronically, will be a criminal act. Any one [sic] who exercises his/her rights to associate and work collectively with people, to write and express ideas, to witness for and advocate on behalf of others, whether those others are actually gay, will have committed a crime. And finally, whether Nigerian citizens do these things in public or in private, they will be legally liable for them.”

“Effectively, the new law will isolate gays and lesbians from community and from legal recourse. Under the guise of preventing gay marriage it will, in one fell swoop, create a new category of person in Nigeria. This new person need not be identified but may merely be suspected. He or she will have little individual right to protection from injustice because his/her very right to exist will be in legal limbo. He or she may not join others to protect themselves nor seek public or private support and protection because basic rights of association will not exist for them.” [45b].

- 21.07 An “*International Herald Tribune*” newspaper report dated 11 December 2006 adds further:

“Few in Nigeria’s deeply closeted gay community are publicly opposing the bill and it is widely expected to pass [through the House of Representatives].”

“...other activities specifically prohibited under the proposed law include participating in gay clubs, or reading books, watching films or accessing Internet sites that ‘promote’ homosexuality.”

“...Haruna Yerima, a member of Nigeria’s House of Representatives, portrays the legislation as aimed at stamping out something already well under control.”

“Yerima said he approved of the limitations on films and books because they could be used to ‘make such practices popular’. Even social contact between gays should be limited, he said, because it might encourage behaviour that was ‘against our culture...against our religion’.”

“...the hostility in Nigeria [to homosexuals] means that there are very few gay or lesbian organizations in Nigeria. Oludare ‘Erelu’ Odumeye – the nickname means ‘queen mother’ in Yoruba – heads one, Alliance Rights. Odumeye said he had been harassed in the street and detained by police accusing him of promoting homosexuality and running an unregistered organization.”

“...thousands of people use Alliance Rights for health services, to gather information or to meet, Odumeye says. To avoid harassment, they have no set membership list and their buildings are not in town centers or identified by signs.”

“Visitors find them through word-of-mouth, Odumeye said. To give an idea of their size, he says the group received more than 1,500 responses to a recent health survey among homosexual Nigerians.”

“...Nigerians have been publicly flogged, exhibited before the press naked, or beaten severely in prison after being charged with homosexuality...death sentences have been meted out in the north, though no one has yet been executed.” [20]

SOCIETAL ILL-TREATMENT OR DISCRIMINATION

- 21.08 Regarding societal attitudes to homosexuality in Nigeria, the Norwegian 2004 FFM Report on Nigeria states:

“The PeaceWorks [NGO] representative explained that it is a widespread belief in Nigeria that homosexuality is alien to African traditional culture, and that it is the result of corrupting influences from Western colonisation and/or Arab cultural influence in the northern parts of the country. She described the general attitudes regarding homosexuality in the population as very rigid, and said that there is a considerable pressure to get married.”

“...at Baobab [NGO], the representatives informed us [FFM delegation] that they had personally never met anyone who identified [themselves] as [being] gay/lesbian. This is a taboo subject, so self-identified gay/lesbians are generally closeted and keep a low profile. They mentioned that homosexuality was a more visible phenomenon among the Hausa in the north than in southern Nigeria. One of the Baobab representatives had heard that a Bauchi state shari’a court has legally persecuted a man for homosexual acts, but she could not refer us to the source of this information. In the opinion of the Baobab representatives, gays and lesbians in Nigeria were mainly suffering because of discrimination and stigmatisation, not because of legal persecution. Still, they pointed to Nigerian criminal law making homosexual acts illegal. They stated that the situation for gays and lesbians in Nigeria was not considered an important issue among local human rights NGOs.” [37] (p16)

- 21.09 The British-Danish FFM Report adds:

“Homosexuals living in the larger cities of Nigeria may not have reason to fear persecution, as long [as] they do not present themselves as homosexuals in public. Homosexuals that are wealthier or more influential than the ordinary person may be able to bribe the police should they be accused or suspected of homosexual acts.” [15] (p23)

“...Yusuf [Editor-in-Chief, ‘Daily Trust’ newspaper], explained that the Nigerian society had not come to terms with homosexuality. There are laws against homosexuals and no organisations exist to assist or support them. It is therefore likely that any person known as a homosexual may face very serious problems. Society does not tolerate homosexuals and no homosexual dares speak out openly that he is or she is a homosexual. Homosexuals tend to live ‘underground’ in Nigeria. As an illustration of fear among homosexuals Yusuf explained that it was impossible for the Daily Trust to come across any spokesman for homosexuals in the large city of Lagos.” [15] (p23-24)

“Yusuf considered that any homosexual in Nigeria has a well-founded fear of being ill-treated not by the authorities but from the person’s local community and society at large...The BHC [British High Commission] confirmed that homosexuals cannot publicly express their sexuality because they would suffer societal isolation and discrimination.” [15] (p23-24)

- 21.10 Gay rights groups appeared at Nigeria's fourth national AIDS conference in Abuja, in May 2004. One of the gay rights groups, Alliance Rights, called on fellow Nigerians to recognise and protect Nigeria's gay community. In the 12 northern states that have adopted shari'a law into their penal codes, adults who are found to have engaged in homosexual intercourse can be stoned to death. Many homosexual men want to hide the fact that they are homosexuals, and have girlfriends and even marry to be seen to conform to cultural norms, but continue to have covert relationships with other men. (United Nations IRIN report "Gay community claims a voice" dated 7 May 2004) [21a]
- 21.11 The President of Alliance Rights, a gay rights group, stated that the laws on homosexuality are rarely applied in practice but contribute to the climate of intolerance towards homosexuals. Alliance Rights is trying to fight societal hostility toward homosexuality. Young people who discover that they are homosexual tend to hide the fact, as they fear being ostracised or thrown out of the family home, if their homosexuality became known. ('The News' Nigerian newspaper report "Gays of nation unite!" dated 22 April 2002) [24]
- 21.12 In 2006, Pink News reported on a case of discrimination against homosexuals in the armed forces that had taken place. The Pink News report stated that in 2006, an investigation was carried out into allegations that 15 army cadets had engaged in homosexual acts. A board of inquiry was set up to look into the allegations. After medical examinations, the 15 officer cadets were found to have engaged in homosexual acts, and subsequently dismissed from the academy. (Pink News report "Army cadets dismissed for 'gay acts' " dated 28 February 2006) [16]

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22. DISABILITY

22.01 The USSD 2006 Report states that:

“There are no laws that prohibit discrimination against persons with physical and mental disabilities in employment, education, access to health care or the provision of other state services. There are no laws requiring physical accessibility for persons with disabilities.”

“Children and women with disabilities faced social stigma, exploitation, and discrimination, and were often regarded as a source of shame by their own families. Children with disabilities who could not contribute to family income were seen as a liability, and in some cases were severely neglected. Significant numbers of indigent persons with disabilities beg on the streets. Literacy rates among various categories of persons with disabilities were significantly lower than among the general population, for both men and women.”

“The federal government ran vocational training centers in Abuja to provide training to indigent persons with disabilities. The individual states also provided facilities to assist blind and physically incapacitated individuals to become self-supporting, and persons with disabilities established a growing number of self-help NGOs such as the Kano Polio Victims Trust Association.”
[3a] (Section 5)

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23. WOMEN

LEGAL RIGHTS

23.01 The USSD 2006 Report states that:

“Although some women made considerable individual progress both in the academic and business world, women overall remained marginalized. Although women were not legally barred from owning land, under some customary land tenure systems only men could own land, and women could gain access to land only through marriage or family. In addition, many customary practices did not recognise a woman’s right to inherit her husband’s property, and many widows were rendered destitute when their in-laws took virtually all of the deceased husband’s property.”

“In some parts of the country, widows experienced unfavorable conditions as a result of discriminatory traditional customs and economic deprivation. ‘Confinement’ which occurred predominantly in the east, was the most common rite of deprivation to which widows were subjected. Confined widows were under social restrictions for as long as one year and usually were expected to shave their heads and dress in black as part of a culturally mandated mourning period. In other areas, a widow was considered a part of her husband’s property, to be ‘inherited’ by his family. Shari’a personal law protects widows’ property rights, and an NGO reported that many women succeeded in protecting their rights in Shari’a courts.” [3a] (Section 5)

POLITICAL RIGHTS

23.02 The USSD 2006 Report states that:

“The constitution and law provide citizens with the right to change their government peacefully through periodic, free, and fair elections held on the basis of universal suffrage; however, citizens’ rights to change their government was abridged during the most recent national elections in 2003.” [3a] (Section 3)

SOCIAL AND ECONOMIC RIGHTS

23.03 The USSD 2006 Report states that:

“While there are no laws barring women from particular fields of employment, women often experienced discrimination under traditional and religious practices. The Nigerian NGOs Coalition expressed concern regarding continued discrimination against women in the private sector, particularly in access to employment, promotion to higher professional positions, and salary equality. There were credible reports that several businesses operated with a ‘get pregnant, get fired’ policy. Women remained underrepresented in the formal sector but played an active and vital role in the country’s informal economy. While the number of women employed in the business sector increased every year, women did not receive equal pay for equal work and often found it extremely difficult to acquire commercial credit or to obtain tax deductions or rebates as heads of households. Unmarried women in particular endured many forms of discrimination.” [3a] (Section 5)

VIOLENCE AGAINST WOMEN

23.04 The USSD 2006 Report states that:

“Domestic violence was widespread [in 2006] and often considered socially acceptable. Reports of spousal abuse were common, especially those of wife beating. Police normally did not intervene in domestic disputes, which seldom were discussed publicly. The law permits husbands to use physical means to chastise their wives as long as it does not result in ‘grievous harm,’ which is defined as loss of sight, hearing, power of speech, facial disfigurement, or life-threatening injuries. In more rural areas of the country, courts and [the] police were reluctant to intervene to protect women who formally accused their husbands of abuse if the level of alleged abuse did not exceed customary norms in the areas. According to the 2003 Nigeria Demographic and Health Survey (NDHS), 64.5 percent of women and 61.3 percent of men agreed that a husband was justified in hitting or beating his wife for at least one of six specified reasons, including burning food and not cooking on time.”
[3a] (Section 5)

23.05 The Amnesty International (AI) report on domestic violence against women in Nigeria, ‘Unheard Voices – Violence Against Women in the Family’, published in May 2005, states:

“Countless women and girls in Nigeria are subjected to violence by some members of their families and within their communities, as in many countries throughout the world. Women of all ages and from all socio-economic groups, living in rural and urban communities, are affected. The lack of official statistics makes assessing the extent of the violence an almost impossible task, but studies suggest levels of violence are shockingly high. More than a third and in some groups nearly two-thirds of women in Nigeria are believed to have experienced physical, sexual or psychological violence in the family.”
[12a] (p1)

“...violence against women and in the home is generally regarded as belonging in the private sphere and is shielded from outside scrutiny. A culture of silence reinforces the stigma that attaches to the victim rather than the perpetrator of such crimes.” [12a] (p2)

“...violence against women in the home is widely regarded in Nigeria as a fact of married life that must be tolerated. In the only known official survey of public opinion on violence against women in the home, the proportion of women and men who justified wife-beating was found to be highest in the north-central zone of Nigeria, and lowest in the south-west zone, which includes Lagos State. The proportion was also found to be higher in rural areas than in towns.” [12a] (p6)

“...the crimes of rape and other forms of violence in the home are seriously under-reported, and the perpetrators are rarely brought to justice. The stigma attached to the victims of sexual violence, rather than to their attackers, deters most women from reporting such crimes.” [12a] (p7)

“...women remain silent about other forms of violence in the home for a range of reasons. They feel there is no point in taking complaints to the police because they will not be taken seriously. Women in a long-term cohabitation or marriage may endure physical abuse in silence for fear of breaking up the relationship and facing financial insecurity.” [12a] (p7)

“...women are frequently unaware of their human rights or that violence against women in the family may constitute a human rights violation by the authorities. Women’s lack of awareness of available legal remedies may also contribute to the under-reporting of domestic violence. They may fear violent reprisals if they attempt to bring an abusive partner to justice.” [12a] (p7)

“Relatives may put women under pressure not to disturb the family peace or bring shame on the family. One woman, who had lost some teeth and suffered other injuries in the latest serious assault by her husband, was urged by her brother to resolve her marital problems on her own.” [12a] (p7)

STATE PROTECTION FOR VICTIMS OF VIOLENCE

23.06 The AI report on domestic violence against women in Nigeria states:

“The failure of federal and state authorities to establish policies and programmes to address violence against women in the home is reflected in the lack of support for women in urgent need of a place of safety. The authorities provide no shelters for women forced to flee their homes.” [12a] (p11)

“...litigation to obtain a divorce or to seek custody of the children is expensive and beyond the means of most women. For this reason, some women have to report violence in the home to the news media or to NGOs, to highlight their plight and to obtain legal advice and assistance.” [12a] (p11)

“The criminal justice system provides scant protection, the police and judiciary often dismissing domestic violence as a family matter and failing to investigate or press charges. The few rape victims who take their cases to court face humiliating rules of evidence, patronizing and discriminatory attitudes from court officials, and little chance of justice. The prohibitive cost of legal action encourages families to seek financial compensation out of court. In such cases – and where women subjected to violence in the family or rape cannot attain justice through criminal proceedings – the state is failing to provide effective and accessible justice for women, is depriving them of the right to redress, and is allowing the perpetrators to operate with impunity.” [12a] (p12)

“...women and men who go to the police to report cases of violence in the family, including rape and physical assault, are often met with a patronizing and discouraging attitude. A police spokesperson in Lagos told Amnesty International that they did not take violence in the family seriously, ‘unless it is a case of the rape of a child or the husband kills his wife’. Few rapes are reported to the police, because of the social stigma attached to the victim and the difficulty in obtaining medical evidence. Women who bring a complaint of rape cannot insist on speaking to a woman police officer as of right, and proposals for specific women’s and human rights desks in all police stations have not yet been implemented.” [12a] (p12-13)

“...social tolerance of gender-based violence in the family is replicated among Nigeria’s law enforcement officials. The police frequently dismiss complaints of domestic violence on the grounds that the state has no right to interfere in private or family matters. Far from providing protection from crimes of violence, police officers often advise complainants to go home and sort out the problems themselves.” [12a] (p13)

“The Penal Code, applicable in northern states, explicitly condones certain forms of violence in the family. Men have the right to ‘correct’ their wives, children or domestic workers as long as such ‘correction’ does not reach a threshold of severity amounting to ‘grievous hurt’ (Section 55). Severe injuries exceeding this threshold include ‘emasculatation, permanent loss of sight, ability to hear or speak, facial disfigurement, deprivation of any member or joint, bone fracture, tooth dislocation or any which endangers the life or which causes the sufferer to be in severe bodily pains or unable to follow her ordinary pursuits for more than 20 days’ (Section 241). Any injuries below this threshold of severity, and the acts of violence that are their cause, are therefore permitted in law.” [12a] (p23-24)

“No laws specifically criminalize violence in the family, and prosecutions for violence in the family have to rely on the law on common assault and other criminal provisions. Cases of physical and sexual abuse, including wife-battering, are subsumed under the offence of assault. The law fails to address the specific circumstances of gender-based violence in the family, when the crime takes place in the home in which both perpetrator and victim have lived and may continue to live.” [12a] (p24)

“...at state level, legal systems operate concurrently that reflect the multicultural composition of the state. The statutory legal system is applied in parallel with customary law and to a certain extent also religious customary law, mainly Sharia. Many of these legal systems failed to address violence against women in the family.” [12a] (p24)

- 23.07 In August 2005, the British High Commission in Abuja obtained information from Alhaji Bukhari Bello, Chairman of the National Human Rights Commission, about state protection for victims of domestic violence. According to Alhaji Bukhari Bello:

“The NPF respond more positively to requests from men than from women and do not respond adequately to complaints from women about domestic violence. Typically they are reluctant to intervene in [sic] cases of domestic violence and regard them as family matters which should be resolved within the family. In a previous career as a prosecutor, Mr Bello’s [sic] came across cases in which a husband murdered his wife after a history of domestic violence in which the police had not intervened.” [2a] (p2)

- 23.08 In August 2005, the British High Commission in Abuja obtained information from Innocent Chukwuma, CLEEN Foundation [Centre for Law Enforcement Education], about victims of domestic violence. According to Chukwuma:

“There is a low reporting rate for crimes against women. Often women are afraid to report crime. Domestic violence has not been criminalised except in two Nigerian States – Cross Rivers and Ebonyi. And the Criminal Procedure Code of Nigeria allows reasonable chastisement of wives by their husbands. There is no support mechanism for women victims. The Social Welfare Department tend[s] to refer cases to non-governmental organisations.” [2a] (p4)

- 23.09 In August 2005, the British High Commission in Abuja obtained information about state protection for women from Alhaji Bukhari Bello, Chairman of the National Human Rights Commission. According to Alhaji Bukhari Bello:

“The NPF [Nigerian Police Force] are insensitive to women. They sometimes even go out of their way to intimidate and harass women. They might, for example, arrest an unaccompanied woman for soliciting in an attempt to obtain a bribe. Some women do report crimes but others do not because of the attitudinal problems they will encounter.”

“...there is little state provision to support women facing domestic violence, female genital mutilation or trafficking. Where it exists it is inadequate. The National Agency for the Prohibition of Traffic in Persons and Other Related Matters and the Federal Capital Development Agency provide some shelters and counselling. Often the victims of female genital mutilation are scared to complain because of local cultural pressures. A big public information campaign is needed to raise awareness of womens [sic] rights.” [2a] (p2)

- 23.10 In August 2005, the British High Commission in Abuja obtained information from Prince Emmanuel Ibe, Special Assistant to the Chairman of the Police Service Commission, about state protection for victims of domestic violence. According to Ibe:

“In terms of women, usually in terms of bail, it used to be that women were not allowed to stand bail but this has mellowed down. It was seen as a way of protecting women because if someone jumps bail the guarantor would suffer the consequences and the police were not comfortable with dragging women into that situation.”

“...apart from the bail problem there is no specific discrimination against women. Women are reluctant to report crimes such as rape because of fear of stigmatisation and that the police will not take them seriously. There are cases where family matters come up – mostly social issues which the welfare institutions deal with. But where there is a threat to life the police try to intervene.” [2a] (p9)

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RAPE AND THE LAW

23.11 The AI report on domestic violence against women in Nigeria states:

“In Lagos State and other southern states, the Criminal Code’s provision on rape states:

‘Any person who has unlawful carnal knowledge of a woman or a girl, without her consent, or with her consent, if the consent is obtained by force or by means of threats or intimidation of any kind, or by fear of harm, or by means of false and fraudulent representation as to the nature of the act, or, in the case of a married woman, by personating her husband, is guilty of an offence which is called rape.’ (Section 357).” [12a] (p26-27)

“Rape is punishable by life imprisonment. The definition of ‘unlawful carnal knowledge’, however, limits rape to penetration. Furthermore, the definition (‘carnal connection which takes place otherwise than between husband and wife’) makes it clear that rape of a wife by her husband is not regarded as unlawful. The only charge that could be brought in the case of a woman raped by her husband would be assault.” [12a] (p27)

“...the current legislation, which explicitly excludes marital rape from the definition of rape, legitimizes one of the worst forms of violence, and denies women who have been raped by their husband access to justice and redress.” [12a] (p27)

23.12 The USSD 2006 Report adds:

“The law criminalized rape and provided for substantial penalties for convictions, but societal pressures and the stigma associated with being a rape victim reduced both the percentage of rapes reported and the penalties imposed for conviction. The law recognizes spousal rape as a separate offense; however, spousal rape was difficult to prove in court, and no such prosecutions were reported during the year [2006]. Rape and sexual harassment continued to be problems. There were no statutes against sexual harassment, but violent forms were adjudicated under assault statutes. The practice of demanding sexual favors in exchange for employment or university grades continued to be common, and rape continued to be epidemic in universities. In November 2006, AI (Amnesty International) issued a report criticizing the judicial system for a conviction rate of only 10 percent of the total number of rape prosecutions.” [3a] (Section 5)

23.13 The Amnesty International (AI) report ‘Rape – the Silent Weapon’, published in November 2006, adds further:

“The Nigerian authorities at both federal and state levels have failed to address adequately gender-based violence, including rape. There is no federal or state legislation criminalizing violence against women, and most bills initiated by non-governmental organizations on violence against women are still pending. Nor are current provisions relating to rape adequately enforced in the criminal justice system. These provisions are inadequate and outdated and urgent legislative reform is needed to ensure conformity with Nigeria’s obligations under international human rights law.” [12g] (Section 4.2)

STATE PROTECTION FOR VICTIMS OF RAPE

23.14 The AI report on domestic violence against women in Nigeria states:

“The few rape victims who take their cases to court face humiliating rules of evidence, patronizing and discriminatory attitudes from court officials, and little chance of justice. The prohibitive cost of legal action encourages families to seek financial compensation out of court. In such cases – and where women subjected to violence in the family or rape cannot attain justice through criminal proceedings – the state is failing to provide effective and accessible justice for women, is depriving them of the right to redress, and is allowing the perpetrators to operate with impunity.” [12a] (p12)

“...women and men who go to the police to report cases of violence in the family, including rape and physical assault, are often met with a patronizing and discouraging attitude. A police spokesperson in Lagos told Amnesty International that they did not take violence in the family seriously, ‘unless it is a case of the rape of a child or the husband kills his wife’. Few rapes are reported to the police, because of the social stigma attached to the victim and the difficulty in obtaining medical evidence. Women who bring a complaint of rape cannot insist on speaking to a woman police officer as of right, and proposals for specific women’s and human rights desks in all police stations have not yet been implemented.” [12a] (p12-13)

23.15 The AI report on rape adds:

“Rape of women and girls by both the police and security forces, and within their homes and community, is acknowledged to be endemic in Nigeria – not only by human rights defenders but also by some government officials at both federal and state levels.” [12g] (Section 1)

“The government, however, is failing in its obligation to exercise due diligence: the perpetrators invariably escape punishment, and women and girls who have been raped are denied any form of redress for the serious crimes against them.” [12g] (Section 1)

“...the government’s response has been, and continues to be, woefully inadequate. Rape is a crime under Nigerian national law and is an internationally recognised human rights violation. Despite this, the government is failing in both its national and international obligations to prevent, investigate and prosecute rape, whether committed by state actors or non-state actors, and to provide any reparations to the victims. Further, Amnesty International has discovered that the Nigerian government has failed in its international obligations to take action against agents of the state who have committed rape and sexual abuse, and has failed to amend discriminatory legislation that guarantees impunity from charges of rape.” [12g] (Section 1)

“...although reports by non-governmental organizations, some police records, statements by state prosecutors and media reports indicate that rape in the family, the community, and by the police and security forces occurs on an alarming scale, lack of comprehensive official statistics make it difficult to establish accurately its true scale. The lack of comprehensive official figures also makes it difficult to assess the extent of direct state involvement in perpetrating gender-based violence against women, or state failure to prosecute and punish perpetrators of rape. Amnesty International considers a lack of official records of rape to demonstrate complacency by the government in addressing effectively violence against women in Nigeria.” [12g] (Section 2)

“However, the lack of records is only part of the problem. The low level of reporting in cases of rape inhibits the collection of data even where the political will exists. A nationwide survey undertaken in 2005 by the CLEEN Foundation, a Nigerian NGO which promotes public safety, security and justice, found that only 18.1 per cent – less than one in five – of some 10,000 respondents who had been raped has reported the offence to the police.” [12g] (Section 2)

“There are many reasons for this which have been well documented and researched: rape carries a heavy social stigma, sometimes resulting in rejection by families and communities; the police are sometimes unwilling to make official reports; victims fear reporting rape where the police themselves are the perpetrators; some women are unable to obtain a medical examination to substantiate their report; or they simply do not know how to report rape and obtain help.” [12g] (Section 2)

“The Federal Government does not make public any records it holds of incidents of gender-based violence in general nor of rape in particular. Reporting is thought to be sporadic, piecemeal and inconsistent.” [12g] (Section 2)

“...information on rape in Nigeria can be gleaned from other sources, including non-governmental organizations and the media. For example, the CLEEN Foundation publicizes crime statistics on its website which are extrapolated from annual crime reports produced by the Federal Government which are given restricted distribution.” [12g] (Section 2)

PROSECUTION OF RAPE CASES

23.16 The AI report on rape in Nigeria states that:

“Prosecutions for rape are brought in only a small number of cases. Victims are sometimes pressured into withdrawing the case or parents of victims prefer financial settlement out of court to a criminal prosecution. Where cases are brought to court, prosecution sometimes fails because police refer cases to a court lacking appropriate jurisdiction and progress is then obstructed by the slow administration of the judicial system. In some cases, the alleged perpetrator is charged with a different and less serious criminal offence.” [12g] (Section 5)

“In the few cases where a conviction is secured, judges seldom impose the maximum sentence. This indicates an apparent failure by the judiciary to acknowledge the gravity of the crime. In addition, compensation is rarely awarded. According to a retired high court judge, Ezebuilo Ozobu, in Enugu State, whom Amnesty International met in January 2006, failure to award compensation results from the absence of appropriate legislation.”

