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# Africa : Nigeria

## FEDERAL REPUBLIC OF NIGERIA

**Head of state and government:** Olusegun Obasanjo

**Death penalty:** retentionist

**International Criminal Court:** ratified

**UN Women's Convention and its Optional Protocol:** ratified

Overview - Covering events from January - December 2005

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Death sentences continued to be handed down, but no executions were carried out. While one government commission recommended a moratorium on the death penalty or its abolition, others called for its continued use against juveniles and, reportedly, the execution of death row prisoners to decongest the prisons. The security forces in the Niger Delta killed people and razed communities with impunity to prevent disruption to oil production and in response to community protests. Violence against women, including in the family, was still widespread. Although some states introduced legislation on violence in the home, the federal government did not review discriminatory laws or amend national law to comply with the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa. Outrage over six extrajudicial executions by the police in Abuja, the capital, prompted investigation and the prosecution of suspect officers. However, few human rights abuses were investigated or their perpetrators held to account. The findings of a judicial commission of inquiry into human rights violations between 1966 and 1999 were finally made public, but the government did not announce plans to implement its recommendations. Human rights defenders and journalists continued to face harassment and unlawful detention. Over 3,000 people were made homeless without adequate prior notice, alternative accommodation or compensation in a mass forced eviction. Killings increased throughout the country in violence between and within political parties.



## Nigeria

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[Nigeria: Ten years on, the oil Delta still haunts](#)  
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## Death penalty

No executions were carried out. However, at least four death sentences were handed down by Sharia (Islamic law) courts in northern Nigeria. Appellate courts overturned one death sentence passed by Sharia courts.

Trials by Sharia courts – since 1999 empowered across northern Nigeria under new Sharia penal legislation to impose floggings and the death penalty on Muslims for *zina* (sexually related offences) – were in general grossly unfair. They frequently denied the poor and vulnerable basic rights of defence such as the right to a lawyer.

- Two men in Katsina State were arrested and charged with “sodomy” in June, and faced death by stoning if convicted. On 6 December a Sharia court acquitted the two men for lack of evidence.
- On 24 May the Bauchi State Sharia Court of Appeal upheld an appeal filed by Umar Tori after he was sentenced to death by stoning for *zina*, and ordered his retrial before the Upper Sharia Court in Kobi. He had been convicted by the Upper Sharia Court in Alkalere on 29 December 2004.
- On 10 November the Upper Sharia Court of Yankaba district, Kano State, sentenced two men to death by hanging for murder under the state Sharia Law of 2000.

The government did not make public its response to recommendations for a moratorium on the death penalty by the National Study Group on the Death Penalty, which submitted its report in October 2004. In July a committee of the National Political Reform Conference, whose representatives met from February onwards to debate a new Constitution, recommended that minors should be executed when they committed “heinous offences such as armed robbery and cultism”. A presidential committee set up in March 2004 to review death row prisoners reportedly recommended that they could be executed to decongest Nigeria’s prisons. In March the UN Special Rapporteur on freedom of religion or belief, during a fact-finding mission to Nigeria, raised human rights concerns about the introduction of legal systems and a mandatory death penalty based on religion. The UN Special Rapporteur on extrajudicial, summary or arbitrary executions, whose mandate includes the death penalty, also visited Nigeria in June and July.

## Injustice, oil and violence

The exploration and production of oil continued to result in deprivation, injustice and violence in the oil-producing Niger Delta region. The proliferation of small arms – reportedly part-financed by oil thefts – and the government’s inadequate disarmament programmes compounded the violence. The security forces razed communities and killed and injured people with impunity. Community activists who protested in pursuit of rights and resources, sometimes against oil companies, faced violence and arbitrary detention. The security forces often responded with disproportionate, including lethal, force. Whole communities were targeted for allegedly hindering oil production or harbouring criminal groups.

Oil spills and gas flaring continued to contribute to environmental degradation and affect health and livelihoods. In a historic judgment, all oil companies were ordered to stop gas flaring by the High Court in Benin state on 14 November, on the grounds that it contravened human rights including the right to life. However, access to justice for the victims of most human rights abuses remained out of reach because of expensive and lengthy litigation processes.

- On 4 February soldiers fired tear gas and later live ammunition to disperse as many as 300 protesters at the Chevron Nigeria-operated Escravos oil terminal in Delta State. One demonstrator, fisherman Bawo Ajoboghuku, was shot and later died, and at least 30 others were injured. The protesters from the Ugborodo community said that Chevron Nigeria had not provided the jobs and development projects promised in return for a “non-disruptive operating environment” in a 2002 agreement between the company and the community. No thorough or independent investigation was known to have been conducted by the federal government or Chevron Nigeria.
- On 19 February soldiers invaded the community of Odioma in Bayelsa State, killing at least 17 people and razing about 80 per cent of the buildings. Two women were reportedly raped and community leaders said they were beaten and forced to eat sand. The purpose of the raid was to arrest leaders of an armed vigilante group allegedly responsible for killing 12 people in January. The findings of a state-level judicial commission of inquiry was not made public.

