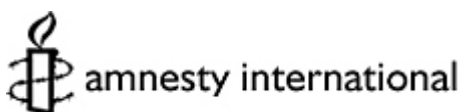


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Amnesty International Report 2010 - Nigeria

FEDERAL REPUBLIC OF NIGERIA

Head of state and government: Umaru Musa Yar'Adua

Death penalty: retentionist

Population: 154.7 million

Life expectancy: 47.7 years

Under-5 mortality (m/f): 190/184 per 1,000

Adult literacy: 72 per cent

The police continued to commit with impunity a wide range of human rights violations, including unlawful killings, torture and other ill-treatment, and enforced disappearances. Some people were targeted for failing to pay bribes. Several people were tortured to death in police detention. Prisoners were held in appalling conditions, many of whom had been awaiting trial for years. The government intimidated and harassed human rights defenders and journalists. Violence against women remained endemic, and abuses against people suspected of same-sex relationships continued. Forced evictions affected thousands of people across the country. At least 58 people were sentenced to death, bringing to more than 870 the number of prisoners on death row. Many were sentenced after unfair trials. However, the government announced a "self-imposed moratorium" on executions. In the Niger Delta, clashes continued in the first half of the year between armed groups and the security forces, resulting in many deaths, including of bystanders. The security situation improved after the President offered an amnesty to members of armed groups in August.

Background

In February, Nigeria's human rights situation was examined by the UN Universal Periodic Review (UPR) Working Group. In June, Nigeria announced it accepted 30 of the 32 recommendations made by the UPR Working Group.

In July, Nigeria acceded to the International Convention for the Protection of All Persons from Enforced Disappearance, the Convention on the Prevention and Punishment of the Crime of Genocide, and the Optional Protocol to the Convention against Torture.

In March, the Executive Secretary of the National Human Rights Commission (NHRC), Kehinde Ajoni, was dismissed and subsequently replaced by Roland Ewubare. Her removal may have been arbitrary. By the end of 2009, a bill aimed at strengthening the effectiveness of the NHRC had still not been passed. Since November 2007, the NHRC had not had a governing council.

In July, more than 800 people, including 24 police officers, died during a week of clashes between members of the religious group Boko Haram and security forces in Borno, Kano, Katsina and Yobe states. On 26 July, members of Boko Haram attacked a police station in Bauchi state. Boko Haram's leader, Muhammad Yusuf, was arrested on 30 July in Maiduguri, Borno state. Later that day the police announced that he had been killed while attempting to escape. On 13 August, Michael Kaase Aondoakaa, the Attorney General of the Federation and Minister of Justice, stated that Muhammad Yusuf had been killed in police custody. The government announced it would investigate all the killings, but no further developments were made public.

In November, the ECOWAS Community Court of Justice ruled that Nigerians have a legal and human right to education, following a case brought by the Nigerian NGO Socio-Economic Rights and Accountability Project.

President Umaru Musa Yar'Adua, who went to Saudi Arabia for medical treatment in November, had not returned to Nigeria by the end of the year nor handed over his powers to the Vice-President.

In December, a clash between a religious group and the police in Bauchi state resulted in the death of at least 65 people, including children.

Unlawful killings and enforced disappearances

Hundreds of people died at the hands of the police. Many were unlawfully killed before or during arrest in the street or at roadblocks, or subsequently in police detention. Others were tortured to death in police detention. A large proportion of these unlawful killings may have constituted extrajudicial executions. Many other people disappeared after arrest. The families of such victims rarely receive redress and are often left with no answers. Most perpetrators remain unpunished. Although the police have mechanisms to receive complaints from the public, these complaints are often unprocessed.