[12g] (Section 5)

“With the exception of a few high-profile cases, state actors alleged to have committed rape enjoy complete impunity. Amnesty International is aware of only a few cases in which police officers have been prosecuted and convicted of the criminal offence of rape and knows of no case where members of other security forces have been prosecuted for gender-based violence, including rape. Human rights activists, serving and retired high court judges and some prosecutors shared their concerns about the low rate of prosecution and even lower rate of convictions with Amnesty International in early 2006.”

[12g] (Section 5)

“The low rate of prosecutions is explained in part by the fact that most women and girls who have been raped do not report the crime. But major problems exist once women do report the crime. According to Nigerian human rights defenders, including the Executive Director of WACOL, only 10 per cent of prosecutions result in a conviction. Factors contributing to this low conviction rate are difficulties in obtaining forensic evidence admissible in court and also legislation relating to evidence.” [12g] (Section 5)

“...in the absence of action by the Federal and State Governments to ensure that alleged perpetrators of rape are brought to justice, some Nigerian non-governmental organizations have pursued private prosecutions, through a process known as *fiat* [italics in document]. Lawyers can apply to the State or Federal Attorney General for a *fiat* [italics in document] to enable a private prosecution in a criminal matter that would normally be prosecuted by the state. Although more costly for the victim, and therefore precluding those who cannot afford to take such a route, some human rights defenders believe that the process of *fiat* [italics in document] is more likely to secure a conviction in cases where state actors are prosecuted.” [12g] (Section 5)

“...the high court in each state, and relevant appeal courts, and all courts in the *Sharia* [italics in document] penal system have jurisdiction over cases of rape. Magistrates’ courts, which are the lowest-level court in the Nigerian criminal justice system, do not exercise jurisdiction over such cases.”

[12g] (Section 5.2.3)

“Lawyers and public prosecutors whom Amnesty International met in 2006 pointed out that the police frequently refer cases for prosecution to the wrong court, resulting in lengthy, if not indefinite, delays and denying the right of the victim to an effective remedy. Amnesty International notes that it also often results in the suspect being detained illegally under a so-called ‘holding charge’. Vital evidence, including statements by witnesses and victims, may be regarded as less credible after a lengthy delay. In cases of ‘defilement’, where charges must be brought within two months, such delays could prevent prosecution altogether.” [12g] (Section 5.2.3)

“The recent Reform of the Criminal Justice Bill aims to eliminate errors by the police and ensure that cases are brought before the correct court. The bill introduces time limits of up to a maximum of 90 days that the police have to charge a suspect after which the individual must be released. As of September 2006, this bill was at the legal drafting committee of the Federal Ministry for Justice awaiting consideration before hearings at the National Assembly.” [12g] (Section 5.2.3)

“Criminal procedure codes do not specify what kind of medical reports are admissible as forensic evidence in cases of rape. However, in practice, according to medical doctors, in both public and private practice, human rights defenders, prosecutors, lawyers and judges whom Amnesty International interviewed in 2006, only medical reports issued by a medical practitioner in a government-run hospital are accepted by courts as admissible evidence. [12g] (Section 5.2.4)

“...the practice of only allowing medical reports by doctors in government-run hospitals has a discriminatory effect on women and girls who do not have easy access either to government-run hospitals or health care facilities. This is particularly acute in rural areas.” [12g] (Section 5.2.4)

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FORCED MARRIAGES

- 23.17 In some parts of the country, young women are forced into marriages with older men, as noted in the British-Danish FFM Report:

“According to BAOBAB forced marriages are especially common in northern Nigeria and is mostly a concern for young women who are being forced to marry an older man. BAOBAB was aware of many young women from the north escaping forced marriages but the organisation also receives reports on this from the southern part of the country. Women from the north who find themselves under pressure to marry against their own wish may take up residence in another state in the northern part of Nigeria or in the south, especially in Lagos. Those women can seek legal assistance from a number of NGOs and some do so.”

“Women who are trying to escape forced marriage may be assisted by WACOL, but WACOL emphasized that the vast majority of such disputes have been solved and the parties reconciled by the assistance of WACOL. In some cases women are underage when they are forced to marry. Finally, WACOL regretted that the organisation is only able to provide assistance to victims arriving at its office in Abuja.” [15] (p27)

FEMALE GENITAL MUTILATION

- 23.18 Female genital mutilation (FGM) is a cultural tradition that is widely practised in Nigeria, as noted in the USSD 2006 Report:

“The NDHS [Nigeria Demographic and Health Survey] estimated that approximately 19 percent of the female population had been subjected to FGM, although the incidence has declined steadily in recent years. While practiced in all parts of the country, FGM was much more prevalent in the south. Women from northern states were less likely to undergo the severe type of FGM known as infibulation. The age at which women and girls were subjected to the practice varied from the first week of life until after a woman delivers her first child; however, three-quarters of the NDHS 2003 survey respondents who had undergone FGM had the procedure before their first birthday. According to the survey, the principal perceived ‘benefits’ of FGM include maintaining chastity/virginity before marriage, giving the victim better marriage prospects, providing more sexual pleasure for men (primarily according to male respondents), and aiding safe childbirth.”

“The federal government publicly opposed FGM but took no legal action to curb the practice. Because of the considerable impediments that anti-FGM groups faced at the federal level, most refocused their energies on combating the practice at the state and local levels. Bayelsa, Edo, Ogun, Cross River, Osun, and Rivers states banned FGM. However, once a state legislature criminalized FGM, NGOs found they had to convince the LGA authorities that state laws were applicable in their districts. The Ministry of Health, women’s groups, and many NGOs sponsored public awareness projects to educate communities about the health hazards of FGM. They worked to eradicate the practice, but financial and logistical obstacles limited contact with health care workers on the medical effects of FGM.” [3a] (Section 5)

- 23.19 The UNICEF [UN Children’s Fund] Nigeria FGM/C Country Profile dated November 2005 adds:

“19% of women aged 15-49 have undergone some form of FGM/C [Female Genital Mutilation/Cutting] in Nigeria. Prevalence rates are particularly high in the southern regions, where they reach almost 60%. There are twice as many older women (in the 45-49 age group) circumcised compared to younger women in the 15-19 age group (28% versus 13%), indicating a decline in the practice.”

“There are significant regional and ethnic differences across the country. The prevalence among the Yoruba ethnic group, for example, reaches 60% compared to less than 1% for the Fulani, Hausa, Kanuri, and Tiv women. Similarly striking differences in prevalence exist by region. The South West (57%) and the South East (41%) have the highest prevalence of FGM/C compared to the North East (1.3%) or the North West (0.4%).”

“2003 DHS data indicated a very high support for the abandonment of the practice in Nigeria. 66% of women aged 15-49 who have heard of FGM/C believed the practice should be discontinued. Urban and better-educated women were more likely to oppose the practice than rural and less-educated.”

“Over a third of the women who favoured discontinuation of FGM/C cited ‘more sexual pleasure for her’ as a reason for their opposition. Another 34% cited ‘fewer medical problems’. Other reasons included to avoid pain, more sexual pleasure for the men, and against religion.”

“According to the latest DHS [Demographic and Health Surveys] findings, 85% of girls who have undergone FGM/C were circumcised between the ages of one and four. There are marked variations in the proportion of girls circumcised in early infancy by residence and ethnicity. For example, over 90% of the Igbo and Yoruba girls are circumcised during early infancy, compared to 45% for those in other ethnic groups.”

“10% of women in Nigeria report having had at least one of their daughters circumcised. This proportion increases significantly with age, indicating a generational change in the practice. In addition, FGM/C circumcision status of daughters varies significantly by ethnicity and region. Rates are highest among women from the Igbo (26%) and Yoruba (46%) ethnic groups. In contrast to other countries, mothers’ educational status appears to have an inverse effect on the likelihood of a daughter being circumcised. 6% of uneducated women report having at least one circumcised daughter compared to 15% of women with secondary education.”

“The involvement of medical personnel in the performance of FGM/C is often referred to as ‘medicalization’ of the practice. While it is thought to decrease the negative health consequences of the procedure, UNICEF believes medicalization obscures the problems related to FGM/C, and prevents the development of [an] effective and long-term solution for the abandonment of the practice.”

“In Nigeria, over 35% of women who have undergone FGM/C report having been circumcised by a circumcision practitioner. Among daughters, this number is 60%. Another 12% of women and 27% of daughters have been circumcised by a doctor, a trained nurse, or a midwife. Circumcision in Nigeria is also commonly performed by traditional birth attendants.” [19]

23.20 The British-Danish FFM Report adds further:

“In its National Economic Empowerment and Development Strategy (NEEDS), which was launched in May 2004 by Obasanjo, the government stated its intention to intensify its campaign for the eradication of harmful traditional practices like FGM, and stated that several states had already passed the necessary legislation, and many more are in the process of doing so.” [15] (p26)

“Women’s Aid Collective (WACOL) confirmed that FGM may take place between the ages of newborn to the age of marriage and that FGM is far less prevalent in the northern, primarily Muslim part of the country than in the rest of the country. Finally, WACOL had never heard of FGM being performed in northern Nigeria on adult women (over the age of 18). WACOL estimated that in some states in the south the prevalence of FGM is more than 95% (e.g. Enugu, Imo, Plateau), but there are no statistics to show the exact figures.” [15] (p27)

“According to BAOBAB the practice of FGM in Nigeria is quite diverse depending on tradition. In Edo State the law prohibits FGM during the first pregnancy of a woman, i.e adult women. However, most women throughout Nigeria have the option to relocate to another location if they do not wish to undergo FGM. Government institutions and NGOs afford protection to these women. BAOBAB was of the opinion that FGM in itself is not a genuine reason for applying for asylum abroad.” [15] (p27)

- 23.21 The British-Danish FFM Report states that the federal police do not become involved in FGM matters as they consider FGM to be a family matter, but also states:

“However, there are groups that are against the practice of FGM and should a girl desire to avoid FGM in spite of pressure from her family to do otherwise she has the opportunity to complain to the NPF or the NHRC and in addition she may seek protection by women lawyers or NGOs. The source added that traditional leaders might also be asked to step in. NHRC confirmed that it is possible to avoid FGM but added that the ‘traditional attitude’ of a police officer or a village council would normally determine their level of concern and intervention. NHRC emphasised that cultural attitudes would still be prevalent and some victims would probably never have the courage to take their case to court.”

“According to BAOBAB the government and prominent NGOs in Nigeria provide protection to women escaping FGM. WACOL stated that it is possible for women to seek protection in the shelter run by WACOL in Enugu in the south. WACOL explained that the organisation’s Enugu office assist many adult women seeking protection against FGM.” [15] (p27)

- 23.22 The FFM report also states that internal relocation is possible for women wishing to avoid FGM:

“NHRC expressed surprise if someone actually had to leave Nigeria in order to avoid FGM instead of taking up residence elsewhere in Nigeria. NHRC added that it might be difficult for a woman residing in the southern part of Nigeria who wishes to avoid FGM to take up residence in the northern part whereas all Nigerians have the possibility to take up residence in Lagos due to the ethnic diversity and size of the city.”

“According to BAOBAB internal relocation for victims of FGM and forced marriages is an option within Nigeria and BAOBAB stated; ‘the women do so’. [15] (p38)

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24. CHILDREN

EDUCATION

24.01 The USSD 2006 Report states:

“The government seldom enforced even the inadequate laws designed to protect the rights of children. Public schools continued to be inadequate, and limited facilities precluded access to education for many children. The law calls for the government, ‘when practical’ to provide free, compulsory, and universal primary education; however, compulsory primary education rarely was provided. The 2004 NDHS EdData survey showed primary school net attendance rates of 64 percent for boys and 57 percent for girls, with approximately 96 percent of those attending completing five years of primary education. Secondary school net attendance was considerably lower, at 38 percent for males and 33 percent for females. In many parts of the country, girls were discriminated against in access to education for social and economic reasons. When economic hardship restricted families’ ability to send girls to school, many girls were directed into activities such as domestic work, trading, and street vending. Many families favored boys over girls in deciding which children to enrol in secondary and elementary schools. The literacy rate for men was 58 percent but only 41 percent for women.” [3a] (Section 5)

The Nigeria section of europaworld.com states that primary education begins at six years of age and lasts for six years. Secondary education begins at 12 years of age and lasts for a further six years. Education to junior secondary level (from six to 15 years of age) is free and compulsory. [1]

24.02 The EIU’s 2007 Country Profile on Nigeria adds further:

“According to Central Bank of Nigeria (CBN) data, education spending averaged 7% of federal government recurrent expenditure and 3% of capital expenditure in 2001-05. According to most local sources, over the past decade standards of education in the public sector have plummeted. As a result, there has been significant growth in the number of private secondary schools, which, because of their high fees, are accessible only to the elite. The university system, once highly rated, is in poor shape, struggling with dilapidated facilities, lack of funding and the loss of its best teachers.” [10a] (p16-17)

CHILD LABOUR

24.03 The USSD 2006 Report states:

“In most sectors the minimum work age is 15 years, which is consistent with the age for completing educational requirements; however, child labor remained a problem. The law prohibits employment of children less than 15 years of age in commerce and industry and restricts other child labor to home-based agriculture or domestic work. The law states that children may not be employed in agricultural or domestic work for more than eight hours per day. Apprenticeship of youths at the age of 13 is allowed under specific conditions.”

“Awareness of the problem increased throughout civil society, and the government demonstrated its commitment to the issue of child labor throughout the year [2006]. The Ministry of Employment, Labor, and Productivity drafted a National Policy on Child Labor as well as a National Plan of Action for the Elimination of the Worst Forms of Child Labor in Nigeria. By year’s end both drafts had been submitted to the Federal Executive Council for approval.”

“The government’s child labor policy focused on intervention, advocacy and sensitization, legislation, the withdrawal of children from improper labor situations, and rehabilitation and education for children following their withdrawal. The Ministry of Employment, Labor, and Productivity was responsible for enforcement of the law. During the year [2006] the ministry trained approximately 120 labor inspection officers on child labor laws. Eighty officers were trained to perform inspections in high-risk sectors such as agriculture, mining, and the informal sector. Approximately 20 officers were trained to perform rapid assessment surveys in these critical sectors; reports of the surveys conducted by these officers were not yet available at year’s end. The ministry also sponsored awareness-raising and law-familiarization training programs for local law enforcement, customs, and other government officials. Despite these advances, forced child labor and trafficking in children continued during the year [2006].”

“Economic hardship resulted in high numbers of children working to enhance meager family income. Children frequently were employed as beggars, street pedlars, bus conductors, and domestic servants in urban areas. Little data was available to analyze the incidence of child labor. The National Modular Child Labor Survey Nigeria, which conducted the only survey available between 2000 and 2001, reported approximately 15 million children working in the country. Of these, more than six million were not attending school and more than two million were working 15 or more hours per day.”

“The Ministry of Employment, Labor, and Productivity dealt specifically with child labor problems, and had an inspections department whose major responsibilities included enforcement of legal provisions relating to conditions of work and protection of workers. Although the inspectorate employed nearly 400 total inspectors for all business sectors, there were fewer than 50 factory inspectors for the entire country. The ministry conducted inspections mostly in the formal business sector, in which the incidence of child labor was not a significant problem. NAPTIP bears some responsibility for enforcing child labor laws, though it primarily rehabilitates trafficking victims and child labor victims. The agency reportedly received no complaints of child labor, although it did pursue cases of trafficking in children. The ministry repatriated 350 trafficked child laborers to their countries of origin during the year.” [3a] (Section 6d)

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FACILITIES FOR CHILDREN WITH LEARNING DISABILITIES

24.04 The Landinfo 2006 FFM report states:

“According to professor Abengowe [Abuja Clinics], the facilities available for children with all sorts of learning disabilities (autism and down’s syndrome were mentioned) are extremely limited in Nigeria, even in private health care institutions in Abuja and Lagos. In some cases, someone working in a university clinic might take a special interest, but s/he would have few resources available to do something for the child. ‘Poor people simply deal with the situation themselves, whereas some of the well-to-do will possibly send them abroad for treatment’. He went on to say that missionaries can sometimes offer help, and there are homes for such children: ‘Compared to the size of the population, however, it’s a drop in the ocean. It is not unheard of that these children are abandoned by their parents, but fortunately, people are generally accommodating towards people with mental disabilities’.”
[40b] (p26)

CHILD MARRIAGE

24.05 The ‘Child Marriage Briefing on Nigeria’, published by the Population Council in August 2004, states that:

“Nigeria, particularly northern Nigeria, has some of the highest rates of early marriage in the world. The Child Rights Act, passed in 2003, raised the minimum age of marriage to 18 for girls. However, federal law may be implemented differently at the state level, and to date, only a few of the country’s 36 states have begun developing provisions to execute the law. To further complicate matters, Nigeria has three different legal systems operating simultaneously – civil, customary, and Islamic – and state and federal governments have control only over marriages that take place within the civil system.”

“Nationwide, 20 percent of girls were married by age 15, and 40 percent were married by age 18. Child marriage is extremely prevalent in some regions; in the Northwest region, 48 percent of girls were married by age 15, and 78 percent were married by age 18. Although the practice of polygyny is decreasing in Nigeria, 27 percent of married girls aged 15-19 are in polygynous marriages.”

“Virtually no married girls are in school; only 2 percent of 15-19-year-old married girls are in school, compared to 69 percent of unmarried girls. Some 73 percent of married girls compared to 8 percent of unmarried girls cannot read at all.” [5]

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25. MOVEMENT FOR THE ACTUALISATION OF THE SOVEREIGN STATE OF BIAFRA (MASSOB)

25.01 The Landinfo 2006 FFM report states:

“MASSOB sees itself as a successor to the Biafra political leaders of the 1960s. In doing so, MASSOB understates the fact that the organisation was only established in the late 1990s, choosing instead to evoke a continuing separatist struggle since the proclamation of the Biafran republic on 30 May 1960.” [40b] (p14)

“Bukhari Bello (NHRC) pointed out that the link between the current MASSOB leadership and the Biafra separatists of the late 1960s is in fact weak. In his opinion, it seems that Ralph Uwazuruike was not known to the 1960s Biafra leaders before MASSOB started its activities in the late 1990s.” [40b] (p14)

“Other sources have stressed that the memories of the Nigerian civil war are still strong, especially among Nigerians old enough to remember it.” [40b] (p15)

“...it is difficult to assess how much popular support to MASSOB actually has. Festus Keyamo, Legal Practitioner and Legal Adviser to [the] Movement for the Actualisation of the Sovereign State of Biafra (MASSOB), claimed that MASSOB enjoys large grassroots support among Igbos [also known as Ibos], and that Igbo marketwomen, motorcycle drivers and similar people pay a voluntary tax to the organisation. He denied claims that have come up in [the] Nigerian media that the MASSOB leadership should be forcing people to contribute funds to the organisation. According to Keyamo, ‘we have to differentiate between supporters and members. I believe we have the support of some 80% among Igbos’. He did not forward any figures concerning membership in the organisation.” [40b] (p15)

“Bukhari Bello (NHRC), on the other hand, stated that MASSOB does not enjoy majority support even in core Igbo areas of Nigeria.” [40b] (p15)

“Mark Fiedrich, the Head of Sector (Good Governance) of the European Commission’s Delegation to Nigeria, stated that it was his impression that MASSOB does enjoy popular support among Igbos. He mentioned the grievances within the Igbo community regarding a lack of representation on a high level in Nigerian politics as one possible reason for such support, but also pointed out that the frustration out of which popular support grows, is similar to the frustration felt by Nigerians from other ethnic groups. It is thus not unique to Igbos.” [40b] (p15)

“Tom Ashby, Reuters Chief Correspondent in Nigeria, was of the impression that MASSOB has quite a lot of support, especially among young, unemployed Igbos in Igboland who cannot remember the civil war in the late 1960s.” [40b] (p15)

“None of our sources, including Festus Keyamo, backed claims that people are assumed to be MASSOB supporters just on the basis of being Igbos. Neither did anyone state that Igbos who support MASSOB’s political aims and views, but who do not participate in political meetings, demonstrations, etc, are targets of harassment or persecution.” [40b] (p15)

“...according to Festus Keyamo (lawyer of MASSOB), people brought in by the police during MASSOB events are mainly detained, but usually not maltreated. MASSOB’s attorneys are generally given access to MASSOB members in police custody. On the other hand, he stated that the State Security Service (SSS) does maltreat MASSOB activists during investigations. The SSS does not give MASSOB’s attorneys access to MASSOB members in custody, unless there is a court order, and even then it can be difficult to get access.” [40b] (p16)

“...Festus Keyamo (lawyer of MASSOB) stated that MASSOB has no records of ordinary members being arrested, except if they participate in events organised by MASSOB. He added that being in possession of Biafra currency and/or the Biafra flag also can lead to arrest. According to Keyamo’s figures, more than one hundred MASSOB supporters were in detention as of March 2006 – of these, twelve (including Uwazurike) are in Abuja, others in Aba, Onitsha and Kaduna. Many of these have not been charged. Keyamo stated that when MASSOB members are actually charged, the charge is generally ‘belonging to an illegal organisation’. If caught with leaflets or similar objects (like the Biafra currency and/or flag), they may be charged with ‘treasonal felony’.” [40b] (p16)

“According to Keyamo, Ralph Uwazurike is badly treated in prison, and he and his team have complained to the court regarding Uwazurike being chained to the floor and other forms of maltreatment.” [40b] (p16)

“Festus Keyamo (lawyer of MASSOB), stated the following on behalf of MASSOB leader Ralph Uwazurike:

“ ‘the MASSOB leadership has decided that members should stay in Nigeria and fight for self-determination within the country. No decision has been taken to send MASSOB activists abroad to continue the struggle from outside’.”

