



Flygtningenævnets baggrundsmateriale

Bilagsnr.:	125
Land:	Nigeria
Kilde:	Home Office
Titel:	"Nigeria October 2005"
Udgivet:	Oktober 2005
Optaget på baggrundsmaterialet:	7. april 2006



OCTOBER 2005

NIGERIA

Home Office Science and Research Group

COUNTRY OF ORIGIN INFORMATION SERVICE

Country of Origin Information Reports (COI Reports) are produced by the Science & Research Group of the Home Office to provide caseworkers and others involved in processing asylum applications with accurate, balanced and up-to-date information about conditions in asylum seekers' countries of origin.

They contain general background information about the issues most commonly raised in asylum/human rights claims made in the UK.

The reports are compiled from material produced by a wide range of recognised external information sources. They are not intended to be a detailed or comprehensive survey, nor do they contain Home Office opinion or policy.

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1. Scope of document

- 1.01 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. It includes information available up to 31 August 2005.
- 1.02 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.
- 1.03 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.
- 1.04 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 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.
- 1.05 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.
- 1.06 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.
- 1.07 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.

- 1.08 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.
- 1.09 COI Reports are published every six months on the top 20 asylum producing countries and on those countries for which there is deemed to be a specific operational need. Inevitably, information contained in COI Reports is sometimes overtaken by events that occur between publication dates. Home Office officials are informed of any significant changes in country conditions by means of Country of Origin Information Bulletins, which are also published on the RDS website. They also have constant access to an information request service for specific enquiries.
- 1.10 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.

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ADVISORY PANEL ON COUNTRY INFORMATION

- 1.11 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.
- 1.12 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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2. Geography

- 2.01 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]
- 2.02 According to the US State Department Background Note on Nigeria, published in August 2005, the capital city of Nigeria is Abuja. Other major cities include Lagos, Ibadan and Kano. The national population in 2005 was estimated to be 137 million. 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 and 9-10)

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3. The economy

- 3.01 The UK Foreign and Commonwealth Office (FCO) Country Profile on Nigeria, dated May 2005, states that Nigeria's GDP in 2004 was around US\$65 billion and the GDP per head was US\$447. The annual GDP growth rate in 2004 was 6.1 per cent. The national currency is the Naira. The FCO Country Profile further states that:

"Nigeria's economy is highly dependent on the oil/gas sector. Oil accounts for 95% of exports by value and 80% of government revenue. With a current output of 2.3m bpd, set to rise to 4m bpd by 2010, Nigeria is the world's 8th largest exporter of oil. Some \$15 billion is expected to be invested in further exploration over the next 5 years. Since 1999, Nigeria is also a producer of LNG (Liquified Natural Gas). Current output, at 10m tonnes, is set to quadruple to 40m tonnes by 2010, with the commission of 2 further plants. With the largest known gas reserves in sub-Saharan Africa, revenue from LNG is expected to surpass that from oil in the next decade, to an estimated \$47 billion." [2a] (p3)

"...All other sectors of the economy have been in relative decline in recent decades even though there is potential to revive the once thriving agricultural sector and to develop solid minerals. Infrastructure is weak, deterring investment." [2a] (p3)

- 3.02 The US State Department 2004 Human Rights Report on Nigeria, published in February 2005, states:

"The Central Bank reported that [the] country's market-based economy grew 10.2 percent in real terms in 2003. Inadequate infrastructure, endemic corruption, and general economic mismanagement hindered economic growth. Most of the population of approximately 137 million was rural and engaged in small-scale agriculture, which accounted for only 35.8 percent of gross domestic product. Increased unemployment was a problem. Much of the country's wealth remained concentrated in the hands of a small elite. Corruption, nontransparent government contracting practices, and other practices favored the wealthy and politically influential, including a banking system that impeded small and medium investor access to credit and regulatory and tax regimes that were not always enforced impartially. Wages and benefits have not kept pace with inflation. There were numerous work stoppats at different levels of government due to salary nonpayment. The International Labor Organization (ILO) estimated that 96 million citizens lived below the poverty line and were vulnerable to malnutrition and disease." [3a] (p1)

