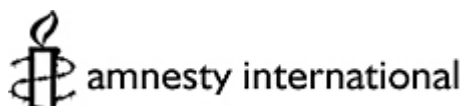


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Amnesty International Report 2009 - Nigeria

Head of state and government: Umaru Musa Yar'Adua

Death penalty: retentionist

Population: 151.5 million

Life expectancy: 46.5 years

Under-5 mortality (m/f): 190/182 per 1,000

Adult literacy: 69.1 per cent

The situation in the Niger Delta deteriorated further, with clashes between armed groups and the security forces, inter-communal violence and violent crime including hostage-taking. Widespread pollution associated with the oil industry undermined human rights, including the right to an adequate standard of living and the right to health.

Human rights violations by the police included extrajudicial executions of detainees and people unable or unwilling to pay bribes and the frequent use of torture when interrogating suspects. More than 700 prisoners were on death row, hundreds of whom were sentenced after unfair trials. The justice system was in urgent need of reform, with detainees imprisoned in appalling conditions for many years awaiting trial.

The widespread poverty in Nigeria was attributed in large part to corruption. The maternal mortality rate was extremely high at about 1 per 100 live births. The right to adequate housing was also violated on a large scale with more than two million people forcibly evicted from their homes since 2000.

Background

In February an election tribunal upheld the 2007 election of President Umaru Musa Yar'Adua. An appeal was lodged against the tribunal's decision and in December the Supreme Court upheld Yar'Adua's election. Four state governors were removed by election tribunals and fresh governorship elections were ordered in six states due to irregularities during the 2007 elections.

In April President Yar'Adua gave assurances that his government would address impunity in relation to corruption. A New Partnership for African Development (NEPAD) report

stated that poverty in Nigeria was primarily explained by corruption, and warned that Nigeria was unlikely to meet the Millennium Development Goals.

In August, the Nigeria Police Force demoted 140 police officers, including the former chairman of the Economic and Financial Crimes Commission (EFCC), Nuhu Ribadu. He had been effectively removed from the EFCC in December 2007, after the EFCC arrested and charged an influential former governor. Nuhu Ribadu was sent on one year's training. In September shots were fired at his car and he received death threats. In December he was dismissed from the Nigeria Police Force. During 2008, the EFCC prosecuted three former governors on corruption charges.

In November up to 400 people died in Jos, Plateau State, in three days of riots which broke out following local government elections. Before the elections, civil society groups had written to the Plateau State authorities expressing concern that violence could erupt. The State Governor issued a "shoot on sight" order to the security forces.

A Freedom of Information Bill, first presented in 1999 and passed by the previous National Assembly but not signed into law, was still pending before the National Assembly.

The Niger Delta

The situation in the Niger Delta deteriorated further in 2008. The inflow of weapons went virtually unchecked, fuelled by massive revenues generated from oil theft. The weapons were used by armed militias in clashes with the security forces, in inter-communal disputes, and for criminal activities. In 2008, dozens of oil workers and their relatives, including children, were kidnapped by armed groups and gangs; oil installations were also attacked.

The security forces, including the military, continued to commit human rights violations, including unlawful killings, torture and other ill-treatment, and destruction of homes. The Joint Task Force (JTF) frequently raided communities, particularly following clashes with armed militias, often resulting in the death of bystanders.

- In August, four people – two elderly men, a young woman and an elderly woman – were reportedly killed when the military raided the village of Agge, Bayelsa State. According to the JTF, the action followed an armed militia attack.

In Port Harcourt, Rivers State, gang clashes resulted in the deaths of at least 15 people in July and August.

The Niger Delta Summit, intended to bring together all stakeholders to address the violence, was postponed several times then replaced in September by a Niger Delta Technical Committee. In November the Committee presented its findings. Its recommendations to the Federal Government included the payment of the outstanding funds to the Niger Delta Development Commission, an increase in funds paid to the Niger Delta states and the disarmament and rehabilitation of militants.

No known action was taken to bring to justice members of the security forces suspected of grave human rights violations. Two judicial commissions of inquiry examined events in February 2005 – a raid by members of the JTF in Odioma, in which at least 17 people were killed, and a protest at the Escravos oil terminal, when soldiers fired on protesters. The commission reports were not made public.