“ ‘most asylum seekers claiming MASSOB membership are fraudulent and may have no connection to MASSOB. When people contact MASSOB for support and substantiations of their asylum claims (either while still in Nigeria or from abroad), MASSOB turns them down. This is also the case when (potential) asylum seekers offer MASSOB money for such letters of support’.” [Quote in italics in document] [40b] (p16)

“Keyamo went as far as to say the following:

“We encourage you to deny asylum to people who claim asylum as MASSOB members. The MASSOB policy is to stay in Nigeria to dare all consequences and fight for self-determination. It is unfair that fortune seekers go abroad and use the platform of MASSOB to claim asylum’.” [Quote in italics in document] [40b] (p16)

25.02 The British-Danish FFM Report adds:

“According to a senior representative of the IGP, the NPF and political opposition parties, including the separatist movement MASSOB, are not regarded as a ‘serious threat or problem’ and there has never been any violence involved in their activities. The BHC [British High Commission], confirmed that political opposition groups such as MASSOB are in general free to express their views, although those that take part in demonstrations may face detention.” [15] (p11)

“...Professor Utomi [Lagos Business School, Pan-African University Lagos] explained that there had been [a] significant level of resentment in Igbo society about the treatment of Igbo people since the civil war. There was a philosophy of an Igbo-renaissance amongst young Igbo men and women born since the civil war and they have found allies in the Igbo diaspora. This has been exploited by MASSOB. However, MASSOB is very much a fringe group but because of government over-reaction to it, has gained support. The government is strongly opposed to MASSOB and several members and supporters have been arrested and detained for months even though MASSOB insists that it is a non-violent movement. Professor Utomi explained that the ghost of MASSOB has created concern within the SSS and now and then its forces have over-reacted.” [15] (p11)

25.03 The same FFM Report adds further:

“Nwankwo [Attorney-at-law, Lagos], emphasized that MASSOB is an unarmed and non-violent movement. In spite of this a large number of suspected MASSOB members or sympathisers are detained in Abuja and the government has refused to release them on bail. Nwankwo explained that, since February 2004, 300 members of MASSOB are being [sic] detained in Abuja alone awaiting trial. He added that two members of the National Assembly have requested him to be defence counsellor for the 300 pending MASSOB cases in Abuja. Some of those detained may be faced with charges for treason, which is punishable by death. However, Nwankwo was not aware that any governor has signed a death penalty under common criminal law since 1999. But extra-judicial killings are common in Nigeria and it has been claimed that the NPF frequently kill members of MASSOB and others with impunity.” [15] (p12)

“Normally anonymous sympathisers of MASSOB do not draw the attention of [the] NPF. More prominent leaders of MASSOB are at risk of persecution and also persons affiliated with those leaders could be at risk of persecution and detention. Less prominent persons who are affiliated with MASSOB could be targeted as well in order to intimidate others.” [15] (p13)

- 25.04 MASSOB members clashed with the police in 2006 as the USSD 2006 Report notes:

“Members of the Movement for the Actualization of the Sovereign State of Biafra (MASSOB), a separatist group espousing Igbo unity and the secession of Igbo [Ibo] states as its prime tenets, initiated frequent violent clashes with the government, particularly in Onitsha and Anambra states. Police sometimes reacted by arresting large numbers of MASSOB members. For example, in June [2006] police in Anambra State suspected MASSOB of kidnapping four police officers and responded by arresting 69 people. Two others were killed in the arrest sweep. Formal charges against the 69 arrested persons were not announced by year’s end.” [3a] (Section 1d)

“MASSOB leader Ralph Uwazurike and six of his deputies, who were arrested in October 2005 on treason charges, remained in detention as they were awaited trial. Public pretrial hearings were conducted in the case, but no announcements were made about the progress of the trial, which had been scheduled for September. There were no reports that the trial had begun [sic] by year’s end.” [3a] (Section 1d)

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26. ARMED MILITIA GROUPS IN THE DELTA REGION

THE NIGER DELTA PEOPLE'S VOLUNTEER FORCE AND THE NIGER DELTA VIGILANTE

- 26.01 The HRW Briefing Paper 'Rivers and Blood: Guns, Oil and Power in Nigeria's Rivers State', published in February 2005, reports that:

"On September 27, 2004, the leader of a powerful armed group threatened to launch an 'all-out war' in the Niger Delta – sending shock waves through the oil industry - unless the federal government ceded greater control of the region's vast oil resources to the Ijaw people, the majority tribe in the Niger Deltas. The threat, made by Alhaji Dokubo Asari, leader of the Niger Delta People's Volunteer Force (NDPVF), followed the deployment of federal government troops to quell months of intense fighting between the NDPVF and a rival armed group, the Niger Delta Vigilante (NDV), led by Ateke Tom. The threat also provoked an immediate response from multinational oil companies, global financial markets, and Nigerian government officials." [22f] (p2)

"...a Human Rights Watch fact-finding mission to Rivers State in November 2004 found that months of fighting between the armed groups has led to serious human rights abuses against ordinary Nigerians. The violence between Asari's NDPVF and Tom's NDV [Niger Delta Vigilante] occurred mainly in riverine villages southeast and southwest of Port Harcourt, known as the oil capital of Nigeria, and within Port Harcourt itself. Since 2003, the running fight for control of these villages and towns has resulted in the deaths of dozens of local people and forced tens of thousands to flee their homes. Schools and businesses have closed, and homes and property worth millions of dollars has [sic] been destroyed. Hundreds of mostly young male fighters have also been killed. The violence has created a profound climate of fear and insecurity in Rivers State, leaving local people reluctant to return to their homes or to seek justice for the crimes committed." [22f] (p2)

"The recent violence in Rivers State is primarily the result of a struggle between the NDPVF and rival NDV for control over illegal oil revenues. Underlying the conflict are several key issues that fuel the violence, including: the manipulation of frustrated youth by political leaders, traditional elites, and organized crime syndicates involved in oil theft; the impact of oil money on community politics; crushing poverty and youth unemployment; and the widespread availability of small arms and other lethal weapons. Human Rights Watch found strong evidence to suggest that senior members of the state government at one time gave financial or logistical support to Asari and Tom, laying the foundations for a later conflict that would spin out of control. Both the leaders of armed groups and their backers have been emboldened in their acts of brutal violence by the prevailing culture of impunity. Across the Niger Delta, as throughout Nigeria, impunity from prosecution for individuals responsible for serious human rights abuses has created a devastating cycle of increasing conflict and violence." [22f] (p2-3)

“Although the violence across the Niger Delta has manifested in different forms - in Warri it is seen as a conflict between Ijaw and Itsekeri ethnic militias, in Rivers State as a battle between Ijaw groups - it is essentially a fight for control of oil wealth and government resources. The violence in Port Harcourt has been perpetrated by two rival armed groups and their affiliates who battled to control territory and lucrative oil bunkering routes.” [22f] (p3-4)

“...both Asari’s NDPVF and Tom’s NDV are primarily comprised of young Ijaw men from Port Harcourt and nearby villages. In addition to these two groups, there are, according to the state government, more than 100 smaller armed groups, known locally as ‘cults’.” [22f] (p4)

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THE GOVERNMENT’S RESPONSE TO THE MILITIA VIOLENCE

26.02 The HRW Briefing Paper states:

“During the course of the [sic] 2004, violence in the villages in and around Port Harcourt, the police army and navy failed to take sufficient action to secure the lives and property of the local residents. In almost all areas, local people reported to Human Rights Watch the absence or inability of the security forces to deal with the violence. Several participants and eyewitnesses to the clashes in Port Harcourt told Human Rights Watch that although they attempted to contact the police during the clashes, they arrived on the scene well after the attackers had left, if at all. When questioned about this the State Commissioner of Police told Human Rights Watch, ‘the police don’t have the fire power in comparison to the militia.’ Several members of Asari’s NDPVF described to Human Rights Watch how the police, rather than act to stop the clashes or protect lives and property, stood by while Tom’s NDV attacked during clashes between the two armed groups.” [22f] (p17)

“...moreover, very few individuals responsible for organizing or carrying out the attacks appear to have been arrested or prosecuted. Although the State Commissioner of Police told Human Rights Watch that over 200 people had been arrested and charged since the passage of the ‘Secret Cult and Similar Activities Prohibition Law’ in June 2004, local NGOs and members of the Port Harcourt communities affected by the violence in August 2004 reported to Human Rights Watch that very few people had been arrested in the aftermath of those attacks. From interviews with members of both the NDPVF and NDV, Human Rights Watch concludes that of the few arrests made during the clashes, most were of low-level fighters or, in some cases, those unconnected to the incidents, seemingly in an attempt to show action was being taken. In other cases, members of the armed groups told researchers how their fellow fighters were released shortly after arrest or following the payment of a bribe to police officers.” [22f] (p17-18)

“...in May 2004, the state government constituted a joint internal security operation, involving the army, navy and police in response to the rising tide of violence in the state. As fighting between Asari’s NDPVF and Tom’s NDV, intensified, security forces carried out operations in Ogbakiri, Buguma, Tombia and Amadi Ama between June and August. The objective of the operation, under the overall command of the police, was to ‘maintain law and order and ensure the militia members were brought to book.’” [22f] (p18)

“...national and international press at the time reported the death of scores of people killed by Nigerian security forces, in particular during operations in Ogbakiri at the beginning of June 2004. The difficulty in locating villagers who witnessed these events and, given their fear of the armed groups, prepared to talk about their experiences presented a challenge to Human Rights Watch researchers to confirm the precise nature of these incidents and the number of people killed.” [22f] (p18-19)

“Following the attacks by Asari’s NDPVF on Port Harcourt at the end of August 2004, Rivers Governor Peter Odili requested the intervention of the federal government. On September 4, 2004, President Obasanjo approved *Operation Flush Out 3*, a joint operation comprising the Nigerian army, navy, airforce and police. According to an army public relations officer, Captain Onyema Kanu, the operation’s objective was, ‘to cleanse the state of illegal weapons’. Around the same time, the governor’s chief of staff, initiated a behind-the-scenes effort to forge a peace agreement among several of the ‘cult’ groups affiliated with Asari’s NDPVF and Tom’s NDV in 2003.” [22f] (p19)

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THE 2004 AGREEMENT TO END THE VIOLENCE

26.03 The HRW Briefing Paper states:

“The Nigerian government first publicly dismissed Asari’s September 2004 threat of ‘all out war,’ calling him a ‘gangster’ and ‘criminal.’ Later in the month, however, Nigerian President Olusegun Obasanjo invited Asari and Tom to the capital, Abuja, to broker an agreement to end the fighting. On October 1, 2004, Asari and Tom agreed to an immediate ceasefire, the ‘disbandment of all militias and militant groups,’ and total disarmament. At this writing, attacks have sharply diminished. However, the agreement - as currently structured - offers only short-term prospects for stability and the protection of the local population.” [22f] (p3)

“The federal government initiative, headed by President Obasanjo to bring Asari and Tom to the negotiating table resulted in the signing of the October 1, 2004 agreement between the two armed groups...Since then [1 October 2004] there have been several meetings between government officials, leaders of the various armed factions, and civil society representatives. The parties drafted a more comprehensive agreement which addressed two major issues: the disarmament of Asari’s NDPVF, and Tom’s NDV, and their affiliated ‘cult’ and youth group members, and the re-integration of these groups into society. In addition, numerous local committees have been established to monitor progress on these issues and examine the underlying causes of violence.” [22f] (p20)

“To encourage disarmament, the state government offered U.S. \$1800 for the return of each assault rifle surrendered. The state government also offered members of the armed groups amnesty from prosecution and the release of members held in detention in exchange for weapons. Although at this writing disarmament was progressing - as of mid-December [2004] the army claimed some 1100 weapons had been turned in - this number is a small fraction of the weapons believed held by the armed groups. There are also reports that very old weapons are being traded to claim the financial reward, while newer, more sophisticated models remain in the hands of the fighters.” [22f] (p20)

“To help rehabilitate and re-integrate former fighters, the government has embarked on a process to register youths for a program of ‘employment generation,’ which thus far has meant interviewing youths about their employment or schooling preferences. Although the state government has pledged 4000 jobs to the youth, officials have not developed specific proposals to create these jobs.” [22f] (p21)

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MOVEMENT FOR THE EMANCIPATION OF THE NIGER DELTA (MEND)

- 26.04 An ISN Security Watch report dated 3 February 2006 about a militia group called the Movement for the Emancipation of the Niger Delta (MEND) states:

“Over the past two decades, there has been a build up of anger among local people [in the Delta region]...This resentment has often manifested in angry protests by villagers, sabotage of oil installations, kidnapping of oil workers for ransom, and other forms of disruptive violence by a growing army of heavily armed militants in the region.”

“However, attacks unleashed by militia forces in the past month in the delta that cut Nigeria’s oil exports by about 10 per cent, indicate a new level of violence targeting international oil companies and closely tied to political demands. A previously unknown group calling itself the Movement for the Emancipation of the Niger Delta (MEND) claimed responsibility for an 11 January [2006] attack on an offshore oil platform during which four oil workers were taken hostage.”

“MEND also claimed attacks on pipelines and other oil installations in which more than two dozen people died during [the] same period, part of its fight to stop Nigeria’s oil exports in order to press for local control of oil wealth. Ruling out the usual ransom demanded by militants for hostages in the oil region, the group demanded the release of ethnic Ijaw leaders detained by President Olusegun Obasanjo’s government in exchange for the hostages; a demand rejected by the Nigerian leader.”

“The group also demanded that Shell honor a Nigerian court ruling three years ago that it pay US\$1.5 billion to a group of ethnic Ijaw communities for environmental damage caused by the company’s oil operations. Shell had appealed against the ruling, which is yet to be determined.”

"After 19 days in captivity, the militants on Monday [30 January 2006] freed American boat captain Patrick Landry, ship engineers Milko Nichev from Bulgaria and Harry Ebanks from Honduras (all employees of New Orleans-based Tidewater Incorporated working as a contractor for Shell), as well as Nigel Watson, a former paratrooper and security expert employed by British firm Ecodrill to work on a contract with Shell. MEND said it had released the hostages 'purely on humanitarian grounds' and had not taken any ransom."

"This release does not signify a ceasefire or softening of our position to destroy the oil export capability of the Nigerian government,' MEND said in an email to reporters. The group said it soon would launch fresh attacks aimed at cutting Nigeria's exports by 30 per cent in February [2006]. It warned all foreign oil workers to leave as new hostages taken by the group would not be freed."

"Both the military sophistication and the ferocity of the attacks have surprised the Nigerian military and oil industry officials already used to militant violence in the Niger Delta. The militants launched a commando raid on Shell's EA platform just over nine kilometres into the shallow waters of the Atlantic off the Delta coast, evading navy patrols in the area, in order to take hostages including a security expert hired to prevent that very type of occurrence."

"In the attack on Shell's Benisede facility four days later, the militants fired rockets on the quarters housing troops stationed to guard the installation to put them out of action, before using explosives to level the facility. The Nigerian military said four soldiers were killed in that attack, while another 11 are still missing and presumed dead."

"...close observers of the Niger Delta say there are numerous armed groups active in the region. Some of them act independently, while others, especially in the Ijaw areas, are loosely federated; all are united in their anger against the central government with each group obtaining weapons through an illegal trade in oil trapped from pipelines into barges and sold to rogue vessels offshore."

"What we are seeing in MEND is an attempt to marry the anti-government rhetoric to military action in the form of guerrilla warfare,' said Niger Delta rights activist Pius Waritime." [14]

- 26.05 The International Crisis Group report 'The Swamps of Insurgency: Nigeria's Delta Unrest', published in August 2006, adds:

"Among the latest rebel groups to emerge is the Movement for the Emancipation of the Niger Delta (MEND). Apart from resource control, the group threatens to immobilise the oil industry unless demands for government and corporate compensation for decades of environmental damage and the release of two imprisoned ethnic Ijaw leaders are met. Attacks since December 2005 have cut production by 500,000 barrels of oil per day. Two car bombings in April 2006 were designed, a spokesman suggested, to send the message the group has increased its capabilities and can and will use more violent tactics if forced to do so." [17b] (p1)

“MEND has destroyed pipelines and claimed responsibility for attacks that have killed at least 29 security force members, including a 15 January 2006 strike against Shell’s Benisede flow station that badly damaged the facility and left fourteen soldiers and two civilian contractors dead. A militant close to MEND asserted the flow station was chosen as a target in part as retaliation for the shooting of civilian protesters in 2004. The group has also claimed responsibility for a majority of the 25 foreign oil workers taken hostage since January [2006]. All have been released, apparently after their propaganda value waned or, in some cases, ransom was paid. MEND’s spokesman conceded that holding hostages was a drain on the movement’s resources and a security risk for host villages. In April [2006], he said the movement would concentrate on attacking facilities and damaging its enemies rather than taking prisoners.” [17b] (p1)

“MEND is attempting to become an umbrella organisation for other rebel groups in the region. Its numbers, while difficult to estimate, likely range from the high hundreds to the low thousands. Its various elements have a great deal of operational latitude but the sophistication and communication capabilities among and between them is increasing. Some of these elements alternate between identifying themselves as MEND and operating under other names.” [17b] (p1-2)

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27. VIGILANTE GROUPS

BACKGROUND

- 27.01 The United Nations (UN) Commission on Human Rights Report of the Special Rapporteur on extra-judicial, summary or arbitrary executions, dated January 2006, states that:

“While ‘vigilante’ groups play a major role in Nigeria, definitional issues are crucial to understanding the situation. The term covers a wide spectrum of groups ranging from community policing through problematic ethnic-based vigilantes, to state-sponsored or supported gangs. Because many of the groups have been openly or covertly supported by State officials, they cannot be considered classical non-state actors. The right of citizen arrest is often invoked to justify the groups’ activities.” [26b] (p20)

“Among the most violent have been those established to defend commercial interests in urban areas. While they may carry out some ‘policing’, they also undertake debt collection, crime prevention, extortion and armed enforcement services. The Bakassi Boys for example, is a group active mainly in Abia, Anambra and Imo states that has been responsible for many extrajudicial executions, often carried out publicly. They patrol the streets in heavily armed gangs, arrest suspects, determine guilt on the spot and exact punishment, which may involve beating, ‘fining’, detaining, torturing or killing the victim. The Bakassi Boys are tacitly supported by state governments and one has accorded them official recognition.” [26b] (p20)

- 27.02 The UN Commission report adds:

“While there is a benign traditional concept of vigilantism in Nigeria, many groups have moved far beyond the appropriate limits. Too many have evolved into highly armed criminal gangs, or gangs doing the political bidding of their paymasters. State governments have generally supported this expanded role while imposing no form of regulation or accountability.”