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4. History

- 4.01 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]
- 4.02 The UK FCO Nigeria Country Profile 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.” [2a] (p2)
- “....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.” [2a] (p2)
- 4.03 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 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 the same day as Obasanjo was inaugurated as president, 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]
- 4.04 ElectionWorld.org published the results of the April 2003 presidential and legislative elections. [16] The results were as follows:

PRESIDENTIAL ELECTION - 19 April 2003* [16]		
Name of Candidate	Political Party	Percent
Matthew O.F.A Obasanjo	People's Democratic Party (PDP)	61.9
Buhari Muhammadu	All Nigeria People's Party (ANPP)	32.2
Ojukwu Chukwuemeka Odumegwu	All Progressive Grand Alliance (APGA)	3.3

* turnout of 69.1 per cent

LEGISLATIVE ELECTIONS - 12 April 2003* [16]				
Political Party	House of Representatives - /360	Percent	Senate - /109	Percent
People's Democratic Party (PDP)	223	54.5	76	53.7
All Nigeria People's Party (ANPP)	96	27.4	27	27.9
Alliance for Democracy (AD)	34	8.8	6	9.7
United Nigeria People's Party (UNPP)	2	2.8	-	2.7
National Democratic Party (NDP)	1	1.9	-	1.6
All Progressives Grand Alliance (APGA)	2	1.4	-	1.5
People's Redemption Party (PRP)	1	0.8	-	0.7
Vacant	1	-	-	-

* turnouts 50.0 per cent/49.3 per cent

- 4.05 A BBC News Online report dated 29 March 2004 stated that 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. [8a]
- 4.06 A United Nations IRIN report dated 2 April 2004 stated that Nigerian security agencies were investigating several military officers and civilians on suspicion of serious security breaches, following media reports of a coup against the Nigerian Government. According to a *Vanguard* (Nigeria) newspaper report, at least 28 military officers had been taken in for questioning by the authorities, on suspicion of recruiting soldiers for an insurrection. The *Vanguard* report stated that the military officers had sought the support of soldiers who felt disaffected with the present government over unpaid salaries, general insecurity, corruption and malpractice in the 2003 elections. [21a] A BBC News Online report about the alleged coup, dated 21 October 2004, stated that:

"Three military officers and a businessman have been charged with plotting to assassinate President Olusegun Obasanjo by shooting down his helicopter. Best known is Major Hamza al-Mustapha, the former security chief under late

Nigerian dictator Sani Abacha. Despite being in custody over a murder case, the prosecution allege he held prison meetings to plot the coup....The charges are the first official confirmation of a coup plot after months of speculation in Nigeria about an incident described by the government in April as a 'serious breach of national security'. All troops were recalled to barracks and all leave cancelled when the reports first emerged." [8h]

- 4.07 In October 2004, a four-day general strike began over fuel price rises. A BBC News Online report dated 11 October 2004 stated that many Nigerian shops and offices in the main cities of Abuja and Lagos closed at the start of the strike over fuel prices. Fuel subsidies were removed in 2003 and this led to increases in the price of petrol. As a response to the strike, President Obasanjo set up a task force to look at the effects of the fuel price rises. [8f]
- 4.08 A BBC News Online report dated 15 November 2004 stated that in November 2004, Nigeria's main labour trade union, planned another strike over fuel prices. In the same month, President Obasanjo ordered the state oil firm to cut the cost of kerosene, in an attempt to prevent the general strike from taking place. As a result of the president's actions, the strike was called off. [8g]
- 4.09 A BBC News Online report, dated 21 February 2005, stated that President Obasanjo opened a national political conference in Abuja in February 2005 to discuss constitutional reforms. Over three months, more than 400 delegates will discuss key issues facing the country such as resource control and federalism. The delegates' recommendations should form the basis of any future constitutional reform. The BBC report adds that the vast majority of the delegates have been nominated by the presidency and state governments, which means there is a heavy bias towards the ruling party, and only 7 per cent of the delegates are women. [8i] A BBC News Online report, dated 12 July 2005, stated that the national political conference ended in July 2005. According to the report, the conference 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. [8c]

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5. State structures

THE CONSTITUTION

- 5.01 The Nigeria section of europaworld.com states that a new constitution was formally promulgated on 5 May 1999, and came into effect when President Obasanjo was inaugurated as president, 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. [7]
- 5.02 An article published by "*The Economist*" (UK) in February 2005 stated that:
- "The new constitution has been a source of tension since its introduction in 1999. Critics of the new constitution claim that it concentrates too much power in the central government, defying 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 hampers 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."