- Police shot and injured Christian Onuigbo on 19 March while he was parking his car in Jiwa, Federal Capital Territory. He spent the night at Jiwa police station and was taken to hospital the next morning. Staff at the hospital refused to treat him without a police report, which was finally submitted at 4pm. Christian Onuigbo died the following day.
- Aneke Okorie, an *Okada* (motorcycle taxi) rider, was shot after he failed to pay a bribe to the police at a checkpoint in Emene, Enugu state, on 15 May. He died on the way to hospital. An eyewitness told Amnesty International that the police officer shot Aneke Okorie in the stomach and then hung his gun around Aneke Okorie's neck to suggest that the police officer had been attacked by an armed robber. In September, the police officer was dismissed and prosecuted; he was awaiting trial at the end of the year.
- Stanley Adiele Uwakwe and Faka Tamunotonye Kalio were arrested on 10 May and brought to Old GRA detention centre in Port Harcourt. After several days, they were transferred to another police station, but officers there told relatives that the men were not in detention. Unofficially, relatives were informed that the men had been killed by the police.

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.

- On 19 November, three *Okada* riders were accused by community members of theft and handed over to the police. The men said their motorbikes had been stolen by the community. They were held for seven days by the Special Anti-Robbery Squad (SARS) in Borokiri, Port Harcourt, and beaten every night with the butt of a gun and an iron belt. They also said they were given water mixed with chemicals to drink, which caused internal wounds. The same water was poured over their bodies, causing pain and a rash. After an NGO lodged a complaint, the men were released on bail.

Justice system

Despite repeated government pledges to address the problems in the criminal justice system, little progress was made. A review of the Police Act (1990) started in 2004 had still not resulted in new law. The vast majority of recommendations made in previous years by two presidential commissions, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, and the UN Special Rapporteur on torture were not implemented.

Seven out of 10 inmates in prison were pre-trial detainees. Many had been held for years awaiting trial in appalling conditions. Few could afford a lawyer and the government-funded Legal Aid Council had fewer than 100 lawyers for the whole country.

The Federal Ministry of Justice said it arranged lawyers to take up the cases of prisoners without legal representation. However, by the end of 2009 the impact of the scheme was not evident and prison overcrowding had not improved. The scheme did not address the causes of delays in the criminal justice system.

In July, the Lagos State Governor signed the Magistrates' Court Bill into law; suspects must be brought to court within 24 hours and only qualified legal practitioners can prosecute them.

In August, the new Interior Minister, Dr Shetima Mustapha, reiterated the commitment to reform prisons. At the end of 2009, most justice sector reform bills were still pending before the National Assembly.

Death penalty

At least 58 people were sentenced to death. At the end of the year, around 860 men and 11 women were on death row. Hundreds of them had not received a fair trial.

No steps were taken to implement the recommendations made in 2004 by the National Study Group on the Death Penalty and in 2007 by the Presidential Commission on Reform of the Administration of Justice to adopt a moratorium on executions. In February, however, at the fourth session of the UPR, the Minister of Foreign Affairs stated that Nigeria continued to exercise "a self-imposed moratorium" on executions.

In June, the Governor of Lagos state pardoned and released three death row prisoners. A further 29 prisoners in Lagos state had death sentences commuted to life imprisonment and eight others to various prison terms.

Kidnapping was made a capital offence in six states – Abia, Akwa Ibom, Anambra, Ebonyi, Enugu and Imo – and a bill to this end remained pending in Delta state.

Violence against women

Violence against women remained pervasive, including domestic violence, 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.

While some states in Nigeria have adopted state legislation to protect women from discrimination and violence, the UN Women's Convention had yet to be implemented at federal and state level almost 25 years after its ratification.

Rights of lesbian, gay, bisexual and transgender people

Human rights abuses against individuals suspected of same-sex sexual relations continued. Nigeria's Criminal Code penalizes consensual same-sex sexual conduct between adults. Islamic law in Nigeria criminalizes "sodomy" and in some states makes it punishable by death.

The Same Gender Marriage (Prohibition) Bill 2008, which would introduce criminal penalties for marriage ceremonies between people of the same sex and for people witnessing or helping to formalize such marriages, was debated by government but not passed into law.