“...the rise of vigilantism and the undeniably significant public support for some groups partly reflects the failure of the Nigeria Police to address high violent crime rates. However, the lack of public trust and confidence in the police cannot be used to justify the violent and illegal acts of untrained, unregulated and unaccountable armed groups.” [26b] (p21)

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VIGILANTE GROUPS AND THE POLICE

27.03 The British-Danish FFM Report states:

“A senior representative of the IGP confirmed that vigilante groups had in the past been prevalent in taking the law into their own hands because the police, until recent years had not had the capacity. However, since 1999, the NPF has grown in size and capacity and now has a much higher profile. Former vigilante groups have now been brought within and under the control of the NPF. They are registered with and operate under the supervision of [the] NPF and are akin to services like the ‘neighbourhood watch’ scheme in the UK and elsewhere operating principally at night. The accounts of those that claim to be ill-treated by such groups can be easily verified by asking for the particular name, location and dates of any such incidents and these can be checked with the NPF.” [15] (p13)

“Usman [NHRC] considered that any former vigilante groups or movement that has registered and is co-operating with the authorities would have to be screened by the police. NHRC does not receive complaints about groups that have been registered and integrated within the NPF, and they do not cause any problems.” [15] (p14)

“...in contrast to the above-mentioned registered groups Usman mentioned a number of non-registered vigilante groups, which he described as ‘outlaws’ or ‘militias’. These groups are to be found in various locations throughout Nigeria and included the OPC, Bakassi Boys, Yan Daba, Egbesu Boys etc. as well as various warlords, militias and cult gangs in the Delta and other regions.” [15] (p14)

“...a senior representative of the IGP explained that membership or association with these groups or economic support for them is not illegal but many illegal acts those groups or members of those groups might commit are of course criminal offences and will be treated as such. For example, threatening behaviour or otherwise preventing people from going about their normal lives will be treated appropriately. There have been prosecutions for such destructive behaviour and the courts have handed down sentences that have ranged from between two and six years according to the seriousness of the offence. Many though have been charged and are still awaiting trial. On the other hand the source was not aware of any complaints made by individuals in respect of the Bakassi Boys or similar vigilante groups. The source repeated that any member of [the] Bakassi Boys or any other vigilante group would be arrested if he or she had committed any crime or has acted in a destructive manner. The NPF deals with individuals within these groups in the context of any illegal activities committed by the individual.” [15] (p14-15)

“Regarding the possibility of internal flight alternative for persons with problems with these groups Usman was of the opinion that it depends on the nature of the problem and the profile of the person concerned. A person who had a serious problem with [the] OPC cannot return to Lagos or the southwest in safety because of the inability of the authorities to provide adequate protection against the OPC. However, a person in those circumstances could, depending on the nature of the problem with [the] OPC, in most cases relocate to, and be safe in, for example, Abuja.” [15] (p16)

28. THE O'ODUA PEOPLE'S CONGRESS

28.01 The HRW Report on the O'odua People's Congress states:

"Nigeria has witnessed an increase in the activities of ethnic and regional militia, vigilantes, and other armed groups in the last few years. One of the better-known of these groups is the O'odua People's Congress (OPC), an organization active in the southwest of Nigeria which campaigns to protect the interests of the Yoruba ethnic group and seeks autonomy for the Yoruba people. The OPC is a complex organization, which has taken on several different roles as it has adapted to the changing political and security environment in Nigeria. One of several Yoruba self-determination groups, it was established in 1994 with the aim of overcoming what it alleged was the political marginalization of the Yoruba. It has since evolved in several different directions. Its activities have ranged from political agitation for Yoruba autonomy and promotion of Yoruba culture to violent confrontation with members of other ethnic groups, and, more recently, vigilantism – the OPC has been responsible for numerous human rights abuses and acts of violence, and its members have killed or injured hundreds of unarmed civilians. However, OPC members have been victims as well as perpetrators of human rights abuses. Hundreds of real or suspected OPC members have been killed by the police; many others have been arbitrarily arrested, tortured, and detained without trial for extended periods." [22a] (p1)

"...part self-determination organization, part vigilante group, the OPC has defied easy classification. The usual description of the OPC as an ethnic militia, while accurate, is also misleading, in that not all the acts of violence committed by its members have been ethnically motivated. Many of the conflicts in which the OPC has got involved have been among Yoruba, and consequently victims of OPC violence have included Yoruba...in a sense, the OPC combines aspects of two distinct types of organizations which have emerged in Nigeria: those which advocate for the specific interests of their particular ethnic, regional or religious group in a broadly political context, and those which have taken on the task of fighting crime, without an explicit political agenda of their own. In addition, OPC members frequently carry out acts of intimidation and violence which appear to be motivated more by a desire to rob their victims of money or possessions, than by any ideological objective." [22a] (p1)

"...several government officials maintain close links with the OPC leadership, and OPC members have provided security arrangements at official and public functions, in the presence of government officials. Where action has been taken by the federal government to crack down on the violence, it has often resulted in further human rights violations by the police, including extrajudicial executions and arbitrary arrests. The weakness of the Nigerian police force, its apparent inability to maintain law and order, and the lack of public confidence in its effectiveness have aggravated the problem and have given many armed groups the freedom to operate according to their own rules, and to carry out serious human rights abuses with impunity." [22a] (p1-2)

- 28.02 The OPC's members come from diverse backgrounds and from different parts of the country, according to the HRW report on the OPC, which states:

"The OPC claims to have more than five million members, spread over the whole of Nigeria. The greatest concentration of members are in the southwestern states commonly referred to as Yorubaland, including Lagos, Ogun, Osun, Ondo, and Oyo, as well as Ekiti, Kwara, and Kogi. It also claims to have members in several West African countries, including Benin, Ghana, Liberia, and Sierra Leone; as well as Brazil, Germany, Jamaica, the United Kingdom, and the United States of America." [22a] (p6-7)

"While many of the OPC leaders are professionals and people with a high level of education and political awareness, their members cover a broad range of ages and include many women. The majority of rank-and-file members are believed to have little or no education and include a high proportion of young, unemployed people, many from a rural background. The OPC prides itself on being a grassroots movement, with mass membership at all the local levels in the states where they are in the majority." [22a] (p6-7)

- 28.03 People have joined the OPC for a variety of reasons, as noted in the HRW report on the OPC:

"It would appear that people have joined the OPC for a variety of different reasons, some because they specifically identify with their political ideology and the Yoruba self-determination agenda, others because they may feel they need a form of protection against what they perceive as political, economic or social discrimination and may have been impressed by the image of the organization. Others, mainly the mass of young, unemployed men, have simply taken advantage of the organization as a channel for venting their general frustration." [22a] (p7)

- 28.04 The OPC has a hierarchy and an organisational structure, according to the HRW report on the OPC, which states:

"According to the OPC leaders and individuals close to them, the organization has a strict hierarchical structure, chain of command, and efficient systems of communication. It has structures and executive committees at national and state levels, with the Annual National Conference as its supreme decision-making body, and the National Executive Council as its governing body. At the local level, every member is required to belong to a branch and the branches are grouped into zones, which are in turn grouped into sub-regions. There are different wings, including a women's wing, and sections responsible for different activities." [22a] (p7)

- 28.05 Some OPC members have committed human rights abuses, according to the HRW report on the OPC, which states:

“By early 2003, incidents of large-scale killings by the OPC have decreased, but clashes between different ethnic groups, including the Yoruba, are still taking place, and ethnic tensions have not abated. The OPC remains active and visible. Its leaders have not accepted responsibility for the serious human rights abuses committed by their members, despite the fact the organization has a clear structure, chain of command and disciplinary procedures. The OPC continues to enjoy significant support among sectors of the population in southwestern Nigeria and among state government officials.” [22a] (p2)

“Most of the incidents in which OPC members have been responsible for killings fall into one of two categories: large-scale ethnic clashes, creating many casualties, or isolated incidents in which individual OPC members have attacked or killed other individuals, for example in the course of vigilante activities or attempts at extortion or theft. In addition, there have been situations where the OPC has intervened or been used in political disputes, such as that in Owo, Ondo State, where it has ended in attacking supporters of rival political factions.” [22a] (p11)

- 28.06 Members of the OPC have been involved in violent clashes with the police but have also been active in combating crime, according to information about the OPC produced by the West Africa Review publication in 2001:

“According to its founding president, Dr Frederick Fasehun, the OPC was formed to ‘defend the rights of every Yoruba person on earth’. Following some disagreements in 1999, a faction of the group led by Ganiyu Adams broke away from the main group. The OPC, especially the more militant Adams’ faction has been engaged in a running battle with the Police. The catalogue of the militia’s clashes with the police shows that the police establishment has incurred substantial losses of men and material during these confrontations.” [27a] (p6)

“The story of the ethnic militias is not all about violence. Some good deeds have been credited to the OPC and Bakassi Boys especially in the area of combating crime. The general perception is that the police are corrupt, inefficient, ill equipped and unreliable while the militias are incorruptible and efficient. In June 2001, the Governor of Lagos State, Bola Ahmed Tinubu, publicly announced his willingness to invite the OPC to assist the state to combat criminals who seemed to have overwhelmed the Police in Lagos State.” [27a] (p7)

- 28.07 The OPC has developed a close relationship with state governors and other state government officials in the south western states, as noted in the HRW report on the OPC:

“The OPC has enjoyed a close relationship with state governors and other state government officials in the southwestern states, in which the Yoruba are the majority ethnic group. It has been a relationship of mutual benefit, with state governments and the OPC engaging with each other to further their own aims.”

“Officially, the state governments deny having any relationship with the OPC. For example, both the attorney general and commissioner for justice of Lagos State and the special adviser on security to the Lagos State governor told Human Rights Watch that there was no relationship whatsoever between the state government and the OPC.”

“Most of the OPC leaders also deny these links, but in practice, they have privileged and direct access to some state governors and other key state government officials.” [22a] (p47)

- 28.08 Some state governors have approved of OPC vigilante activity, as noted in the HRW report on the OPC:

“Some state governors have spoken out publicly in favor of using the OPC to enforce law and order, pointing to the ineffectiveness of the federal police. This has led some of them into direct conflict with federal government authorities, particularly in Lagos where the state governor clashed with President Obasanjo after he threatened to declare a state of emergency in Lagos State in January 2000. Lagos State governor Bola Tinubu publicly stated on several occasions that he agreed with using the OPC to curb crime in the absence of any police force able to do so.” [22a] (p49)

- 28.09 As noted in the HRW report on the OPC, the federal government announced a ban on the OPC in 1999, and instructed the police to suppress OPC activity:

“In 1999, the federal government announced a ban on the OPC and gave the police orders to deal with the organization ruthlessly. Instructions to the police to ‘shoot on sight’, combined with the OPC’s defiance of the ban, provoked a heavy-handed and brutal response from the police. The police regularly raided and broke up OPC meetings; scores of OPC members were killed by the police and hundreds arrested. Few of the arrests have resulted in successful prosecution...Despite this crackdown, the OPC has continued to function, sometimes underground, but more often boldly and openly challenging the federal government’s and the police’s attempts to crush it.” [22a] (p2)

“...President Obasanjo was quick to ban the OPC after coming into power. However, the ‘ban’, which was announced in public statements and broadcast by the media, was never formalized into law by publication in the government Official Gazette, nor was it passed as an act of the National Assembly. Many have questioned whether it has any status at all, and whether the president has the power to ban an organization in this manner. In any case, the ban has been systematically ignored by the OPC; it was even seized upon by some OPC members, including their leaders, as a form of provocation.” [22a] (p45)

- 28.10 The USSD 2006 Report adds further:

“Unlike in the previous year [2005], there were no politically motivated arrests of members of the Oodua People’s Congress (OPC), a militant Yoruba group operating in the southwest that claims its objective is to protect the collective rights of the Yoruba within the federation.” [3a] (Section 1d)

“Several OPC members continued to be detained for most of the year on charges stemming from October 2005 clashes between rival OPC factions, but OPC leader Fredrick Fasehun was released in April [2006] on bail for medical reasons. In December [2006], charges were dismissed against Fasehun, Adams, and four others, and all of those who had been detained were released from prison.” [3a] (Section 1d).

- 28.11 The Federal High Court judge, Justice Anwuri Chikere, who released Adams and Fasehun, ruled that membership of the OPC was not a federal offence, and therefore the offence could not be tried in a federal court. (BBC New Online report “Nigerian vigilante leaders freed”, 20 December 2006). [8j]

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29. SECRET SOCIETIES

29.01 The Nigeria section of the ACCORD/UNHCR 2002 Country of Origin Information Seminar Report states:

“Secret societies have earned their name with a reason. Very little is known about them, the most widely reported and studied is the Yoruba Ogboni society. It is hard to estimate the number of secret societies – they might be in the thousands. Some of them are linked to particular villages, some to ethnic communities and/or political groups.” [31] (p166)

“...membership in [sic] a secret society (as well as in any kind of society, club, or fraternity) may secure access to resources and social integration and is thus very important for the survival and social status of family. There is, however, usually no forced recruitment into secret societies, but pressure may be exerted on certain individuals to join because of the advantages of being part of a secret society. Neither would the societies accept anybody but would be inviting persons from a [sic] certain highly regarded families. It is also unlikely that there is a rule of automatic succession in a position (i.e. the son replacing the father) but more likely that those families who traditionally have had the authority to invite new members would choose the most suitable candidate. If this person should for some reason – because of his or her Christian belief – not want to join and if there is no other candidate from this particular family he or she might be ostracized and might also lose property or an inheritance but would not have to fear for his or her life.” [31] (p166)

“Human sacrifices for ritual purposes or cannibalism happen extremely rarely, if at all...one widely reported case concerned a number of child kidnappings in Maiduguri, Borno State, where the children were sold to Igbo communities in the South for ritual purposes. It is also not uncommon to find human corpses with body parts missing but this might be as much due to a fear of burying someone alive as to traditional rituals.” [31] (p166-167)

“Secret societies derive part of their power from a wide-spread belief in supernatural forces attributed to those societies. They derive loyalty from this fear. Leaving a secret society, however, would not necessarily provoke a violent reaction from the society. The most probable reason for persecution by a secret society would be divulging something which is considered to be secret. In this case, it would also be conceivable that the society, through their network of influence, follows someone outside his or her own district to another location in Nigeria, or even to Europe.” [31] (p167)

“It is hard to tell whether the police or the courts would protect somebody who is being threatened by a secret society. The police officers or the court staff might or might not be members of that particular society. Contrary to the student varsities widespread in the universities, they would not openly engage in fighting but are believed to mostly use poison in order to punish somebody whose actions violate a taboo of the society. Given the corruption of the police, it might not be too hard to arrange for an investigation to be dropped in those cases.” [31] (p167)

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THE OGBONI SOCIETY

- 29.02 The Canadian Immigration and Refugee Board (IRB) Research Directorate published a country of origin information research response, dated 12 July 2005, about the Ogboni Society (NGA100180.E). A Professor of Political Science of Nigerian origin and an American Associate Professor of Anthropology were consulted about the Ogboni Society. The IRB research response states:

“With regard to how to describe the Ogboni, the political science professor said that members of the Ogboni ‘society’ would likely take offence at having their organization referred to as a ‘cult’ or a ‘secret society’ and would probably refer to themselves as a ‘lodge’ similar to that of the Masons (13 Apr. 2000). The anthropology professor said that in Nigeria the Ogboni are commonly referred to as [a] ‘secret society’ by Nigerians, but that Ogboni members would likely self-identify the group as a social club that helps each other in matters such as commerce, marriage, etc (14 Apr. 2000).”

“...the American-based scholars stated that they knew nothing of any Ogboni rituals as its members are sworn to secrecy. Based on her knowledge of other similar groups, the anthropology professor said that initiation rituals would likely involve some mystical elements and ‘some sort of physical transformation’ (14 Apr. 2000).”

“The anthropology professor said that ordinary Nigerians would likely only come into contact with the Ogboni society if they ran afoul of one of its members (ibid.). She also stated that ordinary Nigerians are afraid of the society, believing that its members are capable of using sorcery in order to get their way. However, she said that she is not aware of members of the society using violence such as the university-based cults allegedly do, although some Nigerians believe that the university-based cults are conduits that feed members into organization such as the Ogboni (ibid.).”

“The American-based scholars said that membership fees are very high, that members already have considerable amounts of money prior to joining, and that individuals cannot simply ask to join. The anthropology professor said that her understanding was that someone with ‘money and connections’ could indicate their interest in joining to someone they knew to be a member and that members are generally not overtly secretive about their affiliation with the group (14 Apr. 2000). That member would then bring the matter to the Ogboni society where a decision would be made as to whether to offer membership to the interested person (ibid.). Both scholars stated that family connections sometimes play a role in the offer of membership, but the political science professor said that the invitation to join more often involved friends (13 Apr. 2000).”

“Both scholars emphasized that Ogboni members are members of Nigeria’s financial elite and that Ogboni membership is often used as a networking tool in order to come into contact with persons who can improve one’s financial position and/or power. The political science professor said that it is the ‘benefits and privileges that attract’ members to the Ogboni (13 Apr. 2000). The anthropologist professor said that it is both a social club and an ‘enforcing agency’ that members use to ensure that affairs in Nigeria are favourable to those with money and power (14 Apr. 2000)...the ‘enforcing’ aspect of the organization also involved disputes between Ogboni members in which the society is used as an adjudication tool, not only to resolve internal disagreements, but also to ensure that members follow the society’s prescribed behaviour. However, she was unable to provide any information on what this expected behaviour is, since members do not discuss Ogboni matters with non-members (ibid.).” [38a]

- 29.03 As regards the issue of forcing people to join the Ogboni society, the IRB research response states:

“With respect to the possibility of individuals being forced to join the Ogboni society, the political science professor said that he was not aware of any recent examples of persons being forced to join (13 Apr. 2000).”

“...on the other hand, the anthropology professor stated that forced membership in the Ogboni society might be possible, although it would not be common (14 Apr. 2000). She said that if a person’s parents were members there could be an expectation that their progeny would join. If there was such an expectation, the parents could apply considerable pressure on the individual to join (ibid.)...The anthropology professor also stated that the Ogboni would not typically induct children as members (14 Apr. 2000). She said that membership would normally be offered to those considered to be elder or mature, with consideration given to whether the person was married and whether he or she had children, as these are indicators of an individual becoming a ‘complete person’ (ibid.). ”

“The anthropology professor also described the only instance she could think of where the society might actively pursue a person who did not want to join (ibid.). If that person’s parent(s) had ‘dedicated’ their child to the society, sometimes before birth, then the society could go after the person and force them to join to ensure the fulfilment of the parent’s promise. She said that the person who had been dedicated might be raised unaware that their parent(s) were Ogboni member(s). As such, they might not be approached by the society until they were thought ready to join. This could be when the individual was 30 or 40 years old. She added that she was fairly sure that the persons she lived with in Nigeria who were Ogboni did not join until they were in their late thirties.” [38a]

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30. STUDENT SECRET CULTS

- 30.01 A report about student secret cults in Nigeria, written by Adewale Rotimi, and published in a 2005 edition of the Nordic Journal of African Studies, states:

“Cultism has become a major social problem both within and outside the Nigerian universities. The origin of cultism in the Nigerian universities can be traced to the Pyrates Confraternity that was founded by the Nobel Laureate, Wole Soyinka and others at the University College, Ibadan (now called the University of Ibadan), in 1953. The confraternity which was non-violent and whose activities were never shrouded in secrecy resembled the sororities and fraternities found in many American university campuses. The aims of the Pyrates Confraternity were lofty and noble. They wanted an end to tribalism; colonial mentality and they wanted to revive the age of chivalry. Unfortunately towards the end of [the] 1960's, the original aims of the Pyrates Confraternity were abandoned. The confraternity gradually metamorphosed into a secret cult that was later to proliferate into many splinter groups. This change was accelerated by yet other changes taking place both at the universities and the entire Nigerian society. The changes observable in the Nigerian society included violent military coups, state, sponsored [sic] political assassinations [,] proliferation of ethnic militia, communal clashes and total erosion of the traditional family values. Changes occurring within the universities included overcrowdness [sic], under funding, deteriorated infrastructure and lack of virile student union activities.”

“The emergency of secret cultism has been characterized by some bizarre and violent activities which include, physical torture as a means of initiating new members, maiming and killing of rival cult members and elimination of real and perceived enemies.” [4] (p79)

REASONS WHY STUDENTS JOIN CULTS

- 30.02 Students join cults for various reasons, according to the report about student cults by Adewale Rotimi:

“Students are attracted to cultist groups for a variety of reasons. Generally the social atmosphere prevailing in the Nigerian universities provides an inspiring environment for secret cults to thrive. These may include, lack of virile student unionism, erosion of the traditional academic culture, absence of intellectual debates and all other activities that are components of traditional campus culture.”

“Those who eventually enlist in secret cult groups might have been compelled to do so because of ‘sagging egos’ that need to be boosted. Others join in order to have a sense of belonging and the need to be well ‘connected’. Still others may join because of the need for financial assistance, to secure girl friends or for self protection. Some students are also attracted to cultist groups because they are seeking after [sic] meaning, direction, comfort and love. Secret cultism seems to have special attraction for youths who are emotionally disturbed and distressed.”

“...the youths, especially those from broken homes, destitutes and youngsters who have flexible minds easily fall prey to the entreaties from cult members. Youngsters who are lonely, depressed, dejected, disoriented and frightened sometimes drift into the waiting arms of secret cultists. Apart from the categories mentioned above there are some youngsters who join secret cults out of sheer curiosity.” [4] (p82-83)

30.03 The Landinfo 2006 FFM report on Nigeria adds further:

“Fraternity cults are a widespread phenomenon on university, polytechnic and college campuses in Nigeria, and their activities receive considerable media attention. Fear of persecution from such cults is a common asylum claim submitted by Nigerians in Europe and North America. Such claims refer to persecution in the form of extortion for money or services, pressure to join cults, threats to former cult members who have left the cult, sexual harassment (especially of female students), etc.” [40b] (p19)

“In media reports and other studies, names such as the Vikings, the Buccaneers (Sea Lords), the Amazons, the National Association of Seadogs, the Black Axe/Neo-Black Movement, the KKK Confraternity [sic], the Eiye or Air Lords Fraternity, the National Association of Adventurers and the Icelanders feature regularly. These names and similar ones are regularly evoked in Nigerian asylum applications submitted in Norway and elsewhere.” [40b] (p19)

“Bukhari Bello (NHRC) confirmed that university cults commit murders on university campuses. However, he informed us that his information on the subject came mostly from press reports about the phenomenon: ‘When I was in university, there were no such cults there’... Tony Ojukwu (NHRC) stated that university cults operate very differently from other secret societies, i.e. the secret brotherhoods of the elite, etc.” [40b] (p20)

“Cult groups, with names like the ones mentioned above, sometimes operate in several universities, but it is very difficult to tell whether groups with similar or identical names in different universities are actually connected, and feel obliged to assist each other. According to Tony Ojukwu (NHRC), university cults have powerful networks, and can use these to find and persecute people also outside their own university campus – in the local area but also elsewhere in the country through links to similar groups operating in other universities. Ojukwu stressed that although there is a certain risk of persecution outside university campus for someone who has angered student cultists, it only happens in very few cases.” [40b] (p20)

“Bukhari Bello (NHRC) showed considerably more scepticism towards university cults’ abilities to persecute people outside of their university campus, and stressed that only a small minority of university students are involved in cult activities. He explained the cultists’ behaviour and lack of inhibitions as a consequence of drug abuse.” [40b] (p20)

“...Tony Ojukwu (NHRC) stated that the influence of university cults is linked to the influential positions held by the cultists’ parents.” [40b] (p20)

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RECRUITMENT AND INITIATION

30.04 The Adewale Rotimi report about student cults states:

“Students who are sought after by secret cults vary in social backgrounds. They might be children of professors, judges, politicians, senior police officers and so on. The status of their parents in society guarantees them some protection from the claws of law enforcement agents in the event that they get into trouble. Initiation naturally follows recruitment.”

“The initiation process commences immediately after new recruits have been thoroughly screened. The first step in the initiation process is swearing an oath of allegiance and secrecy. As Thomas (2002) has observed, during an initiation ceremony, the eyes of the initiate are expected to be closed while some incantations are recited. New entrants are subjected to [a] thorough beating as a means of toughening them and testing their endurance for pain.”