People living in the Niger Delta lacked adequate drinking water and electricity, and had few functioning schools and health care centres. Widespread pollution associated with the oil industry in the Delta undermined human rights, including the right to an adequate standard of living and the right to health.

Between January and June 2008, 418 oil spills were reported to the authorities. Despite a Federal High Court order to stop gas flaring in the Iwerekhan community, the practice continued unabated.

Unlawful killings and extrajudicial executions

There were consistent reports of the police unlawfully killing detainees, people unable or unwilling to pay bribes and people stopped during road checks. Some or all of these killings may have been extrajudicial executions. In May, the NGO LEDAP (Legal Defence and Assistance Project) estimated that in 2007 at least 241 people had been extrajudicially executed by state agents.

- On 25 February, officers from the Police Mobile Force attacked Ogaminana community, in Kogi State, reportedly after a policeman was killed. According to witnesses, 15 people were killed, including two children, and cars, motorcycles and houses were burned. Following the attack, the Assistant Commissioner of Police, who reportedly directed the operation, was transferred. By the end of 2008, no investigation had been carried out.

Torture and other ill-treatment

The police frequently used torture and other ill-treatment when interrogating suspects and there was no standardized mechanism to prevent such practices. Confessions extracted under torture continued to be used as evidence in court, contrary to international law.

- In Owerri prison, a 68-year-old man said that police had shot him in the leg, flogged him with electric cables and put a powdery substance in his eyes. He had been in prison awaiting trial for 10 years, despite a medical report confirming his allegations of torture, which were not investigated.

Justice system

Three out of five inmates in Nigeria's prisons were untried. Many awaited trial for years in appalling conditions. Few could afford a lawyer and the government-funded Legal Aid Council had only 91 lawyers for the whole country.

In July, both the Federal Ministry of Justice and the Prison Service assured Amnesty International that improvements had been made. The Federal Ministry of Justice claimed to have asked 2,000 lawyers to take up the cases of prisoners without legal representation. However, by the end of 2008 the impact of the scheme was not evident and prison congestion had not improved. The scheme did not address the causes of delay in the criminal justice system and the budget for the Legal Aid Council was not increased.

By the end of 2008, most justice sector reform bills were still pending before the National Assembly.

At state level, there were some improvements. In March, Lagos state amended its Criminal Procedures Act, prohibiting the arrest of third parties in lieu of suspects and requiring police interviews of suspects to be videotaped or conducted in the presence of a lawyer.

Several states set up legal aid services, such as the Ogun State Citizens' Rights Department and the Lagos State Office of the Public Defender. However, the capacity of such services was limited, funding was restricted and their independence was questionable.

- At the end of 2008 Patrick Okoroafor was still imprisoned "during the pleasure of the governor of Imo State" in Aba prison, Abia State, despite a High Court judgement on 18 October 2001 which pronounced the death sentence against him to be illegal, null and void. He was 16 when he was sentenced to death by a Robbery and Firearms Tribunal in May 1997. He did not have the right to appeal and said he was tortured in police detention.

Death penalty

At the end of 2008, at least 735 prisoners were on death row, including 11 women. Hundreds did not have a fair trial. Approximately 140 had been on death row for longer than 10 years; some for over 20 years. Around 80 never had an appeal because they were sentenced to death before 1999 by a Robbery and Firearms Tribunal which denied defendants the right to appeal. Approximately 40 were under the age of 18 at the time of the offence and should not have been sentenced to death.

The Federal Government ignored the recommendation of the National Study Group on the Death Penalty (2004) and the Presidential Commission on Reform of the Administration of Justice (2007) to adopt a moratorium. In July 2008, a bill to abolish the mandatory death penalty under the Robbery and Firearms Act and replace it with life imprisonment was defeated in the House of Representatives.

By the end of 2008, most prisoners whose forthcoming release was announced by the Federal Minister of Information in May 2007 were still on death row.

In 2008 at least 40 death sentences were handed down. Five men had their sentences commuted by the Ogun State governor. In November, the President pardoned a man who had spent 22 years on death row. No confirmed executions were carried out in 2008.

In December Nigeria voted against a UN General Assembly resolution calling for a worldwide moratorium on executions.