"Another problem is that formulating a new constitution has proved difficult. In October 2003 the new National Assembly initiated a fresh review of the 1999 constitution, laying aside the draft review submitted by a National Assembly joint constitution committee a year earlier. The discarded report contained some major recommendations, including a single non-renewable five-year term for the president and state governors, rotation of the presidency among Nigeria's six geopolitical zones (north-west, north east, west-central, east-central, south-west and south-east) and the elections of two vice-presidents, which further reflected the obsession of politicians with power-sharing among the country's rival ethno-political blocs. Given the controversies surrounding the major issues involved in the review of the constitution, it is doubtful whether Nigeria will be able to produce a charter that is broadly accepted. Agitation for constitutional change is likely to remain a feature of national politics for some time to come." [32]

5.03 The Economist Intelligence Unit's 2005 Country Profile on Nigeria states that:

"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 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." [10] (p8)

CITIZENSHIP AND NATIONALITY

5.04 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. [7]

5.05 According to the constitution, 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. [7]

5.06 According to the constitution, 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. [7]

5.07 According to the constitution, 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. [7]

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THE POLITICAL SYSTEM

5.08 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. The current president is Olusegun Obasanjo of the People's Democratic Party. [1]

5.09 The Economist Intelligence Unit's 2005 Country Profile on Nigeria states that:

"Although politics is dominated by three large parties, around 30 political parties participated in the [2003] general election following the registration of 27 new parties by the Independent National Electoral Committee (INEC) in 2002. The new parties, which cover a wide range of interests from labour and human rights groups to disaffected politicians from the main parties, were registered after clamour for the relaxation of the strict rules that limited party registration. However, none of the new parties made a significant impact in the [2003] elections and only won a few seats." [10] (p10)

- 5.10 An article published by *"The Economist"* (UK) in February 2005 states:

"Politics in Nigeria looks set to remain highly confrontational: the executive and the National Assembly frequently clash over policy direction and priorities. This has led, for example, to long delays in the implementation of the annual budgets since 1999. Since the return to civilian rule there have been several corruption scandals in the National Assembly that have forced leading members, and even the speaker, to resign. In mid-2000 an internal investigation of the Senate leadership highlighted numerous abuses of power, disregard for the rules and cases of unacceptable personal enrichment. In addition, many politicians are beholden to vested interests, and this can slow the passage of bills. The president has come into conflict with strong and independent-minded state governments, particularly over the allocation of federal income. Mr Obasanjo has also clashed with some members of his own party, who have questioned his independent style of leadership and during his first term in office backed politically motivated moves to impeach him for alleged financial mismanagement. Neither the judiciary nor the civil service is powerful or impartial enough to act as an effective constraint on the power of politicians in Nigeria." [32]

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THE JUDICIARY

- 5.11 An article published by *"The Economist"* (UK) in February 2005 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." [32]

- 5.12 With regard to the judiciary, the USSD 2004 Report states that:

"The Constitution provides for an independent judiciary; however, the judicial branch remained susceptible to executive and legislative branch pressure. Decisions at the federal level exhibited greater independence. 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)

- 5.13 As regards the regular courts, the USSD 2004 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 Federal Supreme Court.

There are Shar'ia (Islamic) 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 the first instance include magistrate or district courts, customary or traditional courts, Shar'ia courts, and for some specified cases, the state high courts. The Constitution also provides that the Government establish a Federal Shar'ia Court of Appeal and Final Court of Appeal; however, the Government had not yet established such courts by year's end."