“On the initiation day, the new entrants are made to drink some concoctions mixed with blood (Thomas 2002). Sometimes they are given some tough assignments like raping a very popular female student or a female member of the university staff. For the female cultists, their initiation may include being forced to engage in immoral activities.” [4] (p84)

CULT ACTIVITIES

30.05 The Adewale Rotimi report about student secret cults states:

“Although the history of cultism on the university campuses in Nigeria dates back to some fifty years, its involvement in violence became manifest only some two decades ago.” [4] (p84)

“...on different campuses across the country, cults were in the forefront of promoting law and order.” [4] (p85)

“...unfortunately, however, from the beginning of the 1980's, the activities of Confraternities became virulently violent and secrecy became their ways [sic] of life. Their activities included 'dealing' with any non-members who snatched a member's girl friend or 'sugar daddy' (in [the] case of female cultists). Their activities also included 'settling' lecturers in cash or kind (Okwe 2002)...From this period on, secret cults sprang up in the country like mushrooms with their activities assuming more devastating and dangerous proportions. They became nightmares to the general student communities, parents and successive military and civilian administrations.” [4] (p85)

“It is almost impossible to accurately and empirically document the amount of crime resulting from secret cult activities. In Nigeria, the police remains the major source of crime data. Unfortunately, the police records do not indicate which crimes specifically result from secret cult activities. Consequently, possible crimes resulting from secret cult activities are diffused among such crimes as rape, manslaughter, arson and others.” [4] (p85)

“According to the criminal code, to be successfully accused of secret cultism it is required that the offender be caught wearing full secret cult regalia. This is not possible because most of the secret cult activities take place at night under the cover of darkness in unusual places. Also, for two decades now, policemen have been banned from operating on the university campuses in Nigeria. It is to be noted that former secret cult members hardly come out to share their experiences as cult members with the general public for fear of reprisals from members who are still active. Consequently, data on secret cult activities in Nigeria must be teased out of newspaper reports, magazines and occasionally from anonymous personal anecdotes.” [4] (p85)

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INCIDENTS OF VIOLENCE

30.06 There were reports of student cult-related violent incidents in 2004 and in 2005. In the first two weeks of August 2004, 33 students from three Nigerian universities were murdered. These murders were suspected to have been committed by members of student cults. Of the figure, 15 were from the Ebonyi State University whose eight other students had similarly been murdered in July 2002, by cultists. The other 18 students were from the Enugu State University of Science and Technology and the University of Nigeria Nsukka, whose five other students had been shot dead in June 2002, by cultists. According to the newspaper report, government and police efforts to address the problem of violent acts committed by members of student cults, have been ineffective. (‘Daily Champion’ [Nigerian newspaper] report “[Campus cults, Nigeria] alarming rise in cultism”) dated 30 August 2004) [25a]. At least ten students died in violent clashes between rival cult gangs at the Ambrose Alli University in Ekpoma. One of the Ambrose Alli cults allegedly hired mercenaries from another university to carry out the killings. (BBC News Online report “Ten dead in Nigeria cult clashes” dated 10 March 2005). [8g]

30.07 According to the Norwegian 2004 FFM Report on Nigeria:

“A certain number of asylum seekers claim fear of persecution from secret religious cults or university campus cults. ICRC [International Committee of the Red Cross] stated that internal flight is an alternative for people who fear persecution from members of campus cults, as these cults generally do not have the resources necessary to extend their threats beyond the campus areas. PeaceWorks [NGO] confirmed this.” [37] (p14-15)

Members of secret cults who have been threatened, harassed or attacked by other cult members can seek protection from the police, as noted in the British-Danish FFM Report:

“A senior representative of the IGP explained that [the] local police is obliged to investigate and do investigate cases where individuals have been subject to threats from secret cults and similar groups. Intimidation and other forms of harassment from secret cults are illegal according to the law.” [15] (p20)

“Usman [Chief Administration Officer, NHRC], explained that these cults are becoming increasingly prevalent. There are some recent examples of ritual killings and some of those killings have taken place in order to intimidate others and may be related to local elections, control of money or control of persons. Such killings can even be attributed to persons involved in human trafficking. Usman considered that victims of secret cult activities would be able to seek protection within Nigeria and they may also be able to get assistance from the police. This would especially, but not only, be the case in those areas of Nigeria that are dominated by Muslim societies. However, Usman could not fully rule out that a person being victimised or threatened by members of a secret cult would at all times be able to find safety. If through requesting assistance from the NPF the victim was seen to be posing a threat to the cult’s existence, then the victim may be at risk from the cult. However, Usman emphasised that the NPF is generally very dedicated to acting firmly against threats from secret cults throughout Nigeria.” [15] (p20)

“Nwankwo [Attorney-at-law], explained that personal attacks and intimidation by secret cults are rather recent phenomena in [the] larger cities of Nigeria... However, he stated that a person escaping persecution or being killed by a secret cult only rarely would be at risk in another location within Nigeria. Nwankwo did not know of any examples of cult members killing non-cult members and was of the opinion that this would only take place in extreme cases.” [15] (p20)

“Usman explained that secret cults have been widespread in Nigeria universities since the 1950s. Universities and other educational institutions are considered as an integral part of society and as such they are bases for secret cults themselves and Usman explained that this could be the reason for a young student to join a cult as well. Secret cults at the universities are often a tool by which students can intimidate professors, lecturers and other staff members as well as fellow students. Very often these cults will be aligned to a patron who protects the members of the cult.” [15] (p21)

“According to Usman secret university cults have been responsible for kidnapping or even killings of staff members and students. In spring 2004 members of a secret university cult allegedly kidnapped and killed a professor at the Ibadan University in Lagos. The case has, however, never been verified but the authorities believe that a secret cult committed the murder.” [15] (p21)

“In spite of these actions Usman emphasised that he did not consider that the threat from secret cults at universities would make it necessary for university students or staff to leave universities and seek protection overseas. Normally it is possible to complain about these cults activities to the head of the university or to NPF and in this way attain protection. Cultism is an offence and even parents of students who have committed such an offence may face trial. This would particularly be the case if a student has committed a serious crime. However, Usman noted that such forms of arrests are at random and therefore illegal. It is illegal to have a parent sit in for a crime committed by his/her child.” [15] (p21)

30.08 The British-Danish FFM Report also states:

“Yusuf [*Daily Trust* newspaper] confirmed that there are problems with secret cults in Nigeria, including university cults. Although these make life difficult for some it is not to the extent that the victims are driven away. Generally speaking individuals who encounter problems can readily relocate elsewhere. Yusuf was not aware of any reports of persons who have encountered problems in that situation.”

“Nwankwo confirmed that victims of secret cult’s activities could relocate within Nigeria without encountering security problems.” [15] (p38)

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31. TRAFFICKING

OVERVIEW

- 31.01 Nigeria is a country where people trafficking is prohibited by law but is practised and is a serious problem. People are trafficked into and out of the country as well as within the country. Information about the practice is provided in the USSD 2006 Report which states:

“Although the law prohibits trafficking in persons, persons were trafficked to, from, and within the country.”

“The country was a source, transit, and destination country for trafficked persons during the year [2006]. No government or NGO estimates on the extent of trafficking were available, but the magnitude of the problem was believed to be significant. This was based on several factors, including the number of deportees returned to the country and reports of Nigerians stranded along trafficking routes, particularly in North African countries. The majority of trafficking victims rescued by NAPTIP (National Agency for the Prohibition of Trafficking in Persons) came from Akwa Ibom and Edo states. In August [2006] the executive director of the Women’s Consortium for Nigeria stated that the country, and Ogun State in particular, was a strategic location for traffickers engaged in sourcing, transit, and exporting persons to other countries. In 2005 the International Labor Organization (ILO) estimated that 40 percent of child peddlers were trafficking victims.”

“Nigerians were trafficked to Europe, the Middle East, and other countries in Africa for the purposes of forced labor, domestic servitude, and sexual exploitation. Girls and women were trafficked for forced prostitution to Italy, France, Spain, the Netherlands, Cote d’Ivoire, and Benin, and Niger. Children were trafficked for involuntary domestic and agricultural labor and street peddling within the country and to countries in West and Central Africa. Both women and children were trafficked to Saudi Arabia for the purposes of prostitution, sexual exploitation, and labor. They also were reports that trafficked children were used as camel jockeys in the Middle East. The country was a destination country for children trafficked for forced labor from other West African countries, primarily Benin.”

“Women and children were most at risk of being trafficked. Boys were trafficked primarily to work as forced bondage laborers, street peddlers, and beggars, while girls were trafficked for domestic service, street peddling, and commercial sexual exploitation. Trafficking in children, and to a lesser extent in women, occurred within the country’s borders. Children in rural areas were trafficked to urban centers to work as domestics, street peddlers, merchant traders, and beggars.”

“The UN Office of Drugs and Crime reported that individual criminals and organized criminal groups conducted trafficking, often involving relatives or other persons already known to the victims. Traffickers employed various methods during the year [2006]. Many were organized into specialities, such as document and passport forgery, recruitment, and transportation. To recruit young women, traffickers often made false promises of legitimate work outside the country. Traffickers also deceived child victims and their parents with promises of education, training, and salary payments. Once away from their families, children were subjected to harsh treatment and intimidation. Traffickers subjected victims to debt bondage, particularly [with] victims forced into prostitution. In some cases, traffickers employed practitioners of traditional magic, or juju, to threaten victims with curses to procure their silence. NAPTIP estimated that 90 percent of the girls trafficked through Benin routes were threatened by juju practitioners. Victims were transported by air, land, and sea. Established land routes to Europe transited Benin, Togo, Ghana, Cote d’Ivoire, Guinea, Mali, Niger and Morocco.”

“The law prohibits human trafficking and provides for penalties including monetary fines, imprisonment, deportation, forfeiture of assets and passport, and liability for compensation to victims in civil proceedings. Imprisonment terms range from 12 months to life, while fines range from \$375 (50 thousand naira) to \$1,500 (200 thousand naira).” **[3a] (Section 5)**

- 31.02 The International Organization for Migration (IOM) 2006 report ‘Migration, Human Smuggling and Trafficking from Nigeria to Europe’ adds:

“The widespread wish to emigrate, combined with the obstacles, create favourable conditions for trafficking. Young women often have a low level of education and even less possibilities than men in the local labour market. Besides, families are often favourably disposed to seeing the women emigrate because they often show more consideration towards the family than emigrating men, and become an important resource to the family members back home in Nigeria. The prostitution market in Europe makes it attractive to traffickers to facilitate the emigration of young women despite the high costs and great obstacles. Women do not normally themselves have the financial and organizational resources nor the necessary contacts needed to travel.” **[44] (p24)**

“Young women’s first contact with the trafficking network almost always happens through informal networks. It varies whether it is the woman herself or the other party who first takes the initiative. In many cases, friends or relatives of the women are the first link. The conversations about travelling to Europe often takes place in her home or in other familiar surroundings. The first person with whom the woman is in contact usually has no other role in the trafficking process than to establish contact...in this phase, the women are lured with promises of work as maids, sales personnel, or hairdressers, or with work in factories or restaurants, or with educational possibilities.” **[44] (p24)**

“In Nigeria, Italy is very often connected with prostitution, while the same is not true for other European countries. This means that when young women are offered to travel to Spain, the Netherlands or to Germany to work, they will be less cautious.” **[44] (p25)**

“...the emigration of Nigerians to the European prostitution market is very concentrated in one area, namely to Edo State and its capital Benin City. Of the approximately 800 Nigerian women who were returned from Italy to Nigeria during 1999-2001, a full 86 per cent came from Edo State. A further 7 per cent came from the neighbouring Delta State. Altogether, this area thus accounted for 93 per cent of the returns. Since Benin City is known as the main junction for prostitution-related emigration, women from other parts of Nigeria go to Benin City if they wish to travel to Europe.” [44] (p25)

“...most women leaving Edo State for Europe to work as prostitutes go to Italy, followed by the Netherlands, Spain, Germany, Belgium and Austria.” [44] (p26)

“...Nigerian trafficking in Europe is built on a pact between the person trafficked and the traffickers and has a specific organizational form...as mentioned, the first contact is made by a person who is often a part of the family or circle of friends. This person puts the woman in touch with a ‘madam’ who is the most important person in the network in Nigeria. Sometimes there is a third person who acts as a sponsor and finances the trip...in addition to the *madam* [italics in document] in Nigeria, there is a *madam* [italics in document] in Italy; who is responsible for the woman after she has arrived. The *madam* [italics in document] in Europe is closely connected to the *madam* [italics in document] in Nigeria; often they will belong to the same extended family. The other central persons are a religious leader (*ohen*) [italics in document] in Nigeria, the human smugglers who are responsible for the journey (*trolleys*) [italics in document], and a male assistant to the *madam* [italics in document] in Italy (*madam’s black boy*) [italics in document].” [44] (p26-27)

“The sponsor is responsible for paying all costs of the journey and settling abroad. These make up a debt that the woman is required to pay back...it normally takes between one and three years as a prostitute in Europe to pay back this amount.” [44] (p28)

“...once a woman has agreed to go to Europe, she is taken to a shrine where the pact of emigration is confirmed and sealed.” [44] (p28)

“...the woman and her *madam* [italics in document] or sponsor often visit several shrines together. During such visits, a ‘package’ is made up by various symbolic elements. This package becomes a concrete expression of the agreement between the two, and will also have a lucky charm function for the woman. Most often it will contain human material, possibly from both parties. These may include bits of nail clippings and hair, in the case of the woman, underwear with remains of menstrual blood. Other common objects in the packages are kola nuts, bent pieces of metal and soap. These three may symbolize loyalty, the power of the Ogun deity (especially important for travel) and beauty, respectively.” [44] (p28)

“...the visits to the shrines may also include animal sacrifice and other rituals of complex significance...they [the rituals] are seen as being required, they involve spiritual worlds, and they have an element of control and inspection, but do not equal the loss of the ability [of the women] to express [their] own wishes or to make [their] own choices. On the contrary, this participation in the spiritual world may be understood as a natural part of the wish of the women to travel to Europe.” [44] (p28)

"It is often later in the process, and if something goes wrong as seen from the perspective of the traffickers, that the use of the local religious traditions takes on a clear element of abuse. If the women are not cooperative after arriving in Europe, they may be exposed to a mixture of physical violence and new, enforcing rituals." [44] (p29)

"...the pact with the sponsor is perceived as very strong by the prostituted women. First of all, they may fear that breaking the pact could affect their own physical and mental health through magic. Secondly, the pact is often perceived not only as a promise to the other party, but to the local community in Nigeria. Breaking the pact represents much shame towards the entire community." [44] (p29)

"...although more women have become aware that they will work as prostitutes, they often have no idea of the conditions they will work in, that they are to be street prostitutes, that they will be submitted to strict control, and that it may take them years to pay back their debt. In other words, the deceit is in many cases not related to what they are going to do, but to the circumstances that deprive them of their independence and dignity in a way they had not been able to imagine." [44] (p30)

MIGRATION ROUTES AND TRANSIT STAYS

31.03 The IOM 2006 report on people trafficking from Nigeria to Europe states:

"The extensive use of forged documents makes many Nigerians fly not directly from Nigeria to the destination, but rather travel through other countries where they will attract less attention. It is especially common for traffickers not to send women directly from Nigeria to Italy, but through another West African country (most commonly Ghana) and from there by plane to a city in western Europe (e.g. London, Paris or Amsterdam). From there, the women then travel to Italy by train and usually arrive in Turin." [44] (p34)

"This city has become an important point of transit for trafficking. Another possibility is to fly from Nigeria to Moscow, Istanbul or a town in eastern Europe and then cross the border illegally into western Europe. Towards the end of the 1990s the number of Nigerian illegal immigrants arrested in Turkey increased dramatically." [44] (p34)

"In addition to those who fly directly to western Europe or via a third country, a considerable number of Nigerians travel towards Europe through the Sahara and into Europe by ship. A few travel by sea as stowaways, but this is a relatively insignificant route." [44] (p34)

"Nigeria's membership in the Economic Community of West African States (ECOWAS) makes it relatively easy to travel to the rest of West Africa. Since 1980, citizens of ECOWAS member states have, at least in theory, been able to travel without a visa to other member states for up to 90 days. Nigerians can thereby travel to the transit cities that in the past 10 to 20 years have had an important role in the migration from West Africa to Europe. These are first and foremost Agadez in Niger, and Gao and Kayes in Mali. In these cities, migrants come into contact with the smugglers who can take them through the Sahara and towards Europe." [44] (p34)

“...after having crossed the Sahara, the most common routes on to Europe are by ship from Western Sahara to the Canary Islands, from Morocco to Spain and from Tunisia or Libya to Italy. Another route is through Dakar and the Cape Verde Islands to the Canary Islands. In recent years the routes from Western Sahara to the Canary Islands have gradually become more important. Nigerians together with a number of nationalities are present in both these flows.” [44] (p34)

SOCIETAL ATTITUDES TO TRAFFICKING

31.04 The British-Danish FFM Report states:

“Usman [NHRC] considered that women who had worked as prostitutes abroad would not in general face negative social attitudes from their community. Some people, the more well-off and highly educated, in the predominantly Muslim northern part of Nigeria, may feel offended. Most people will hold the women in high regard due to the fact that they have been to Europe and probably have more financial means. Often her relatives consider her a breadwinner. Usman emphasised that sexual morality is not as strict in the south as in the north.”

“Momoh [Channels Television] believed that there is a general understanding in Nigeria of why women might travel abroad to work and end up in prostitution. No authority in Nigeria would persecute such persons when they return, even if they might have applied for asylum abroad.”

“Finally, Akinmoyo did not consider that returned victims of trafficking are subject to any kind of social stigmatisation in Nigeria society merely because they have worked as prostitutes abroad. In some cases stigmatisation may occur but this will be on an individual level and not on a social level. The returned victim’s local community will not seek to exclude or ostracise her.” [15] (p44)

31.05 The IOM 2006 report on people trafficking from Nigeria to Europe adds:

“To many families, having a daughter travel to Europe is the only way to escape extreme poverty. For most, there is no other way to go to Europe than to accept the offers of the traffickers. Trafficking has led many families out of poverty and into appearing successful in the local community. Until recently, women who travel to Europe were therefore often regarded as heroines, and people in Benin City were proud of what the many women who had left achieved in the material sense. Following more than a decade of emigration from Edo to Italy, the contact with Italy has clearly left its mark on the local community – cars and big houses financed with money from Italy, queues of people in the post office sending parcels to Italy, and queues of people picking up money from Italy from the money transfer company Western Union.” [44] (p30)

“...in recent years, the pride in the results achieved through emigration has gradually been replaced by shame. There is also greater awareness of the negative experiences of many Nigerians who go to Europe. In response to pressure from women and human rights groups and the international community, Nigerian authorities are increasingly inclined to act to combat the trafficking on women. The establishment of the National Agency for the Prohibition of Trafficking in Persons (NAPTIP) in 2003 was an important step in this respect. Independently of how efficient the measures have been, they have contributed to a certain shift in attitudes. Many Nigerians are also worried about the reputation the nation and the people have gained in Europe due to the prostitution business.” [44] (p31-32)

GOVERNMENT EFFORTS TO TACKLE TRAFFICKING

31.06 The Landinfo 2006 FFM report on the trafficking of women states:

“The Nigerian government is aware of the problems facing illegal Nigerian immigrants in Europe, and the plight of Nigerian women who are being exploited in the European sex industry has been the focus of significant attention from the local Nigerian media and politicians. Nigeria is at the forefront of regional efforts to confront the human trafficking problem through international cooperation, and has established the National Agency for the Prohibition of Trafficking in Persons and other Related Matters (NAPTIP), a special government agency, to coordinate its efforts to combat human trafficking locally.” [40a] (p6)

31.07 The British-Danish FFM Report adds further:

“Ndaguba [Executive Secretary/Chief Executive, (NAPTIP)], explained that the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act was enacted in 2003 and in August the same year NAPTIP [National Agency for the Prohibition of Trafficking in Persons] was established under the provisions of that legislation.”

“NAPTIP is the focal point for the fight against human trafficking and child labour and the rehabilitation of the victims of trafficking in Nigeria. NAPTIP’s remit includes co-ordinating of all laws on trafficking in persons, enforcement of the laws and to taking charge, supervising, controlling and co-ordinating efforts on the rehabilitation of trafficked persons. Ndaguba explained that the punishment for trafficking is imprisonment of between five years and life.”

“Through its National Investigation Task Force, NAPTIP conducts investigations and monitoring activities as well as bringing prosecutions of traffickers. The task force has the mandate to operate anywhere in Nigeria using both NPF and immigration facilities at state and local level and even in neighbouring countries.” [15] (p42)

- 31.08 The USSD 2006 Report states that NAPTIP was active in tackling people trafficking in 2006:

“The government devoted more resources to curb trafficking during the year [2006] and took several steps to address the problem more effectively. Enforcement efforts continued to improve, the number of trafficking cases investigated and prosecuted during the year increased, and record-keeping improved as NAPTIP, NPF, and NIS roles were more clearly defined through a series of NAPTIP-sponsored meetings, conferences, training sessions, and networking events.”

“Preliminary data indicated that during the year [2006] NAPTIP investigated 65 new cases and prosecuted 25 cases. At year’s end, many of these cases were pending, and eight convicted traffickers were serving prison sentences. Observers attributed the low conviction rate to witnesses’ reluctance to testify and the slow progress of cases through the courts.” [3a] (Section 5)

- 31.09 A *‘Daily Independent’* (Nigerian) newspaper report, published in January 2006, states:

“The Nigeria[n] Immigration Service (NIS) last year [2005] rescued 60 people from human traffickers at the Seme border In Badagry, Lagos.”

“It also arrested two persons including an Italian over alleged involvement in the illicit business. In addition, the command received 31 victims of Nigerian origin, repatriated from Burkina Faso, Ghana, Republic of Beneni, Togo and Cote d'Ivoire [Ivoire].”

“Record[s] at the command shows that the human trafficking victims were between the ages of 11 and 37, mostly teenage girls promised greener pastures abroad. At least 44 Togolese, who were on their way to Oyo and Ekitti states, were intercepted at the border and the victims repatriated to Togo.”

“...the Deputy Controller of Immigration, Mudrik Ogidan, said human trafficking had reduced considerably through the border.”

““The alertness of our officers and men who are wise to the antics of these unscrupulous people has curtailed the crime. Our anti-human trafficking patrols are still vigilant and suspected foreigners without valid documents are turned back.’ he said.”

“Ogidan explained that during the period, two foreign nationals who bribed their ways and used bush paths were arrested.” [7]

- 31.10 The USSD 2006 Trafficking in Persons Report, published in June 2006, adds:

“The Government of Nigeria does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government continued to strengthen and institutionalize Nigeria’s response to human trafficking over the last year, showing substantial commitment to the issue.”

“...the Government of Nigeria demonstrated increased efforts to combat trafficking through law enforcement during the last year. In December 2005, the government amended its 2003 federal statute prohibiting trafficking to allow for forfeiture and seizure of traffickers’ assets. The government investigated 85 trafficking cases, opened 21 prosecutions, and convicted six traffickers. Nigeria’s 60 dedicated anti-trafficking investigators continued to actively investigate cases, though coordination between these investigators and other law enforcement officials was weak. In collaboration with UNICEF, the government has established an anti-child trafficking network covering 11 states, with additional expansion planned. Throughout the year, the government conducted trafficking training sessions for investigators and prosecutors and maintained a computerized trafficking crime database. There are regular reports of trafficking-related corruption. Authorities arrested a police officer for child trafficking and are investigating the case.”

“The government made modest efforts to protect trafficking victims over the reporting period. The government continued to operate two shelters and established a victim rehabilitation center, though these facilities operated below capacity. Authorities also referred victims to NGO shelters for assistance through an established screening and referral system. The government provided vocational skills training to 12 victims and helped eight victims return to school. Incidents of re-trafficking, however, remain high. The government amended its law to include Victim Trust Funds through which assets seized from traffickers will fund victim reintegration. The government in the last year began to educate Nigerian missions abroad about techniques for rescuing and counseling trafficking victims. Nigerian authorities cooperated with Beninese and Ghanaian officials to repatriate victims. Victims are not prosecuted for crimes directly related to being trafficked.”

