

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	378
Land:	Nigeria
Kilde:	Amnesty International
Titel:	Annual Report 2015/16 – Nigeria
Udgivet:	24. februar 2016
Optaget på baggrundsmaterialet:	25. februar 2016

Amnesty International Report 2015/16 - The State of the World's Human Rights - Nigeria

The conflict between the military and the armed group Boko Haram continued, resulting in the deaths of thousands of civilians and over 2 million internally displaced people (IDPs) at the end of the year. Torture and other ill-treatment by the police and security forces were widespread. Demolitions of informal settlements led to the forced eviction of thousands of people. Death sentences continued to be imposed; no executions were reported.

Background

The general election took place on 28 March to elect the President and members to the Senate and the House of Representatives; the governorship and state assembly election was held on 11 April. The candidate from the opposition All Progressives Congress (APC) party, Muhammadu Buhari, won the presidential election. The new cabinet members were sworn in on 11 November.

In July, President Buhari retired the military service chiefs appointed by former President Goodluck Jonathan – including two military officials whom the authorities failed to investigate for their potential responsibility for crimes under international law – and replaced them.

Protests for an independent state of Biafra took place in the south and southeast. On 14 October, Nnamdi Kanu, leader of the Indigenous People of Biafra (IPOB) and director of Radio Biafra, was arrested and charged with criminal conspiracy, managing and belonging to an unlawful society and intimidation. On 17 December, the Federal High Court in the capital Abuja ordered his unconditional release from the custody of the Department of State Services. However, he was not released and was charged with treason on 18 December; he remained in detention at the end of the year.

In November, the report of an investigative committee established by the President on the procurement of arms and equipment in the security sector found, among other things, fictitious contracts amounting to several billion US dollars. The President ordered the arrest of all those implicated in the report, including Sambo Dasuki, the National Security Adviser for 2012-2015. He remained in detention at the end of the year.

Armed conflict

Boko Haram

Boko Haram continued to commit war crimes and crimes against humanity in northeastern Nigeria, killing thousands of civilians.¹ In January, the group expanded the territory under its control by seizing the towns of Baga and Monguno in Borno state. Boko Haram fighters deliberately killed civilians, particularly men of fighting age, detained others and destroyed buildings. In the attack on Baga, Boko Haram killed hundreds of civilians in what may be its deadliest attack to date. Satellite images revealed that more than 3,700 buildings had been damaged or destroyed in the attack.

Thousands of civilians lived under Boko Haram's violent rule, either in the captured towns or after being abducted and taken to camps. Many women and girls were raped and forced into marriage.

From March, a sustained offensive by the military, with assistance from the armed forces of Cameroon, Chad and Niger, forced Boko Haram out of major towns in northeastern Nigeria. However, Boko Haram continued to kill civilians through raids on smaller towns and villages as well as bomb attacks.²

Bomb attacks targeted markets, transport hubs, bars, restaurants and places of worship in cities across the northeast, as well as Abuja and the towns of Jos, Kano and Zaria.³ Boko Haram used young women and girls as suicide bombers in many of the incidents.

The military announced the recovery of more than 1,400 people from Boko Haram-controlled territory, mostly women and children. The fate of 219 schoolgirls abducted from the town of Chibok, Borno state, on 14 April 2014 remained unknown.

Security forces

The military committed war crimes and possible crimes against humanity in its response to Boko Haram between 2011 and 2015.⁴ President Buhari promised to investigate evidence of several instances of war crimes by the military between June and December. However, no further action was taken to initiate independent and impartial investigations. In its November report on preliminary examinations, the Office of the Prosecutor of the ICC identified eight potential cases involving the commission of crimes against humanity and war crimes by Boko Haram (in six cases) and the security forces (two cases).

Extrajudicial executions by the military of people suspected of being members of Boko Haram continued.

The military arrested people during “screening operations”, where members of the public were lined up in front of informants, or arrested at their homes. Others were arbitrarily arrested as they attempted to flee attacks by Boko Haram or areas controlled by the group. In many cases the arrests were made without reasonable suspicion or without adequate investigation.

Suspects detained by the military had no access to their families or lawyers and were not brought before a court. They were mostly young men, although women, children and older men were also detained.