Prison conditions

Living conditions in prisons were appalling. Overcrowding, poor sanitation, lack of food and medicines and denial of contact with families and friends were damaging to the physical and mental well-being of inmates. Many inmates slept two to a bed or on the bare floor. In some prisons, no beds were provided, toilets were blocked or non-existent, and there was no running water. Disease was widespread. Children as young as 12 were held together with adults.

Violence against women and girls

Violence against women remained pervasive, including domestic violence and rape and other forms of sexual violence by state officials and private individuals. The authorities consistently failed to exercise due diligence in preventing and addressing sexual violence by both state and non-state actors, leading to an entrenched culture of impunity.

With approximately 59,000 maternal deaths a year, Nigeria had the second largest number in the world. Nigeria's maternal mortality ratio was approximately one in every 100 live births. Contributing factors included lack of access to and ineffective health services, corruption, unsafe abortions, and diseases such as eclampsia and malaria.

In July, a Bill to Prohibit and Punish Public Nudity, Sexual Intimidation and Other Related Offences, which specified the appropriate length of women's clothing and gave wide powers of enforcement to the police, failed to pass its third reading in the National

Assembly.

In January, Jigawa State passed a law prohibiting domestic violence. A similar bill remained before the Plateau state House of Assembly.

Freedom of expression

Human rights defenders and journalists critical of the government continued to face intimidation and harassment, and official intolerance of the media increased. At least eight journalists were arrested by the State Security Service (SSS) or police. Some were released after a few hours while others were detained incommunicado for up to 10 days. In addition, media offices were raided, Channels TV station was shut down and journalists were threatened and beaten by police and security forces. At least two journalists were killed in suspicious circumstances.

In the Niger Delta, there were at least three incidents in which foreign journalists or film-makers were arrested by the SSS and detained before being released without charge after some days.

Housing rights

Nigeria continued to violate the right to adequate housing. More than one million people were living in slums in Lagos alone.

No compensation or alternative housing was provided by the authorities to people forcibly evicted from their homes. Some communities were facing their third forced eviction. In Lagos widespread forced evictions were carried out without following due process. Between May and July they took place on an almost weekly basis. Mass demolitions were carried out in communities in Gosa, along the Nnamdi Azikiwe airport road, Federal Capital Territory, in May and June. In Port Harcourt forced evictions were carried out along the waterfront despite earlier state government promises that no evictions would take place.

- Emeka, his wife and their three children were forcibly evicted from an informal settlement in Lagos and were left stranded without any compensation or alternative accommodation. All the property they had was destroyed in this eviction. Emeka and his family settled in Makoko, another informal settlement.

Rights of lesbian, gay, bisexual and transgender people

Human rights abuses against individuals suspected of same-sex sexual conduct continued throughout 2008. Nigeria's Criminal Code penalizes consensual same-sex sexual conduct between adults with 14 years' imprisonment. Shari'a penal codes criminalize "sodomy", in some states with the death penalty.

In 2008, several men and women were detained on charges of engaging in consensual same-sex sexual practices. Homophobia regularly resulted in violence against lesbian, gay, bisexual and transgender people and the authorities proved unable or unwilling to provide sufficient protection.

In December, a bill providing criminal penalties for marriage ceremonies between people of the same sex, as well as for anyone witnessing or helping to formalize such a marriage, was introduced by members of the House of Representatives.

Amnesty International visits

Amnesty International delegates visited Nigeria in February/March, July and October/November.

Amnesty International reports

- Nigeria: 'Waiting for the hangman' (21 October 2008)
- Nigeria: Open Letter to His Excellency President Alhaji Umaru Musa Yar'adua, President of the Federal Republic of Nigeria (19 June 2008)
- Nigeria: Amnesty International Submission to the UN Universal Periodic Review: Fourth session of the UPR Working Group of the Human Rights Council, February 2009 (1 September 2008)
- Nigeria: Nigerian police and security forces: Failure to protect and respect human rights (16 May 2008)
- Nigeria: Detention "during the pleasure of the governor" – NBA, Nigerian NGOs and Amnesty International urge the immediate release of Patrick Okoroafor (10 April 2008)
- nigeria: prisoners' rights systematically flouted (26 february 2008)

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