“The government continued to demonstrate strong efforts to educate the public about trafficking during the year. The Public Enlightenment Division of Nigeria’s 200-employee National Agency for the Prohibition of Trafficking in Persons (NAPTIP) continued to broadcast anti-trafficking television spots and conduct awareness events in motor parks, markets, schools, and concert halls. NAPTIP also continued to host quarterly anti-trafficking stakeholder meetings. During these meetings, which were attended by government, NGO, and international organization representatives, NAPTIP shared data on government anti-trafficking efforts and worked with partners to develop anti-trafficking strategies.” [3d]

- 31.11 Government efforts to tackle people trafficking have been hindered by the actions of corrupt government officials, as noted in the USSD 2006 Report:

“At the institutional level, government authorities did not facilitate or condone trafficking; however, reports continued to surface from informants and foreign officials that law enforcement officers and individuals in the immigration and airport authorities collaborated in trafficking across the country’s borders. On August 21 [2006], the Ministry of Foreign Affairs closed its authentication unit which provided falsified seals in exchange for bribes greatly exceeding the official rate. Credible reports indicate that much of the authentication was for young women who were being trafficked out of the country. The majority of instances were attributed to ignorance of the trafficking law and difficulties overcoming traditional practices. NAPTIP was very active in providing sensitization, including to police and customs in attending training. The law provides [for] punitive measures for officials who aid or abet trafficking; however, NAPTIP and [the] NPF had found no evidence of official complicity, and no officials were prosecuted, tried, or convicted of trafficking-related charges.” [3a] (Section 5)

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GOVERNMENT EFFORTS TO PROVIDE ASSISTANCE TO THE VICTIMS OF TRAFFICKING

- 31.12 The USSD 2006 Report states:

“The government provided limited funding for assistance to victims. NAPTIP served as the point of contact for immigration and police officials when victims were found; 500 victims passed through the agency during the year [2006]. NAPTIP directly provided overnight shelter to victims, and agency officials connected victims to nongovernmental or international organizations for shelter, counseling, and reintegration assistance. NAPTIP established a hot line for victims and anyone seeking or wanting to provide information regarding trafficking. The hot line received an estimated 500 calls during the year [2006]. During the year [2006] the government helped victims in some cases to repatriate to their home countries and reunited trafficked children with their families. NAPTIP also conducted a sensitization exercise to increase awareness of the risks of trafficking.”

“The Ministry of Labor and Productivity, in collaboration with the ILO, NAPTIP, the police, and other federal agencies, provided food, transportation, and other logistical assistance to reunite internally and externally trafficked children with their families. The government continued to operate the 120-bed shelter in Lagos, with involvement by the International Organization for Migration and the American Bar Association. NAPTIP also operated shelter facilities at secure locations in Abuja and Benin City, and in Akwa Ibom and Kano states.”

“The government provided some funding for protection activities. For victims serving as witnesses, divisional police officers were appointed to serve as witness protection officers. NAPTIP officials and the officer worked together to provide assistance. NAPTIP outreach efforts were based on a series of ‘town hall’ meetings with community leaders, traditional leaders, teachers, school children, and other groups to raise awareness of the dangers of trafficking, legal protections, and available resources. Several state governments in the south continued strong efforts to protect victims. In Edo State Idia Renaissance operated a youth resource center, funded by UNICEF and foreign organizations, that provided job-skill training and counselling to trafficking victims and other youths.” [3a] (Section 5)

31.13 The Landinfo 2006 FFM report on the trafficking of women adds:

“NAPTIP currently runs three shelters – in Benin City, Lagos and Abuja. These are all run in cooperation with other stakeholders (local NGOs, international organisations, and foreign aid agencies), and are partly financed by external donors.”

“The NAPTIP shelter in Lagos was set up in 2004. It is run in cooperation with the International Organization for Migration (IOM), and has spaces for 120 people. (Its capacity can be expanded to 200, when needed). Godwin Morka [NAPTIP], who in addition to his NAPTIP role is also head of the shelter, stated that some 80 to 85 per cent of the people housed at the shelter are girls and women who have been involved in prostitution, or who were intercepted while being trafficked for prostitution purposes. Some have been returned from Europe or transit countries, while others are victims of forced prostitution in Lagos. According to Mr Morka, the women and children housed at the shelter receive food, necessary treatment, and some counselling.”

“The Lagos shelter has space to set up skills-acquisition training programmes on the premises, but so far lacks the proper equipment (sewing machines, computers, etc.). Those who participate in such training programmes remain at the shelter for three months. Mr Morka expressed regret over the fact that the Lagos shelter currently houses 50 girls without an offer of skills training, as they need it to resettle properly in their communities.” [40a] (p20)

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TREATMENT OF TRAFFICKED WOMEN RETURNED TO NIGERIA

31.14 The British-Danish FFM Report states:

“Usman [NHRC], explained that upon return to an international airport in Nigeria the returnees are not detained but can be held for questioning and their travel documents and papers seized. They are always released after a short time. Usman pointed to several cases where large groups of women were deported from foreign countries on chartered planes. In April and in May 2004 a group of 371 Nigerian women were deported from Italy. They were held for a couple of days while their families were contacted and brought in, along with some Catholic priests, in order to provide support to the victims of trafficking. The women were shown on television and the newspapers carried articles and pictures of the incident. Usman considered that this did not take place in order to expose the women but as a warning for others against engaging in trafficking. None of the women were later prosecuted.” [15] (p45)

31.15 The Landinfo 2006 FFM report adds:

“Orakwue Arinze (NAPTIP) stated that many of the women who return to Nigeria have been forcibly expelled from Europe (and particularly from Italy and Spain). These women are interviewed upon arrival in Nigeria, to determine whether they are victims of trafficking and where and for how long they have been in Europe. Such interviews take place once NAPTIP is notified by the Nigeria[n] Immigration Service that women have arrived from Europe. Some women who have returned from Europe – including women who have been returned voluntarily – also seek out NAPTIP on their own initiative, to see what kind of assistance it can offer them.” [40a] (p21)

“According to Mrs Agun (NAPTIP), returned women are now being met by NAPTIP representatives at the airport. While not all women want NAPTIP’s services, many do want to participate in the rehabilitation schemes that NAPTIP offers. U.S. Haruna (NAPTIP) underlined that the interviews with returned women are very important to the NAPTIP investigation unit’s investigations of traffickers.” [40a] (p21-22)

“...on visits to the shelters in Benin City, Lagos and Abuja, the delegation was informed that trafficking victims receive counselling. It was clear from the schedule displayed in the Abuja shelter that an hour a day was devoted to ‘moral lessons/anti-trafficking talk & counselling’, six days a week. According to staff at the shelters, such counselling take the form of both individual and group sessions.” [40a] (p23)

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PERSECUTION OF TRAFFICKED WOMEN RETURNED TO NIGERIA

31.16 The British-Danish FFM Report states:

“Carol N. Ndaguba, Executive Secretary/Chief Executive, National Agency for the Prohibition of Traffic in Persons and Other Related Matters (NAPTIP), considered that trafficked women and girls abroad might fear being forced to return to Nigeria. She explained that very often these victims have sworn a blood oath to a ‘juju shrine’ and to the juju priest of their local community. The victims are most likely in debt to a madam who may have sponsored their travels abroad. Because of the victim’s fear of her compulsion to the juju shrine and the possible risk of being persecuted by the madam or the priest the victim might feel a genuine fear of returning home. However, Ndaguba considered such kind of fear as unfounded.” [15] (p41)

“...Momoh [Channels Television], stated that only on rare occasions have returned victims of trafficking been ill-treated by agents of trafficking. In some cases the trafficked persons, may possibly be at risk of ill treatment or revenge if the trafficked person[s] returns to Nigeria before the madam or the agent have been satisfied with payments. However, Momoh had no records of any such incidents and believed that if this were a problem he would be aware of it. It was added that in Edo State as well as in some other states shelter facilities are available to female victims of trafficking.” [15] (p43)

“According to BAOBAB, agents of trafficking are able to kill a woman who has been returned to Nigeria if they desire to do so and that agents have a strong network. However, BAOBAB was aware of only one case of reprisals being made and this involved an agent killing the sister of a victim of trafficking. The sister was residing in Italy when she was killed.” [15] (p43)

“Usman expressed some concern about a woman’s security if she is returned to Nigeria before the contract with the madam has expired. The woman would at least have a genuine if not well founded fear of her security because she is still bound by her oath to the shrine. However, her fear could indeed be well founded if she has not been able to pay back the madam or the agent the full amount as agreed in the contract. If the madam or the agent feel that their standing in society is threatened they can send out people to look up the woman or her family and pose threats in order to collect the debt.” [15] (p43)

“The madam or the agent can also trace a woman if they suspect that she intends to co-operate with the authorities. In such cases the madam or the agent may hire persons from militant groups like the Bakassi Boys, Egbesu Boys or OPC and in this way have the woman killed as a deterrent to others. This will particularly be the case if the victim is considered as a threat against the agent, for example if the victim is co-operating with NAPTIP in disclosing the identity of agents of trafficking.” [15] (p43)

“Usman was convinced that madams or agents would be able to trace a returned victim of trafficking. Only in few cases have the authorities prosecuted traffickers. It is very likely that women who agrees [sic] to testify against a madam or an agent of trafficking would face intimidation or acts of revenge pending the hearing of any court case because of the delays in the judicial system.” [15] (p43)

“Akinmoyo [The Presidency], believed that the biggest problem facing victims of trafficking was the traumatic experience they have undergone living as prostitutes in a foreign country, but believed that the victims were not at risk of persecution from any Nigerian authority if they return home. Akinmoyo considered that in general returning victims would be secure and that agents of trafficking or madams would not be in a position to persecute returned victims of trafficking in Nigeria. Akinmoyo believed that returned victims of trafficking should always have access to a protection programme upon returning to Nigeria to help the victims deal with their traumatic experiences. No long-term shelters for returned or deported victims of trafficking are available in Nigeria. The existing shelters only offer protection and rehabilitation for a maximum of two weeks. After this period victims are expected to manage on their own and for some victims this could prove itself to be very difficult.” [15] (p43-44)

“Umaru [WOTCLEF], was unaware of whether or not any agent or madam had ever been able to trace and persecute a returned victim of trafficking in Nigeria. She did not believe that even agents have a sufficiently organised network to trace a returned woman. Umaru was convinced that she would have been informed had there been any cases where agents had been able to persecute returned victims of trafficking.” [15] (p44)

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32. MEDICAL ISSUES

OVERVIEW OF AVAILABILITY OF MEDICAL TREATMENT AND DRUGS

- 32.01 The 'Nigeria – Access to Health Care for People Living with HIV and AIDS' report, published in 2006 by the Physicians for Human Rights (PHR), states:

“Responsibility for health care in Nigeria is split between the different levels of government. The Federal government is responsible for establishing policy objectives, training health professionals, coordinating activities, and for the building and operation of Federal medical centers and teaching hospitals. The States are responsible for the secondary health facilities and for providing funding to the Local Government Areas (LGAs), which are responsible for primary health care centers. In addition to government-run public facilities, there are also private health facilities, most of which are secondary level facilities. Many Nigerians do not go to government facilities first but rather seek health care from traditional healers, patent medicine stores, lay consultants and private medical practices and facilities owned by faith-based organizations.” [11] (p12)

“The health care system in Nigeria is inadequately funded and understaffed, and suffers from material scarcity and inadequacy of infrastructure which may contribute to overall discriminatory behaviour. The blood transfusion system is inadequate and access to quality health care is limited. There are regional disparities in education, health status, poverty level, and other aspects of human development.” [11] (p12)

“...health care in Nigeria is largely financed by user fees. Field studies by the World Bank estimate that Nigerian households pay roughly 45% of total health expenditures in the country. The Federal Government subsidizes staff salaries in federal facilities, which usually account for more than 65% of recurrent expenditure in the health service. In non-federal facilities, staff salaries are paid through the funds allocated by the Federal Government to the LGAs. However, since LGAs receive ‘block allocations’ or one pool of money from which to finance all of their projects, this funding is often insufficient for covering salaries or purchasing prescription drugs. As a result, the cost of medication, tests, hospital beds and facilities used by patients during their visits is expected to be borne by them.” [11] (p13)

- 32.02 The Norwegian 2004 FFM Report on Nigeria states that:

“The difficult situation in the public health service has resulted in the elite going abroad for treatment when able to do so – especially surgery (that is, when suffering from conditions not in need of immediate treatment), the middle class mainly use private clinics and hospitals, whereas those who cannot afford private treatment can only resort to the substandard services of the public health system.” [37] (p16)

32.03 The US Embassy in Nigeria produced information, in August 2004, about Nigerian hospital services. The US Embassy notes that public sector hospitals generally have poor medical facilities, as compared with similar facilities available in American hospitals, but also notes that some private sector hospitals have medical facilities which are of the same standard as those available in American hospitals. The National Hospital in Abuja has facilities for ENT, general and internal medicine, general surgery, paediatric surgery, obstetrics and gynaecology. Ancillary services include a seven-bed paediatric intensive care unit (ICU), operating room, computerised tomography (CT), a laboratory, ultrasound, x-ray and magnetic resonance imaging. The Lagos University Hospital, also government-run, has facilities for general and internal medicine, cardiology, physiotherapy, nuclear medicine, general surgery, ophthalmology and plastic surgery. Ancillary services include an emergency room, a four-bed ICU, a burns unit, CT scanner, a laboratory and x-ray imaging. The Cardiac Centre in Lagos has facilities for non-invasive diagnostic cardiac testing, ten beds with ICU capability, two ICU ward beds and an emergency room. [30]

32.04 A British-Danish FFM Report states that:

“According to Dr. Abengoe, who is Professor of Cardiology at the National Hospital in Abuja and one of the panel of doctors at the BHC [British High Commission] Clinic, hospitals throughout Nigeria are now generally able to cope with bacterial infections (including HIV, tuberculosis, malaria, typhoid and yellow fever). Non-communicable illnesses such as diabetes and high blood pressure - both very common in Nigeria - can also be treated but the costs of medication (drugs) is very high and many patients do not take the drugs because the cost is prohibitive.”

“Dr. Abengoe’s experience is that all hospitals either stock, or can readily obtain, all drugs on the World Health Organisation’s (WHO) Model List of Essential Medicines. Some pharmacies do not store the drugs in the proper conditions. The better quality, more reputable pharmacies do however have proper storage facilities.”

“In Dr Abengoe’s opinion Nigerian hospitals are not well equipped to perform kidney transplants – only two or three hospitals in the country have the facilities for this operation. Kidney dialysis however is widely available.”

“...Dr. Abengoe considered that hospitals in Nigeria do not have adequate facilities to deal fully with complications in pregnancies. Caesarean section can be done but there are otherwise no intensive care facilities or specialised maternity nurses. There is no provision for the care of the elderly who are normally cared for by family members.” [15] (p63-64)

32.05 Information dated January 2006, obtained from a doctor by the British High Commission in Abuja, indicates that there is no government-run national health service that provides a good standard of medical care to everyone who needs it in Nigeria. As regards the availability of drugs, people who can afford private medical care can obtain virtually all the drugs they require. The majority of people, however, cannot afford private medical care. [2c]

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HIV/AIDS – ANTI-RETROVIRAL TREATMENT

32.06 The PHR report on access to health care for people living with HIV and AIDS states:

“With an estimated 3.6 million people with HIV/AIDS, Nigeria is home to 1 of every 11 of the 40 million people with HIV/AIDS worldwide. The HIV prevalence among adults in Nigeria has increased from 1.8% in 1991 to an estimated 5.4% in 2003. Unofficial estimates range as high as 10%, which represents 4 to 6 million people infected. Prevalence ranges from 2% to 14.9% in the country’s 36 states and Federal Capital Territory. According to official estimates, Nigeria faced 200,000 new infections in 2002 and approximately 310,000 people died from AIDS related deaths in 2004. These numbers are expected to increase each year.” [11] (p15)

“Nigeria has been listed as one of the populous ‘next wave’ countries where HIV prevalences is expected to explode if action is not taken. These populous countries are all in the early-to-mid-stage of the epidemic, together they comprise over 40% of the world’s population and, according to the National Intelligence Council (NIC), do not show sufficient sustained governmental commitment to combating the epidemic. According to NIC estimates, by 2010 Nigeria is expected to have as many as 10 to 15 million HIV positive people, which will constitute about roughly 18-26% of the adult population.” [11] (p15)

“...poor health as a result of malnutrition, limited health care, and other infectious diseases such as TB may contribute to the rapid progression and spread of HIV. High prevalence of infections of the reproductive tract, and sexually-transmitted diseases (STD) may contribute to the spread of HIV. Often, people are co-infected with HIV and other conditions. Other factors likely contributing to HIV in Nigeria include the lack of blood product safety, drug use and associated behaviors, and traditional practices. Current challenges to addressing HIV/AIDS in Nigeria include funding constraints; a lack of trained personnel; the absence of a reliable data collection system; the lack of knowledge in the general population; the low status of women, and the stigma attached to HIV/AIDS.” [11] (p15-16)

32.07 A Reuters news report, dated 14 March 2006, states:

“Nigeria has opened 41 new AIDS treatment centres to give wider access to free anti-retroviral therapy for people who are HIV positive, the government’s anti-AIDS agency said on Tuesday. About 3.5 million people are living with the deadly virus in Africa’s most populous country of around 140 million people, the third-highest number after India and South Africa.”

“Nigeria started giving out free anti-retroviral drugs (AVRs) in January from 33 treatment centres to about 40,000 patients, scrapping a 1,000 naira (\$8) subsidy that patients previously had to pay every month.”

“‘We have added new treatment centres, bringing the total number to 74,’ Babatunde Osotimehin, chairman of the National Action Committee on AIDS (NACA), told Reuters. The centres are spread across Nigeria’s 36 states and the capital Abuja.”

“...two-thirds of Nigerian live on less than a dollar a day and campaigners say many HIV-positive people are too poor to pay for the life-saving drugs which cost between 3,000 to 7,000 naira per month on the open market.”

“Medicins Sans Frontier [sic], which campaigns for wider access to free AIDS treatment in Nigeria, lauded the new programme, but said many patients still cannot pay for a series of monthly medical tests for AVRs to be correctly administered. Many more cannot afford treatment of opportunistic infections.”

“NACA plans to expand the anti-retroviral therapy to 250,000 patients by year-end, with funding from the Global Fund to Fight AIDS, Tuberculosis and Malaria, the United States government and other major donors, and savings from the debt write-off granted Nigeria in 2005 by the Paris Club.”

“Osotimehin said the government is also studying ways to subsidise the battery of medical tests while treatment for tuberculosis, one of the most common illnesses among AIDS patients, was already free in Nigeria.”

“He said full HIV/AIDS care including tests was free for children and pregnant women – a key part of efforts to prevent the transmission of the virus from mother to child.” [28]

32.08 The Landinfo 2006 FFM report on Nigeria adds further:

“The government focuses its efforts on HIV/AIDS through the National Action Committee on AIDS (NACA). Professor Osotimehin (NACA) stated that their efforts include an aggressive prevention strategy, as well as consciousness building work to overcome stigma and promote the issue that HIV is a big problem for Nigerian society.” [40b] (p27)

“...from 2006, treatment with antiretroviral drugs (ARVs) for people living with HIV/AIDS in Nigeria is free. Professor Osotimehin (NACA) estimated that such treatment is currently available at some 75 sites, and programs are also run in an additional 25 sites through US government aid. According to an article in The Guardian, ‘[some] people still pay for their drugs at some treatment sites’ (Olawale 2006). The article furthermore states that only some 40,000 of more than three million estimated HIV-positive Nigerians are currently being treated with ARVs, but that many patients have developed resistance to one or several of the ARVs available.” [40b] (p27)

“According to professor Osotimehin (NACA), the free treatment includes several combination antiretroviral drugs, so that patients who do not respond to one treatment or who are developing resistance are offered another. Medical follow-up is included, as is treatment for opportunistic infections that HIV-positive people are vulnerable to – typically diarrhoea, pneumonia, yeast infections, malaria and tuberculosis. He stated that only 15-20% of HIV-positive patients need antiretroviral treatment.” [40b] (p27)

“...according to professor Abengowe, antiretroviral drugs are mostly still imported to Nigeria, and expensive (even though the country has access to generic antiretrovirals). *This Day* [italics in document] reported on 24 March 2006 that the generic antiretroviral drug Archivir is now in production by the local company Archy Pharmaceuticals (Ibiam 2006), and professor Osotimehin (NACA) confirmed this.” [40b] (p28)

DISCRIMINATION AGAINST PEOPLE WITH AIDS

32.09 The PHR report about health care for people living with HIV and AIDS states:

“People living with HIV/AIDS [PLWA (people living with AIDS)] in Nigeria have been found to be subject to discrimination and stigmatization in the work place, as well as by family and communities. They may be evicted from their homes and shunned in the streets. Although President Obasanjo’s government has shown leadership on HIV/AIDS, there is still little legal protection for the human rights of people living with HIV/AIDS (PLWA) in Nigeria. Nigerian health professionals, as members of their society, are influenced by the stigma and moral judgement associated with HIV/AIDS. Ideally these health professionals should ‘play an indispensable role in the promotion and protection of the right to health.’ However, PLWA may also face discrimination from those employed in the health care sector. According to one policy maker, in Nigeria, there is a ‘tendency even for health workers to treat HIV patients differently from other patients’.” [11] (p17)

“...the stigma associated with HIV/AIDS is also an important contributory factor to the spread of HIV/AIDS. Discouraged by stigma from seeking out their status, people may unknowingly infect their sexual partners. Those individuals who are HIV positive may engage in unsafe behaviours in an effort to hide their status from others.” [11] (p18)

“...as the UN Special Rapporteur on the Right to Health describes the role of stigma: ‘Stigma associated with HIV/AIDS builds upon and reinforces prejudices related to gender, poverty, sexuality, race and other factors. Fears related to illness and death; the association of HIV with sex workers, men having sex with men and injecting drug use; and beliefs that attribute moral fault to people living with HIV/AIDS all contribute to the impact of stigma and often give rise to intolerance and discrimination’.” [11] (p18)

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CANCER TREATMENT

32.10 The British-Danish FFM Report states:

“According to Dr. Abengoe treatment for cancer (breast, prostate, stomach, bone and liver are the most common in Nigeria with very little lung cancer) can be treated but availability of irradiation therapy is very limited, and restricted to a few teaching hospitals. Again the majority of people in need of cancer treatment travel overseas to receive it. Heavy reliance is placed on early detection of cancers available at teaching hospitals.” [15] (p63-64)

- 32.11 An article about the Obafemi Awolowo University Teaching Hospitals Complex (OAUTHC), published in the Volume 4, No 3 (winter 2003-04) International Network for Cancer Treatment and Research Newsletter states:

“The OAUTHC is one of the first-generation teaching hospitals established by the Nigerian government to deliver quality health care to its people, and until very recently was the only teaching hospital in Osun State, drawing patients from the whole of Ondo, Ekiti and parts of Oyo and Kwara states, a predominantly Yoruba ethnic population of about 20 million.”