Muhammad Mari Abba, a doctor and consultant for the WHO who was arrested in 2012 in Yobe state, had not been charged and remained in incommunicado detention at the end of the year.

Alhaji Bukar Yaganami, a businessman who was arrested in Maiduguri, Borno state, in 2013, remained in military detention at the end of the year, in spite of a July 2014 court order for his release on bail.

Conditions in some military detention centres seemingly improved. Detainees were given three meals a day, access to washing facilities and to medical assistance. However, suspects continued to die in detention. Routine torture and other ill-treatment led to deaths in detention centres, as suspects continued to be held incommunicado.

Small numbers of suspects were released throughout the year; the military announced the release of 310 suspects in July and September, following the completion of investigations. Many had been detained for over a year. Some detainees received 10,000 naira (approximately US\$50) or clothes upon their release, while others received nothing.

On 21 December, the Federal High Court in Abuja discharged five police officers of the alleged murder of Boko Haram leader Mohammed Yusuf in 2009.

Internally displaced people

In September, the International Organization for Migration estimated that over 2.1 million people were internally displaced in northern Nigeria; 92% of them lived in host communities, while the remainder lived in camps. The camps in Maiduguri were overcrowded, with inadequate access to food and sanitation. The government established a committee to investigate allegations of human trafficking and sexual abuse of IDPs, with the complicity of security and camp officials. The results of the investigation had not been made public by the end of the year.

Excessive use of force

On 12-13 December, the military killed over 100 members of the Islamic Movement of Nigeria, a Shi'ite sect, in Zaria, Kaduna state. The group's leader, Ibraheem Zakzaky, was arrested at his residence and remained in incommunicado detention at the end of the year. Hundreds of others were also arrested.

On 17 December, the military killed five people when they opened fire on members of the IPOB who were demonstrating in Onitsha, Anambra state, in celebration of the initial announcement of Nnamdi Kanu's release.

Communal violence

Violence between ethnic groups continued to claim lives. In Riyom and Barikin Ladi, local government areas in Plateau state, communities clashed over allegations of cattle rustling and land disputes. Perpetrators of violence were rarely investigated and prosecuted.

Justice system

In May, the Administration of Criminal Justice Act was passed into law. The Act adopted new provisions which improved the criminal justice system. Key provisions included compensation to victims of crime, non-custodial sentences and electronic records of proceedings.

However, prisons remained overcrowded and court processes slow; frequent strikes by court employees, such as court clerks, over pay and the consequent closure of courts led to delays in trials and the supervision of pre-trial detention.

Torture and other ill-treatment

Torture and other ill-treatment by police and military remained pervasive. Extrajudicial executions, extortion, and arbitrary and prolonged detention were rife.

In July, the police announced they were reviewing the Force Orders, including Force Order 237, which allows police officers to shoot suspects and detainees who attempt to avoid arrest or escape – whether or not they pose a threat to life. The Inspector General of Police also announced that over the past three years, almost 1 billion naira (US\$5 million) had been paid out as compensation to victims of human rights violations by the police.

Many police divisions, including the Special Anti-Robbery Squad (SARS) and the Force Criminal Investigation Division, kept rooms where suspects were tortured while being interrogated. In November, the Inspector General of Police announced the creation of a Complaints Response Unit and a reform initiative for the SARS, in response to public concerns about alleged violations by police officers across the country.

The Anti-Torture Bill – intended to prohibit and criminalize the use of torture – was passed by Parliament in June. It had not been signed into law by the end of the year.

Death penalty

The authorities continued to sentence people to death. No executions were known to have been carried out.

In January and March, 66 soldiers were sentenced in General Court Martials to death for various charges including mutiny. Their sentences were commuted to 10 years' imprisonment each in December.

On 28 May, Moses Akatugba was pardoned after 10 years on death row.

On 25 June, the Upper Sharia Court in Kano sentenced Islamic scholar Abdulaziz Dauda, also known as Abdul Inyass, and eight of his followers to death for blasphemy.

In September, the Governor of Cross River state signed into law a bill making the death penalty mandatory for kidnapping.

Housing rights

Mass forced evictions continued.