Freedom of expression

Human rights defenders and journalists critical of the government faced increased intimidation and harassment. At least 26 journalists were arrested by the State Security Service or police. Some were released after a few hours while others were detained incommunicado for up to 12 days. In addition, media offices were raided, TV stations shut down and journalists threatened and beaten by police and security forces.

- In September, Bayo Ohu, Assistant News Editor of *The Guardian* newspaper, was killed in his home in Lagos in suspicious circumstances. Apart from his mobile phone and laptop, nothing was stolen.
- In November, three journalists were arrested in Port Harcourt after they published a story about a shooting incident in Bundu, Port Harcourt. One was released after two days, the other two after five days. They were charged with publishing false news. In November, the African Commission on Human and Peoples' Rights urged the federal government to withdraw the Nigerian Press Council and the Practice of Journalism in Nigeria Bill 2009, which would restrict freedom of expression if passed into law. By the end of 2009, the Freedom of Information Bill, first presented in 1999, remained pending before the National Assembly.

Niger Delta

In the first six months of 2009, armed groups and gangs kidnapped dozens of oil workers and their relatives, including children, and attacked many oil installations. The security forces, including the military, continued to commit human rights violations in the Niger Delta, including extrajudicial executions, torture and other ill-treatment, and destruction of homes. According to reports, the Joint Task Force (JTF), which combines troops of the army, navy, air force and the mobile police, frequently raided communities. Such raids often happened following clashes between the JTF and militants, often resulting in the death of bystanders.

- In May, a clash between the JTF and armed groups in Delta state led to two weeks of fighting between the two sides as well as land and air strikes by the JTF on communities and militants' camps across the Warri South and South West local government areas in Delta state. The area was occupied by the JTF for several months, with residents only able to return in August. Most houses were destroyed. Amnesty International was told that at least 30 bystanders, including children,

were killed and many more wounded as a result of the JTF intervention.

In October, most leaders and members of armed groups in the Niger Delta accepted an amnesty offered by the federal government in August. The amnesty covered "offences associated with militant activities in the Niger Delta". While the security situation subsequently improved, there appeared to be no plan to address the causes of the conflict.

Pollution and environmental damage caused by the oil industry continued to have a serious impact on people living in the Niger Delta. More than 60 per cent of residents depend on the natural environment for their livelihood. Communities in the Niger Delta frequently had no access to basic information about the impact of the oil industry on their lives.

The laws and regulations to protect the environment continued to be poorly enforced. Government agencies responsible for enforcement were ineffective and, in some cases, compromised by conflicts of interest.

The Petroleum Industry Bill, which would reform Nigeria's oil industry legislation, remained pending. However, it fails to address the social and human rights impacts of the oil industry.

Right to adequate housing – forced evictions

Forced evictions continued throughout Nigeria. The authorities failed to provide compensation or alternative housing to people forcibly evicted from their homes. Some communities faced their third forced eviction.

In Port Harcourt, capital of Rivers state, forced evictions were carried out throughout the year along the waterfront, affecting thousands of people.

- On 28 August, thousands of people were forcibly evicted from Njemanze Community, Port Harcourt.
- On 12 October in Bundu Community, Port Harcourt, at least three people died and 11 were seriously injured after combined troops of the JTF and police used firearms to disperse a crowd demonstrating against intended demolitions and blocking their entry into the community.

Amnesty International visits/reports

- Amnesty International delegates visited Nigeria in June/July and November/December.
- Nigeria: A new chance to commit to human rights – Implementation of the outcome of the Universal Periodic Review (AFR 44/014/2009)
- Nigeria: Petroleum, pollution and poverty in the Niger Delta (AFR 44/017/2009)
- Nigeria: Killings by security forces in Northern Nigeria (AFR 44/028/2009)
- Nigeria: Thousands facing forcible eviction (AFR 44/032/2009)
- Nigeria: Promoting and protecting human rights – A ten point national agenda (AFR 44/035/2009)
- Killing at will – Extrajudicial executions and other unlawful killings by the police in Nigeria (AFR 44/038/2009)

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