“Between January 2001 and December 2002, 860 cancer cases (all ages and sexes) were seen at OAUTHC. The most prevalent cancers seen there are breast, prostate and cervical cancers, followed by non-Hodgkin’s, non-Burkitt’s lymphoma, and Burkitt’s lymphoma, respectively. Other cancers include colorectal cancer, stomach, sarcomas, liver and skin cancers other than melanomas. In recent months, the hospital has been coordinating the free Glivec treatment for chronic myelocytic leukemia and gastrointestinal stromal tumors, under the Glivec myelocytic leukemia and gastrointestinal stromal tumors, under the Glivec International Patient Assistance Program sponsored by the Max Foundation.”

“Dr Muheez Durosinmi is the sole hemato-oncologist on staff at OAUTHC. Other cancer professionals on staff include pathologists, radiologists, gynecologists, general surgeons, and pediatricians.” [39a]

- 32.12 An article published in the Volume 5, No 1 (summer 2004) International Network for Cancer Treatment and Research Newsletter states:

“In Nigeria with a population of 120 million people in 2002, there are fewer than 100 practicing oncologists and no center exclusively focused on cancer research. There are only four active radiotherapy centers giving a ratio of one machine to about 30 million people, as against the recommended one per quarter million. The available spectrum of anti-cancer drugs is very limited and such drugs are not readily available. Imaging facilities for staging patients with cancer, such as computerized tomography (CT) and magnetic resonance imaging (MRI), are difficult to come by, and when available the cost of such studies puts them out of reach of the average citizen. The inability to properly classify the various types of hematological cancers owing to lack of immunophenotypic, immunocytochemical and cytogenetic diagnostic facilities is of great concern to hemato-oncologists practicing in this part of the world.”

“There is no doubt that cancer is a serious public health problem in Nigeria, but regrettably, its management has not been satisfactory due largely to the adverse effects of unfavourable economic factors. This experience is similar to that in other African countries which have similar economic problems.” [39b]

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CORONARY HEART DISEASE

32.13 The British-Danish FFM Report states:

“Dr. Abengoe explained that Nigeria does not have any heart institute and its ability to deal with coronary illness is very limited. Whilst electrocardiogram (ECG) is available in teaching hospitals, there are no facilities available to perform heart by-pass operations or other coronary surgical procedures. Nor are there any intensive care units for those suffering from coronary illness. Those who need these procedures have them undertaken overseas most commonly in Ghana or Israel.” [15] (p63-64)

TUBERCULOSIS

32.14 The Landinfo 2006 FFM report on Nigeria states:

“Professor Abengowe [Abuja Clinics] stated that effective treatment for tuberculosis is available in Nigeria, but this depends on patients actually being diagnosed with the disease. Many people have tuberculosis without being diagnosed, which has consequences for their own health and causes a spreading of the disease. Tuberculosis is one of the most threatening infections for Nigerians living with HIV/AIDS.” [40b] (p25)

32.15 A ‘*This Day*’ (Nigerian newspaper) report dated 20 March 2007 adds:

“According to the World Health Organisation (WHO) Tuberculosis Report for 2005, TB is a major public health problem in the country. Nigeria is one of the 22 countries of the world with the highest burden of the disease with an estimated 380,000 cases occurring annually out of which more than 50 per cent are smear positive.”

“...the HIV epidemic in Nigeria has a significant impact on the TB epidemic as evidenced by a shift to the younger age groups (15-35 years), who have higher HIV sero-prevalence too. Experts warn that the public health burden posed by TB has become more important today than ever before particularly as the country’s HIV/AIDS epidemic is unfolding. Statistics by WHO indicates that 27 per cent of TB patients in Nigeria are HIV positive.”

“It was as a result of these and other facts that WHO identified tuberculosis as a global health emergency over a decade ago even though it was in April, 2006 that the Federal Ministry of Health declared TB a national emergency with the inauguration of the National TB-HIV Working Group much later.”

“Nigeria adopted the Directly Observed Treatment Scheme (DOTS) strategy for TB control since 2004 with [the] assistance of [the] German Bank for Reconstruction (KfW), members of the International Federation of anti-leprosy Associations (ILEP), The Union and WHO. Until 2000, only 50 per cent of states in the country were implementing the DOTS strategy, which necessitated the development of a five year strategic plan for DOTS expansion by the National Tuberculosis and Leprosy Control Programme (NTBLCP) of the Federal Ministry of Health, covering the period 2001-2005. The plan received [the] support of [the] Canadian International Development Agency (CIDA) and [the] United States Agency for International Development (USAID), which resulted into increased DOTS coverage and TB case detection and treatment.”

“However, programme implementers say a significant funding gap still remained if 100 per cent DOTS coverage is to be achieved and if Nigeria has to attain the global targets for TB control and to abide by the new policy of giving TB treatment to Nigerians free of charge.”

“...against this background, to address the big vacuum of funding to effectively treat TB patients in the country, the NTBLCP has had to intensify efforts to generate resources by partnering with international agencies like WHO, USAID, CIDA, and others in [an] attempt to scale up the diagnosis and treatment of TB in the country.”

“...USAID’s assistance and support have helped addressed TB prevention and control in Nigeria. USAID’s programme include supporting the expansion, since 2003, of DOTS services to 17 states in northern Nigeria that previously had no TB diagnostic and treatment services and to 43 new LGAs, bringing the number of LGAs providing DOTS by the end of 2005 to 548 (71 per cent) nationwide.”

“Others are that it increased the national case detection rate for new SS+ cases from 23 percent in 2004 to 27 percent in 2005, 43 percent of which were in USAID-supported states and it established 86 new DOTS centres in the USAID-supported states by the end of 2005, thus increasing the number of centres from 1,929 to 2,015, among others.” [43b]

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SICKLE CELL ANAEMIA

32.16 The Landinfo 2006 FFM report on Nigeria states:

“Sickle cell anaemia is an inherited disease especially common in West and Central Africa, including Nigeria. Professor Abengowe [Abuja Clinics] stated that public health care facilities in urban areas generally have sufficient resources to provide necessary treatment. In rural areas, the situation is more difficult, but also here the standards are improving.” [40b] (p25)

32.17 Information dated January 2006, obtained from a doctor by the British High Commission in Abuja, indicates that medical treatment for people suffering from sickle cell anaemia is available in Nigeria. Few people, however, have access to this medical care. There are medical and nursing professionals available who are trained to administer medical care to people with sickle cell anaemia but there is a shortage of these professionals. [2c]

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MALARIA

32.18 A ‘*Daily Champion*’ (Nigerian newspaper) report dated 14 September 2006 states:

“No fewer than one million persons die annually from malaria in Africa and over 300 thousand from Nigeria in particular according to the 2006 World Malaria report released by the World Health Organisation (WHO). ‘At present, malaria remains the key infectious disease that takes more lives of persons especially children in Africa than any other ailment even HIV/AIDS,’ the report stated.”

“Collaborating [with] the WHO report, the Centre for Communication Programmes Nigeria (CCPN), a non-governmental organization, [this] weekend in Lagos told health reporters that halting and reversing the high incidence of malaria in Nigeria is the key goal of [the] Roll Back Malaria project [but the project is] being hindered by [a] lack of adequate funds.”

“The chairman/project Director of CCPN, Dr. Afolabi Bamgboye noted that pregnant women and children are mostly those very vulnerable to malaria attack because of their reduced immune system.”

“He explained that the use of Artemisin Combination Therapy (ACTs) as first line treatment drugs for malaria as recommended by WHO will go a long way in reducing the incidence of malaria in Nigeria.”

“...moreover speaking at the occasion, the National Malaria Programme Co-ordinator, Dr (Mrs.) Titilope Sofola stated that the federal government has distributed 2.5 million doeses [sic] of ACTs free of charge to pregnant women and children aged under 5 years.”

“Sofola added that more batches of ACTs (Coartem drug) were expected for distribution to other remaining states of the federation. She pledged government’s continuous commitment towards halting the burden of malaria by the year 2010 in the country.” [25c]

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MENTAL HEALTH

- 32.19 With regard to mental health care facilities for persons with mental illnesses, the Norwegian 2004 FFM Report on Nigeria states that:

“The Nigerian Red Cross stated there was at least one psychiatric hospital in all of Nigeria’s states, but that the federal government cannot be said to have a state policy regarding psychiatric care. Some private services exist, but they are expensive, and psychotherapy almost non-existent. An additional problem is that psychiatric patients are generally in a very advanced condition when they are brought to psychiatric institutions, and accordingly very difficult to treat. The Nigerian Red Cross considered that the treatment of psychiatric patients often violated their integrity.” [37] (p17)

- 32.20 The British-Danish FFM Report states:

“Dr. Abengoe explained that there are four institutes of psychiatry in Nigeria that are able to deal with general mental health care. Those suffering from Post Traumatic Stress Disorder (PTSD) do not normally seek medical assistance – PTSD carries a stigma for the individual and nor is it recognised as a condition that requires treatment. There are as a consequence no facilities or experts within this area in Nigeria.” [15] (p63)

- 32.21 The Nigeria section of the World Health Organisation (WHO) 2005 Mental Health Atlas states that Nigeria has a mental health policy and a national mental health programme in effect. The Mental Health Atlas states that “psychotropic drugs are available and relatively affordable” but also states that “newer formulations are either unavailable or too expensive.” A month’s supply of the drug “risperidone (2 mg) would cost more than the minimum wage in the public service.” [32]

- 32.22 The Landinfo 2006 FFM report on Nigeria adds:

“According to Dr Ambrose Awogu (Abuja Clinics), the situation for the mentally ill is bad. The resources available in Nigeria are very limited, and there are few professionals with the appropriate background. There are only five functioning psychiatric hospitals, and people from all over the country go there to have their relatives admitted. Professor Abengowe emphasised the crowded conditions resulting from this situation, making the staff overworked and less efficient.” [40b] (26)

32.23 The WHO 2005 Mental Health Atlas adds further:

“Mental health care is part of [the] primary health care system. Actual treatment of severe mental disorders is available at the primary level. However, relatively few centres have trained staff and equipment to implement primary health care. Regular training of primary care professionals is carried out in the field of mental health. Each state has a school of Health Technologists for [the] training of primary care professionals including health care workers.”

“There are community care facilities for patients with mental disorders. Community care is available in a few states. Providers include private medical practitioners, NGOs, especially faith-based organizations and traditional healers.”

“...the following therapeutic drugs are generally available at the primary health care level of the country: carbamazepine, phenobarbital, phenytoin sodium, amitriptyline, chlorpromazine, diazepam, fluphenazine, haloperidol, biperiden. Benzhexol (5mg) is [also] available.” [32]

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33. FREEDOM OF MOVEMENT

- 33.01 Regarding the right to travel within the country, to travel abroad and to return to Nigeria, the USSD 2006 Report states that:

“The constitution and law provides for these rights, and while the government generally respected them, [the] police occasionally restricted freedom of movement by enforcing curfews in areas experiencing ethnoreligious violence.”

“Law enforcement agencies used roadblocks and checkpoints to search for criminals and to prevent persons travelling from areas of conflict to other parts of the country where their presence might instigate retaliatory violence. There were no reports that government officials restricted mass movements of individuals fleeing ethnic unrest. Security and law enforcement officials continued to use excessive force at checkpoints and roadblocks and engaged in extortion and violence.” [3a] (Section 2d)

- 33.02 The British-Danish FFM Report states adds:

“Musa Baraya, Acting Comptroller General, Comptroller General of Immigration, Nigerian Immigration Service (NIS), acknowledged that border control – particularly along the borders to the north of the country – was a serious problem. There are official border crossing points but in practice anyone could easily cross at any point. Economic Community of West African States (ECOWAS) agreements provide for free movement with neighbouring countries but there is still a requirement for individuals to have proper travel documentation. NIS, in an effort to tackle the problem of illegal border crossing, has put in place mobile border patrol units on land and introduced air patrols. They have also developed close working relationships with counterparts in neighbouring states and these initiatives are proving to be successful.” [15] (p65)

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34. EXIT-ENTRY PROCEDURES

- 34.01 The Canadian Immigration and Refugee Board (IRB) Research Directorate published a country of origin information research response(NGA100148.E), dated 16 August 2005, about exit and re-entry procedures for Nigerian nationals, and the maximum length of stay to which a foreign national would be entitled, and whether such an individual would be allowed to work in Nigeria. According to the research response, a minister from the Nigerian High Commission in Ottawa and the UNHCR in Lagos both stated that there are no exit and re-entry regulations for Nigerian nationals wishing to leave and re-enter Nigeria. Nigerian nationals can leave and re-enter Nigeria freely and as many times as they wish. Individual Nigerian nationals returning to Nigeria who are wanted by the Nigerian authorities, however, will be arrested or detained. [38b]

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35. TREATMENT OF RETURNED FAILED ASYLUM SEEKERS

- 35.01 Regarding how returned failed asylum seekers are treated by the Nigerian authorities, the British-Danish FFM Report states that:

“Ndaguba [NAPTIP] emphasised that there are no laws in Nigeria which make it illegal to leave the country and that no Nigerian asylum seeker has been persecuted or punished after having returned from abroad as a consequence of having applied for asylum.”

“Yusuf [‘Daily Trust’ newspaper] confirmed that during the democratic elected government in Nigeria no returned rejected asylum seeker has been arrested or detained only because he or she had applied for asylum abroad.”

“Baraya [NIS] confirmed this but added that those who are perceived as having damaged the reputation of Nigeria, by for example claiming that the government has persecuted them are ‘not liked’. Although in theory such individuals might be facing prosecution for ‘defamation’, Baraya could not recall any example of this ever having happened in practice.” [15] (p65)

- 35.02 Regarding how returned failed asylum seekers arriving in Nigeria with emergency or temporary travel documentation are treated, the British-Danish FFM Report states:

“Nick Newman, Visa Section, BHC, Abuja, explained that failed asylum seekers who are returned on UK emergency travel document[s] are questioned on arrival in Nigeria in order to establish why the person concerned had been in the UK and why he or she had been deported. The interview would usually last on average 15 to 20 minutes. Newman was not aware, or has ever heard, of any returned failed asylum seekers being held in detention or having encountered any ill treatment or other problems upon his return to Nigeria. Individuals deported back to Nigeria are subsequently allowed to apply for and be issued with full Nigerian passports in the normal way to allow further travel overseas. Those however who are wanted by the Nigerian authorities for, in particular drug smuggling, are likely to be arrested on return and prosecuted by the police for those criminal offences.”

“The delegation was able to hear first hand from two returned failed asylum seekers who were separately attending the BHC in connection with visa applications to return to the UK. The first applicant had been returned to Nigeria with a certificate of identity issued by the UK authorities. The applicant said that he was questioned by the immigration authorities on return and held for about two or three hours while his identity was confirmed; he was not questioned by the SSS or anyone else. As soon as the applicant’s identity was confirmed the person in question was admitted to Nigeria. The applicant said that he had not encountered any problems or difficulties subsequently and has been issued a replacement passport through normal channels.”

“The second applicant had been returned to Nigeria on an emergency travel document issued by the Nigerian High Commission in London. The applicant said that he had passed through immigration control at Murtala Mohammed International Airport in Lagos without being questioned and had not experienced any problems from any government body since returning to Nigeria. The applicant had also been issued a full replacement passport in the usual way.” [15] (p66)

See also section on the Treatment of trafficked women returned to Nigeria (paras 31.14 and 31.15)

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36. INTERNALLY DISPLACED PEOPLE (IDPs)

- 36.01 The Internal Displacement Monitoring Centre (IDMC) published a report in September 2006 about the problems and difficulties faced by Nigerians who have become internally displaced. The report states that:

“Ethno-religious conflict is endemic in Nigeria, with at least 14,000 people killed and hundreds of thousands displaced since military rule ended in 1999. Since internal displacement in Nigeria is often short-term, and most IDPs seek refuge with host families, data on the scope of the problem is scarce and no accurate estimates of the current number of IDPs exist.” [48] (p1)

“While conflict often breaks out along religious or ethnic lines, poverty and unequal access to power and resources – be they land or oil wealth – are often at the heart of the conflict. Underlying tensions are never far from the surface, and may indeed be encouraged by scheming politicians seeking gain from social division. The high death toll and internal displacement resulting from a wave of sectarian violence across the country triggered by Danish caricatures of the Prophet Mohammed in February 2006, coinciding with a dramatic increase in militant violence in the oil-rich Delta region, were clear warning signs that once violence erupts it can quickly take on a momentum of its own.” [48] (p1)

“...while some of these conflicts may appear to be caused by a single factor, such as religion or ethnicity, the reality is usually more complex. The introduction of Islamic Sharia law in a total of 12 of Nigeria’s states in recent years has caused tensions, but when Muslims and Christians have clashed this has usually been caused by other factors – such as pressure on land or unequal access to social services. However, the polarisation that follows is often along religious lines, and the conflict is easily stereotyped as a ‘religious war’. The same dynamic is often observed with regard to ‘ethnic conflicts’.” [48] (p3)

“Perhaps the most significant cause of communal violence in Nigeria is the entrenched divisions throughout the country between people considered indigenous to an area, and those regarded as settlers. Even though settlers may have lived in an area for hundreds of years, they are consistently discriminated against in terms of land ownership, control of commerce, jobs and education.” [48] (p3)

“Displacement has also been closely linked to oil production in the Niger Delta ...armed militia groups used increasingly violent means in their attempt to gain greater control of oil wealth, clashing with the Nigerian army, kidnapping numerous foreign oil workers and destroying oil installations, reducing the country’s oil exports by at least 20 per cent. Violence between local militia and security forces as well as inter-militia fighting in the Delta region has frequently forced people to flee their homes and widespread destruction of property has occurred.” [48] (p3)

“...the vast majority of displaced people in Nigeria seek refuge with family, friends or host communities where their ethnic group is in the majority. Others seek shelter in major towns. Many appear to return to their homes or resettle in the proximity of their home areas soon after the violence has subsided, but an unknown number also resettle in other areas of the country. It is therefore difficult to distinguish between movements of people forced to flee by violence and those moving for economic reasons.” [48] (p5)

- 36.02 The federal government and state governments have put measures in place to assist IDPs, but these are to a large extent inadequate, as the IDMC report states:

“The National Emergency Management Agency (NEMA), established in 1999, is responsible for overall disaster management in Nigeria – including the coordination of emergency relief operations as well as assisting in the rehabilitation of the victims when necessary. It has [a] presence in most states and often supports IDPs in the emergency phase of a crisis, but it does not have the necessary resources to assist people displaced for a longer period of time, or to assist returnees to reintegrate. State Emergency Management Agencies (SEMA) also exist in some states, but with varying performance levels.” [48] (p6)

“The national response is generally constrained by lack of experience in dealing with IDP issues, which has resulted in inefficiencies and support gaps to affected populations, but also by competing mandates. Confusion exists at the federal level over who has the mandate to respond to and assist IDPs – especially between NEMA and the National Commission for Refugees (NCR, informally mandated in 2002 to also cover IDPs) – which results in competition for resources.” [48] (p6)

“Such tension and competition has been partly responsible for hindering the drafting of a national IDP policy, which has been in the pipeline since the creation of the Nigerian Presidential Committee on IDPs in January 2004.” [48] (p6-7)

“...in the wake of the 2005 Plateau state crisis, international donors criticised the overall national response on various grounds, including: a lack of a proper registration system for IDPs; inefficient use of resources despite adequate financial capacity; lack of proper planning, monitoring and evaluation; and the politicisation of humanitarian assistance.” [48] (p7)

“...the UN system in Nigeria – headed by a Resident Coordinator who is also Resident Representative of the UN Development Programme – consists of numerous agencies, and has since 2000 been organised around a Development Assistance Framework. So, with a firm focus on development needs, UN assistance to IDPs in Nigeria has been fairly ad hoc. The Red Cross movement as well as a few international NGOs has also been involved in IDP response, albeit in a rather uncoordinated fashion.” [48] (p7)

“...although the Nigeria[n] government may have the financial capacity to respond to emergencies, it lacks the necessary institutional capacity and expertise to deal effectively with acute situations of internal displacement. And although the current situation of internal displacement in the country may not amount to an ‘emergency’, there is clearly potential for increased violence that could quickly spread and cause major population movements.” [48] (p7)

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37. FOREIGN REFUGEES

37.01 The USSD 2006 Report states:

“The law provides for the granting of asylum and refugee status to persons in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 Protocol, and the government has established a system for providing protection to refugees. The government provided protection against refoulement, the return of persons to a country where they feared persecution, and granted refugee status or asylum. The government cooperated with the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers through the National Commission for Refugees, its federal commissioner, and the National Emergency Management Agency. The Eligibility Committee (on which the UNHCR had observer status), governed the granting of refugee status, asylum, and resettlement, and reviewed refugee and resettlement applications.”

“Refugee camps, which housed approximately 9,000 refugees, were generally overcrowded, and refugees’ requests for police and judicial assistance generally received little attention. Refugees had poor access to the courts, but observers noted that it was no worse than that of [Nigerian] citizens.”

“The government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol and provided it to a small number of persons during the year.” [3a] (Section 2d)

37.02 The United Nations IRIN Humanitarian Country Profile on Nigeria (February 2007 update) adds:

“According to the United Nations High Commissioner for Refugees (UNHCR), there are approximately 11,800 refugees in Nigeria, mostly from Chad, Liberia, the Republic of Congo and Sudan. Nearly half live in refugee camps, while the other half live in urban areas. The UNHCR has supported initiatives aimed at voluntary repatriation and helping with local integration.” [21f]

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38. CITIZENSHIP AND NATIONALITY

38.01 Chapter 3 of the 1999 Constitution sets out the requirements for Nigerian citizenship. Citizenship can be acquired by birth, descent, registration and naturalisation. There are legal provisions for voluntary and involuntary renunciation of Nigerian citizenship. Dual nationality is only legally recognised for persons who are Nigerian citizens by descent, and who have acquired citizenship of another country, by descent. [6]

38.02 The Constitution states that Nigerian citizenship can be acquired by any person:

- born in Nigeria before 1 October 1960, provided one parent or one grandparent was born in Nigeria and belongs or belonged to a community indigenous to Nigeria
- born in Nigeria after 1 October 1960, provided one parent or one grandparent is a Nigerian citizen
- born outside Nigeria provided one parent is a Nigerian citizen. [6]

38.03 The Constitution states that Nigerian citizenship can be obtained by registration by any person provided:

- he is of good character
- he has shown a clear intention of his desire to be domiciled in Nigeria
- he has taken the oath of allegiance as prescribed in the Constitution

These provisions also apply to any woman who is or has been married to a Nigerian citizen and any person of full age (over 18) and capacity born outside Nigeria, with any grandparent who is a Nigerian citizen. [6]

38.04 The Constitution states that Nigerian citizenship can be obtained by naturalisation by any person provided:

- he is of full age (over 18)
- he has resided in Nigeria for at least 15 years and plans to remain in Nigeria
- he is of good character
- he is familiar with Nigerian culture and customs and can support himself
- he has renounced any previous citizenship and has taken an oath of allegiance as prescribed in the Constitution. [6]

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39. EMPLOYMENT RIGHTS

39.01 The USSD 2006 Report states that:

“The law provides all citizens with the right to form or belong to any trade union or other association for the protection of their interests, and while workers exercised this right in practice, several statutory restrictions on the right of association and on trade unions restricted this right. Some of these restrictions were put in place to curb the practice of forming thousands of small unions with as few as three or four employees each.”