The new governments of the states of Lagos and Kaduna rendered thousands of people homeless and vulnerable to other human rights violations when they conducted mass forced evictions without consultation, compensation and the provision of alternative accommodation.

In August, hundreds of residents of the Bayan Alhudahuda community in Zaria were given a demolition notice of 28 days, ordering them to demolish their own houses or risk being charged a fee for the authorities to do so. Ninety-two homes, with between 10 and 40 residents each, were demolished. Two weeks later, the affected residents were still sleeping in the classrooms of a nearby school, mosques and marketplaces.

In September, around 10,200 residents of the Badia-East community, Lagos, were forcibly evicted from their homes less than 24 hours after being notified that the *Ojora* (traditional ruler of the community) had been granted the right to take possession of them. Many of the residents continued to sleep on the demolition site for up to three weeks afterwards and remained homeless.

In July, 10 residents of Bundu Ama in the city of Port Harcourt received 6.5 million naira (approximately US\$30,000) as part of the payment of 11 million naira awarded by the ECOWAS Court against the federal government. This was compensation for unlawful shootings during a peaceful protest against the planned demolition of their houses in 2009.

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

The rights of LGBTI people continued to be curtailed. Human rights defenders reported a significant increase in the number of arrests of LGBTI people and of police extortion.

The Coalition for the Defense of Sexual Rights, a coalition of NGOs working on the rights of LGBTI people in Nigeria, cited over 200 cases across the country where people perceived to be LGBTI were beaten by mobs and handed over to the police.

Women's rights

In May, former President Jonathan signed the Violence Against Persons (Prohibition) Act into law. The law criminalizes female genital mutilation and "subjecting a widow to harmful traditional practices". However, the Act's definition of rape falls short of international standards in that it does not sufficiently cover all forms of coercion. The law could also be strengthened by explicitly prohibiting marital rape.

Freedom of expression

Section 38 of the Cyber Crime Act, which became law in May, requires internet service providers to keep all traffic and other data of subscribers for two years and make that data available to law enforcement agencies upon request, without a court order, thus violating the rights to privacy and freedom of expression.

In March, two Al Jazeera journalists covering the conflict in northeastern Nigeria were detained by the military in Maiduguri. They were released after 13 days.

Corporate accountability

Twenty years after the execution of environmental activist Ken Saro-Wiwa and eight others, oil pollution continued to cause devastation to the Niger Delta region, harming the livelihoods and health of its inhabitants. There were hundreds of new spills during the year, and oil companies failed to clean up the contamination of previous spills, some of which occurred decades ago.⁵

The government continued to fail to hold oil companies operating in the Niger Delta to account. It did not provide the oversight needed to ensure that companies do more to prevent spills from happening, or to respond to them in a timely and adequate manner. Companies' response to spills was frequently slow and clean-up was inadequate.

Oil companies continued to blame the vast majority of spills on sabotage and theft, a claim which was based on a flawed oil spill investigation process led by the oil companies rather than the government watchdog, the National Oil Spill Detection and Response Agency (NOSDRA).

NOSDRA published details and a map of investigations into spills online, but it did not release information about the response to spills and clean-up.

In August, President Buhari announced that his government would begin the clean-up and restoration of the oil-damaged Ogoniland region, in line with the recommendations of the UN Environment Programme.

A sum of £55 million (US\$83 million) paid out by the oil company Shell was distributed to the Bodo community, following the settlement of a court case in the UK in 2014. However, Shell had yet to clean up the damage caused by two massive spills at Bodo in 2008.

1. "Our job is to shoot, slaughter and kill": Boko Haram's reign of terror in north east Nigeria ([AFR 44/1360/2015](#))
2. Boko Haram: Civilians continue to be at risk of human rights abuses by Boko Haram and human rights violations by state security forces ([AFR 44/2428/2015](#))
3. Nigeria: Boko Haram: Bombing campaign sees civilian deaths spiral ([AFR 44/2498/2015](#))
4. Nigeria: Stars on their shoulders, blood on their hands – war crimes committed by the Nigerian military ([AFR 44/1657/2015](#))
5. Nigeria: Clean it up: Shell's false claims about oil spill response in the Niger Delta ([AFR 44/2746/2015](#))