## Violence against women

Women were raped and subjected to other forms of sexual violence by government agents

as well as partners, employers and others. In some communities, female genital mutilation and forced marriages were still practised. The numbers of women killed, injured, raped and beaten by their partners remained high. Despite the lack of official statistics, nearly two-thirds of women in certain groups in Lagos State, for example, were estimated to be victims of violence in the home. Discriminatory laws and practices, dismissive attitudes within the police, an inaccessible justice system and the lack of shelters for victims contributed to violence against women being widely tolerated and underreported.

- "Folake" was remanded in prison after accusing her former employer of rape. Although medical examination supported her case, she was charged with slander. The material evidence of the crime, handed over to the police, was later said to have disappeared. The alleged perpetrator was not brought to justice.

By the end of 2005, national law had not been amended in line with the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, which had been ratified by Nigeria in December 2004. A committee set up to review discriminatory legislation had its first meeting at the end of 2005.

The first state-level laws on domestic violence were passed by state legislators in Ebonyi State and Cross River State. In Lagos State, a draft domestic violence law made slow progress, despite pressure from human rights organizations.

### Impunity

Protests at police killings of five Igbo traders and one female companion, allegedly suspected of being armed robbers, on 8 June in Abuja prompted an investigation and the prosecution of eight officers on murder charges. However, in most cases, the security forces continued to commit human rights violations with impunity.

Where abuses were the subject of commissions of inquiry, the findings were generally not made public. The report of investigations into human rights violations between 1966 and 1999 by the Human Rights Violations Investigation Commission, known as the Oputa Panel, was published by civil society organizations before it was made available to members of the National Political Reform Conference.

### Charles Taylor

Resolutions by the European Parliament in February and by the US House of Representatives in July called on the Nigerian government to hand over former Liberian President Charles Taylor to the Special Court for Sierra Leone to face charges of crimes against humanity, war crimes and other serious violations of international law. The government neither handed over Charles Taylor nor brought charges against him in the Nigerian courts.

In November a federal High Court ruled admissible a legal challenge to the Nigerian government's decision to grant asylum to Charles Taylor in 2003. The case had been brought in 2004 by two Nigerian nationals who had had limbs amputated by an armed group backed by the Liberian government during the conflict in Sierra Leone.

### Journalists under threat

Newspaper editors and journalists were harassed by the security police, and sometimes detained incommunicado for several days, after criticizing the federal government, exposing corruption, or reporting the activities of secessionist or armed opposition groups. Activists faced arrest and violence when trying to investigate oil spills and human rights violations in the Niger Delta.

- On 2 May police arrested Omo-Ojo Orobosa, publisher of the weekly *Midwest Herald*, in Lagos, and detained him incommunicado and without charge until 13 May at an interrogation centre. He appeared to have been detained because his paper had reported allegations that relatives of President Obasanjo would benefit from the sale of government-owned flats.
- On 1 and 2 August, three men were arrested and detained without charge until 4 August. The reason for their arrest appeared to be that they were printing materials for the international Campaign Against Impunity coalition of human rights groups, and had copies of the Interpol arrest warrant for Charles Taylor.
- On 11 October, Owei Kobina Sikpi, publisher of the *Weekly Star* newspaper, was arrested and charged with "false publication" after an article in his paper accused the Governor of Rivers State of money laundering.

Following a visit to Nigeria in May, the UN Special Representative on human rights defenders

said that the return to civilian rule in 1999 had given human rights defenders greater freedom to operate, but that access to official information and to sensitive sites – of forced evictions, oil spills or intercommunal violence, for example – remained too restricted.

### **Forced evictions**

In a number of mass forced evictions, thousands of people were made homeless without adequate notice, compensation or the provision of alternative housing.

- During three days in April approximately 3,000 residents were evicted from Makoko in Lagos. The Lagos State administration engaged police officers to execute a court order to restore the area to its owners, but failed to give adequate notice or provide alternative accommodation to people living on the land. The police reportedly used tear gas, and beat and kicked residents, including five young children, to force them from their homes. The many buildings demolished included a church and a medical centre.

### **AI country visits**

AI delegates visited Nigeria in April and May to conduct research and meet government officials, and in June to launch a report on violence against women.

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