“Workers, except members of the armed forces and employees designated as essential by the government, may join trade unions. Essential workers included government employees in the police, customs, immigration, prisons, the federal mint, and the Central Bank. The government’s application of the ‘essential worker’ designation was broad compared to the ILO definition. Employees working in a designated Export Processing Zone (EPZ) may not join a union until 10 years after the start-up of the enterprise.” [3a] (Section 6a)

39.02 Workers have the right to strike, but this right is subject to some restrictions, as noted in the USSD 2006 Report:

“Workers outside the legally defined category of ‘essential’ had the right to strike, although they were required to provide advance notice of a strike. A worker under a collective bargaining agreement cannot participate in a strike unless his union complied with the requirements of the law, which included provisions for mandatory mediation and for referral of the dispute to the government. Workers can bring labor grievances to the judicial system for review; however, the courts were of limited utility in ensuring due process in the protection of workers’ rights. Workers are specifically prohibited from forcing persons to join a strike or from closing airports or obstructing public by-ways. Stiff fines and/or prison sentences are imposed on law-breakers. While strikes continued to occur in localized areas after the law passed in March 2005, no national strike was called. Instead a new strategy of organising peaceful protest rallies was implemented by the Labor and Civil Society Coalition to solicit the government’s response to and settlement of labor issues. A few rallies took place during the year and received favourable responses from the Ministry of Employment, Labor, and Productivity.” [3a] (Section 6b)

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40. EXTENDED FAMILY AND OTHER COMMUNITY SUPPORT NETWORKS

40.01 The Landinfo 2006 fact-finding mission report states:

“In a country without a welfare system, people mainly rely on their immediate and extended family in times of need and crisis. Even though several sources stated that family ties seem less binding today than they used to, people generally have few others they can rely on. As long as other support networks are limited, most people do try to maintain close ties with relatives in order not to jeopardise this network for times when they may have to rely on their help. Therefore, most Nigerian migrant[s] – both inside Nigeria and outside – keep in close touch with relatives in their place of origin in Nigeria. Nigerians living in other parts of Nigeria than their place of origin also tend to go back to the villages where they have extended family regularly to maintain such ties – that may be crucial in times of crisis.” [40b] (p9)

“Relying on immediate and extended family is not the only option, however – many Nigerians try to establish other support networks that may complement or (in some cases) replace the extended family. Examples of such support networks are religious congregations, religious organisations, age grades/sets, political organisations, charities, secret societies and guilds. Many such organisations are expected to aid their members in ways that would be fairly unusual in a European context. For instance, it would not be very unusual for a grassroots level member of a political group to appeal to the local leader of the organisation for financial assistance towards a child’s hospital bill and the like.” [40b] (p9)

“Support networks like these may be limited to a certain ethnic group, but not necessarily.” [40b] (p9)

“Religious affiliation continues to be an issue evoked regularly in Nigeria, especially in situations of political conflict where people want to mobilise others on their side. However, an issue rarely mentioned in reports on Nigeria is the source of support religious congregations can be for ordinary Nigerians – and not only on a spiritual level. Religious congregations are also important networks and sources of assistance in times of need.” [40b] (p9)

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Annex A: Chronology of major events

- 1914** The British dependencies of Northern and Southern Nigeria are merged into a single territory. [1]
- 1922** Part of former German colony Kamerun is added to Nigeria under a League of Nations mandate. [8e]
- 1947** The UK introduces a new Nigerian constitution which establishes a federal system of government based in three regions. [1]
- 1954** The Federation of Nigeria becomes self-governing. [1]
- 1960** **October:** On 1 October, Nigeria becomes an independent country. Sir Abubakar Tafawa Balewa becomes Nigeria's first Prime Minister, leading a coalition government. [8e][17a]
- 1963** On 1 October, a revised constitution is adopted and the country is renamed the Federal Republic of Nigeria but the country remains a part of the British Commonwealth.
- 1964** In December, the first national House of Representatives election after independence is held. [1]
- 1966** **January:** Balewa killed in coup. Major-General Johnson Aguiyi-Ironsi heads up military administration. [1]
July: Aguiyi-Ironsi is killed in a counter-coup, and is replaced by Lieutenant-Colonel Yakubu Gowon. [1]
- 1967** **May:** Gowon institutes 12-state system, 6 in the north and 6 in the south. [17a]
July: Three eastern states secede as the Republic of Biafra, which sparks off a civil war called the Biafran War. [8e][17a]
- 1970** **January:** Biafran leaders surrender. Former Biafran regions reintegrate into the country. [8e][17a]
- 1975** Gowon is overthrown and flees to Britain, replaced by Brigadier Murtala Ramat Mohammed, who begins process of moving federal capital to Abuja. [8e]
- 1976** Mohammed is assassinated in a coup attempt. Replaced by Lieutenant-General Olusegun Obasanjo, the Chief-of-Staff of the armed forces, who helps introduce an American-style presidential constitution. [8e]
- 1979** Elections bring Alhaji Shehu Shagari to power. [8e]
- 1983** **August - September:** Local government, state and federal elections take place. Shagari wins the presidential election and begins a second presidential term. [1]
December: Major-General Muhammad Buhari seizes power in bloodless coup. The government is replaced by a Supreme Military Council; the National Assembly is dissolved, and all political parties are banned. [1]

- 1985** **August:** Ibrahim Babangida seizes power in a bloodless military coup and curtails political activity. [8e]
- 1989** **May:** New constitution is promulgated. Babangida announces the end of the prohibition of political parties. [1]
- 1990** **April:** A coup attempt led by Major Gideon Orkar is suppressed. Some 160 members of the armed forces are subsequently arrested. [1]
July: Following their conviction by a military tribunal on charges of conspiring to commit treason, 69 prisoners, including Orkar, are executed. [1]
- 1991** **December:** The seat of the federal government is formally transferred from Lagos to Abuja. Gubernatorial and state assembly elections take place. [1]
- 1992** **July:** National Assembly elections take place. [1]
December: National assembly is formally convened. [1]
- 1993** **June:** The military government annuls a presidential election, when preliminary results clearly show a victory by Chief Moshood Abiola. [1]
November: Ernest Shonekan resigns as the Head of State and power is transferred to General Sani Abacha. [1]
- 1994** Chief Moshod Abiola is arrested after proclaiming himself president. [8e]
- 1995** **March:** Olusegun Obasanjo and others are jailed for alleged coup plotting. [17a]
November: Ken Saro-Wiwa, writer and campaigner against oil industry damage to his Ogoni homeland, and eight other activists from the Movement for the Survival of the Ogoni People (MOSOP), are executed following a trial. In protest, the European Union imposes sanctions until 1998, and the British Commonwealth suspends Nigeria's Commonwealth membership until 1998. [8e][17a]
- 1998** Abacha dies and is succeeded by Major-General Abdulsalami Abubakar. [8e]
- 1999** **February:** National legislative elections are held on 20 February. In those elections, the PDP wins 215 seats in the 360-member House of Representatives and 66 seats in the 109-member Senate. A presidential election was held on 27 February, which was won by Olusegun Obasanjo. [1]
May: Obasanjo is formally inaugurated as President of Nigeria on 29 May. A new constitution was formally promulgated on 5 May, and came into force on 29 May. [1]
- 2000** Adoption of shari'a law by several northern states in the face of opposition from Christians. Tension over the issue results in hundreds of deaths in clashes between Christians and Muslims. [8e]
- 2001** **October:** President Olusegun Obasanjo, South African President Thabo Mbeki and Algerian President Bouteflika launch the New Partnership for African Development, which aims to boost development, encourage open government and end wars in return for aid, foreign investment and a lifting of trade barriers. [8e]

- 2002** **February:** Some 100 people are killed in Lagos during bloody clashes between Hausas from the mainly Islamic north and ethnic Yorubas from the predominantly Christian south west. [8e]
March: An appeals court reverses a death sentence handed down to a woman found guilty of adultery. An Islamic court in the north had ordered that the woman be stoned to death. [8e]
October: The International Court of Justice awards the disputed Bakassi peninsula to Cameroon. [8e]
November: More than 200 people die in four days of rioting stoked by Muslim fury over controversy surrounding the planned Miss World beauty pageant in Kaduna in December. The event is relocated to Great Britain. [8e]
- 2003** **12 April:** First legislative elections since end of military rule in 1999. Polling marked by delays and allegations of ballot-rigging. President Obasanjo's People's Democratic Party wins parliamentary majority. [1]
19 April: First civilian-run presidential elections since end of military rule. Olusegun Obasanjo elected for second term with more than 60 per cent of the vote. Opposition parties reject result. [1]
September: An Islamic appeals court in the northern state of Katsina acquit a woman, Amina Lawal, who had been sentenced to death by stoning for alleged adultery. [1]
- 2004** **April:** Suspected coup attempt. President Olusegun Obasanjo's Government announce that some 20 army officials had been arrested following the discovery of a conspiracy to seize power, believed to be instigated by Major Hama al-Mustapha. [1]
May: Communal violence breaks out in Plateau State between Christians and Muslims. President Obasanjo declares a state of emergency in the state. The state governor is suspended. [9]
October: Major Hama al-Mustapha and 3 senior military officers, are charged in connection with a coup attempt that reportedly took place in March 2004. [1]
November: State of emergency lifted in Plateau State. The suspended state governor is reinstated. [1]
- 2005** **February:** President Obasanjo opens a national political conference in Abuja to discuss constitutional reforms. [8f]
July: National political conference in Abuja ends. [8c]
- 2006** **February:** Violent clashes between Christians and Muslims occur in various parts of the country, which were sparked off by the publication of cartoons depicting the prophet Muhammed. [41]
May: The Senate rejects proposed changes to the constitution which would have allowed President Obasanjo to stand for a third presidential term in 2007. [8e][8i]
August: Nigeria hands over the disputed Bakassi peninsula to Cameroon under the terms of a 2002 International Court of Justice ruling. [8e]
December: The National Population Commission publishes provisional results of the 2006 national census which indicates that the national population was 140 million. [43]

2007 **April:** Gubernatorial, National Assembly and presidential elections take place. The PDP win most of the state elections, and Umaru Musa Yar'Adua of the PDP, wins the presidential election. [46] [21g]

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Annex B: Political organisations

(This list consists mainly of registered political parties but also includes the names of other political organisations that have political objectives or are political in nature.)

Accord [18]

Registered political party. National Chairman – Ikra Aliyu Bilbis

Action Alliance [18]

Registered political party. Based in Abuja. National Chairman – Suleiman Salawu.

Action Congress [18]

Registered political party. Based in Abuja. National Chairman – Hassan Zurmi.

Action Party of Nigeria [18]

Registered political party.

Advanced Congress of Democrats [18]

Registered political party. National Chairman – Chief Ralph Okey Mwosu.

African Democratic Congress [18]

Registered political party. National Chairman – Suleiman Salawu.

African Political System [18]

Registered political party.

African Renaissance Party [18]

Registered political party. Based in Abuja. National Chairman – Yahaya Ndu

All Nigeria's People's Party [18]

Registered political party. Based in Abuja. National Chairman – Modu Sherif.

All People's Liberation Party [18]

Registered political party. Based in Abuja. National Chairman – Chief E.O Okereke.

All Progressives Grand Alliance [18]

Registered political party. Based in Abuja. National Chairman – Chief Victor C. Umeh.

Alliance for Democracy [18]

Registered political party. Based in Abuja. National Chairman – Mojisoluwa Akinfewa.

Allied Congress Party of Nigeria [18]

Registered political party.

Better Nigeria Progressive Party [18]

Registered political party. Based in Abuja. National Chairman – Dr. Iheanyichukwu Nnaji.

Citizens Popular Party [18]

Registered political party. National Chairman – Barr. Maxi Okwu.

Community Party of Nigeria [18]

Registered political party. Based in Abuja. National Chairman - Musa Bukar Sawi.

Congress for Democratic Change [18]

Registered political party. National Chairman – Edozie Madu.

Democratic Alternative [18]

Registered political party. National Chairman – Dr. Abayomi Ferreira.

Democratic People's Alliance [18]

Registered political party. National Chairman – Chief O. Falae.

Democratic People's Party [18]

Registered political party. Based in Abuja. National Chairman – Umaru Ahmed.

Fresh Democratic Party [18]

Registered political party. Based in Abuja. National Chairman – Rev. Chris Okotie.

Hope Democratic Party [18]

Registered political party.

Justice Party [18]

Registered political party. Based in Abuja. Chairman - Chief Ralph Obioha.

Labour Party [18]

Registered political party. Based in Abuja. Chairman – Barr Dan Nwanyanwu.

Liberal Democratic Party [18]

Registered political party. Based in Abuja. Chairman - Chief Felix Modebelu.

Masses Movement of Nigeria [18]

Registered political party. Chairman - Major Mojisola Obasanjo (rtd).

Movement for the Actualisation of the Sovereign State of Biafra (MASSOB) [1]

Formed in 1999. Leader - Ralph Uwazurike.

Movement for Democracy and Justice [18]

Registered political party. Based in Abuja. National Chairman – Chief J.O. Osula.

Movement for the Restoration and Defence of Democracy and Justice [18]

Registered political party. Based in Abuja. National Chairman – Mohammadu Gambo.

Movement for the Survival of the Ogoni People (MOSOP) [1]

Formed in 1990 to organise opposition to petroleum production in the Ogoni territory. Leader - Ledum Mitee.

National Action Council [18]

Registered political party. Based in Abuja. National Chairman – Dr. Olapede Agoro.

National Advance Party [18]

Registered political party. National Chairman – Dr. Olatunji Braithwaite.

National Conscience Party [18]

Registered political party. Based in Abuja. National Chairman – Dr. Osagie Obayuwana.

National Democratic Party [18]

Registered political party. National Chairman – Alh. Habu Fari.

National Majority Democratic Party [18]

Registered political party. National Chairman – Prince Solomon Akpona.

National Reformation Party [18]

Registered political party. Based in Abuja. National Chairman - Chief Anthony Enahoro.

National Solidarity Democratic Party [18]

Registered political party. National Chairman – Dr. Chinwoke Mbadinuju.

National Union Party [18]

Registered political party. National Chairman – Chief Perry Opara.

New Democrats [18]

Registered political party. Based in Abuja. National Chairman – Professor Isa Odidi.

New Nigeria People's Party [18]

Registered political party. National Chairman - Dr B.O. Aniebonam.

Nigeria Advance Party [18]

Registered political party. Based in Abuja. National Chairman - Dr O. Braithwaite.

Nigeria Elements Progressive Party [18]

Registered political party. National Chairman – Amb. Y. Mamman.

Nigeria People's Congress [18]

Registered political party. Based in Abuja. National Chairman – Ngozi Emioma.

O'odua People's Congress (OPC) [1]

Formed in 1994. Banned by the Government in October 2000. Currently divided into two factions - one led by Frederick Fasehun and the other led by Ganiyu Adams.

People's Democratic Party [1][18]

Registered political party. Based in Abuja. Founded in August 1998 by a broad range of political interest groups, represented mainly by 34 former senior political figures who had come forward earlier in 1998 to challenge the legality of Sani Abacha's bid to secure the civilian presidency of Nigeria. The PDP candidate Olusegun Obasanjo won the 1999 Presidential Election with 62.8 per cent of the vote, and was re-elected as President at the 2003 Presidential Election. The party also won substantial majorities in the House of Representatives and the Senate, both in the 1999 and 2003 legislative elections.

People's Mandate Party [18]

Registered political party. Based in Abuja. National Chairman – Professor Edward Oparaoji.

People's Progressive Party [18]

Registered political party.

People's Redemption Party [18]

Registered political party. Based in Abuja. National Chairman - Abdullah B. Musa.

People's Salvation Party [18]

Registered political party. Based in Abuja. National Chairman – Lawal Maiturare.

Progressive Action Congress

Registered political party. Based in Abuja. National Chairman – Chief Agadenyi Nwodo.

Progressive Peoples' Alliance

Registered political party. Based in Abuja. National Chairman – Suleiman Ahmed.

Republican Party of Nigeria

Registered political party. National Chairman – National Chairman – Shittu Mohammed.

United Democratic Party [18]

Registered political party. Based in Abuja. National Chairman – Dr. Umaru Dikko.

United Nigeria People's Party [18]

Registered political party. Based in Abuja. National Chairman – Mallam Selah Jambo.

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Annex C: Prominent people: past and present

Abacha, General Sani [1]

Army Chief-of-Staff in Babangida's regime. Took power on 17 November 1993. Died on 8 June 1998.

Abubakar, Abdusalam [1]

He became the head of state on 9 June 1998, after the death of Sani Abacha, and remained the head of state until 29 May 1999.

Abubakar, Atiku [81]

He was a founding member of the PDP but was suspended from the party after he was accused of diverting US\$125 million to personal business.

Aguiyi-Ironsi, General Johnson [1]

He was the Commander-in-Chief of the army at the time of the January 1966 military coup, and took power after the coup, but was subsequently killed in a counter-coup in July 1966.

Asari, Alhaji Dokubo [22f]

Asari is the leader of the Niger Delta People's Volunteer Force (NDPVF), a militia group based in the Niger delta region.

Babangida, Ibrahim [1]

He became the head of government in August 1985 after a military coup. In August 1993, Babangida resigned as head of government.

Balewa, Abubakar Tafawa [1]

He was the country's first federal Prime Minister and Minister of Foreign Affairs when Nigeria became independent in 1960. He was killed in January 1966 in a military coup.

Buhari, Muhammadu

He became the head of government in December 1983 after a military coup, and subsequently was deposed in another military coup in 1985. He was one of the presidential candidates (All Nigeria People's Party) in the April 2003 Presidential Election, and came second, winning 32.19 per cent of the votes. [1] He was a presidential candidate in the April 2007 presidential election and came second place with 19% of the votes cast. [46]

Gowon, General Yakubu [1]

He was the Chief-of-Staff of the Army at the time he took power in July 1966 after a coup. He left the government in 1976.

Obasanjo, Olusegun [1] [8d]

Olusegun Obasanjo is currently Nigeria's President but will leave office in late May 2007, having served two terms. He is an ethnic Yoruba, originating from the south west of Nigeria. He joined the army in 1958 and came to prominence in 1970 as the officer who accepted the surrender of Biafran forces in the 1967-1970 civil war. Obasanjo first became leader of the country in 1976 after the assassination of Brigadier Murtala Mohammed. In 1979, he earned the distinction of becoming Africa's first modern military leader to hand over power to civilian rule. He then gave up politics and returned to his home state. In 1995, he was imprisoned for his part in an alleged coup plot against Sani Abacha, the then leader of the country. He was subsequently set free in 1998 by the new leader of the country, General Abubakar. [8d]. Obasanjo won the 1999 Presidential Election, and took office on 29 May 1999, and was subsequently re-elected as president in the 2003 Presidential Election. [1]

Odumegwu, Ojukwu Chukwuemeka [1]

He was one of the presidential candidates (All Progressive Grand Alliance) in the April 2003 Presidential Election, and came third, winning 3.29 per cent of the votes.

Oshiomhole, Adams [3a]

Oshiomhole is the president of the Nigeria Labour Congress (NLC).

Saro-Wiwa, Ken [1]

He was once the President of the Movement for the Survival of the Ogoni People (MOSOP). He was arrested in May 1994 in connection with the murder of four Ogoni chiefs. In November 1995, he was executed along with eight other MOSOP members.

Shagari, Alhaji Shehu [1]

He became the President of the Second Republic of Nigeria in October 1979, following democratic elections. In 1983, Shagari was deposed in a military coup led by Major-General Muhammad Buhari.

Tom, Ateke [22f]

Tom is the leader of the Niger Delta Vigilante (NDV), a militia group based in the Niger Delta region.

Yar'Adua, Umaru Musa [8h]

He was the PDP candidate in the April 2007 presidential election, which he won, and will formally become Nigeria's next President late in May 2007.

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Annex D: List of abbreviations

This list is a selection of some of the abbreviations used in the Nigeria COI Report excluding the abbreviations of political parties and political organisations. Refer to Annex B (Political Organisations) for the abbreviations of political parties and political organisations.

ACCORD	Austrian Centre for COI and Asylum Research and Documentation
AI	Amnesty International
BHC	British High Commission (Abuja)
CBN	Central Bank of Nigeria
CLEEN	Centre for Law Enforcement Education
COI	Country of Origin
EFCC	Economic and Financial Crimes Commission
EIU	Economist Intelligence Unit
FCO	Foreign and Commonwealth Office (UK government department)
FFM	Fact-Finding Mission
FGM	Female Genital Mutilation
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRW	Human Rights Watch
ICRC	International Committee of the Red Cross
IDP	Internally Displaced Person
IGLHRC	International Gay and Lesbian Human Rights Commission
IGP	Inspector General of the Police
ILO	International Labor Organization
INEC	Independent National Electoral Commission
LEDAP	Legal Defence and Assistance Project
MEND	Movement for the Emancipation of the Niger Delta
NAPTIP	National Agency for the Prohibition of Trafficking in Persons
NDLEA	National Drug Law Enforcement Agency
NDPVF	Niger Delta People's Volunteer Force
NDV	Niger Delta Vigilante
NGO	Non-Governmental Organisation
NHRC	National Human Rights Commission
NIS	Nigerian Immigration Service
NLC	Nigeria[n] Labour Congress
NPF	Nigerian Police Force
NPS	Nigerian Prisons Service
PRAWA	Prisoners Rehabilitation and Welfare Action
SSS	State Security Service
TI	Transparency International
UN	United Nations
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
USSD	United States State Department
WACOL	Women's Aid Collective
WHO	World Health Organization
WOTCLEF	Women Trafficking and Child Labour Eradication Foundation

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