"...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. 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 means of income, and sometimes because of threats against them. In addition, court officials often lacked the proper equipment, training, and motivation to perform their duties, again primarily due to inadequate compensation." [3a] (Section 1e)

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LEGAL RIGHTS/DETENTION

- 5.14 The Amnesty International report "The Death Penalty and Women under the Nigeria Penal Systems", published in February 2004, states that Nigeria has three major co-existing penal codes. They consist of the Penal Code, the Criminal Code, and the Shari'a penal codes. The three systems establish different offences, punishments and criminal procedures, depending on the state in which the law is applied and the religion of the accused. The Shari'a penal codes are applicable to Muslims in the 12 states that have introduced the codes as well as non-Muslims who agree to be subject to them. [12c] (p6)

- 5.15 With regard to police powers of arrest and detention, the USSD 2004 Report states that:

"Police and security forces were empowered to make arrests without warrants based on a 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, [the] police generally did not adhere to these procedures in practice. Suspects routinely were 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 of time. The provision for bail often was arbitrary or subject to extrajudicial influence. In many parts of the country, there was no functioning system of bail, so suspects were held in investigative detention for prolonged periods of time. 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 an additional payment.” [3a] (Section 1d)

- 5.16 The USSD 2004 Report also states that “Persons who happened to be in the vicinity of a crime when it was committed normally were held for interrogation for periods ranging from a few hours to several months. After their release, those detained frequently were asked to return repeatedly for further questioning.” [3a] (Section 1d)

THE DEATH PENALTY

- 5.17 The Amnesty International (AI) report “The Death Penalty: List of Abolitionist and Retentionist Countries” (May 2005 update) states that Nigeria is a country which has the death penalty in force as a punishment for ordinary crimes. [12b] The Nigerian Legal Defence and Assistance Project (LEDAP) report “Who has the Right to Kill” states:

“The Supreme Court confirmed in 1998 that section 30(1) of the 1979 Constitution (now Section 33(1) of the 1999 Constitution) was the legal basis for the validity of [the] death penalty in Nigeria. The Court held that under section 30(1) of the Constitution, the right to life, although fully guaranteed, is nevertheless subject to the execution of a death sentence of a court of law in respect of a criminal offence of which one has been found guilty in Nigeria.”

“Capital sentences are provided in penal laws, namely

- Criminal Code applicable to states in [the] southern part of the country
- Penal Code applicable in the northern states,
- Robbery and Firearm (Special Provisions) Act,
- Sharia Penal Laws in 12 states in [the] northern part of the country that operate Sharia.”

“The offences of intentional homicide (murder), treason, conspiracy for treason and armed robbery are capital offences under the common criminal laws. Under Sharia Penal laws, adultery, sodomy, lesbianism and rape are in addition capital offences.” [18] (p3)

“Capital offences are tried by the High Courts or the Tribunals [abolished in 1999], and Sharia Courts under the Sharia Penal Laws. Capital sentences are mandatory in all cases. Judgments of the High Court can be appealed to the Court of Appeal and further and final appeals lie to the Supreme Court. In Capital cases, the convicts have automatic legal rights of appeal, and executions are not carried out until all appeal processes are exhausted or voluntarily abandoned.” [18] (p11)

- 5.18 The Amnesty International 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)

- 5.19 The Amnesty International 2004 Country Report on Nigeria reports that:

“No executions were carried out during 2004. Death sentences were passed both by the high courts and by *Sharia* (Islamic law) courts in northern Nigeria.”

“Appellate courts overturned three death sentences passed by courts in northern states under new *Sharia* [Italics] penal legislation. The new *Sharia* penal legislation continued to criminalize behaviour termed as *zina* (sexually-related offences) and changed the punishment for Muslims convicted of *Zina* from flogging to a mandatory death sentence, applicable to people who are or have been married.” [12a] (p1)

- 5.20 The death penalty is an issue that the Government is concerned about, and is also a subject of debate within Nigeria. The Amnesty International report “The Death Penalty in Nigeria” states:

“As a result of the increased interest in and debate on the propriety or otherwise of the death penalty in Nigeria, President Chief Olusegun Obasanjo initiated a parliamentary debate on the issue which commenced on 13 November 2003. In furtherance of this process the Attorney General of the Federation Minister of Justice inaugurated a panel of experts which will serve as the National Study Group on the Death Penalty with 12 members representing different aspects of the Nigerian society.” [12d] (p2)

- 5.21 The LEDAP report “Who has the Right to Kill” states:

“The Study Group, made up of experts and other relevant stakeholders, was constituted by the Nigerian government to collate public views on the death penalty and make recommendations to the government. The Group was mandated to hold public consultations and meet as wide [a] range of opinions as possible to ensure that diverse cross sections of the population are reached with the discussions. Historically, the problem of [the] death penalty is not effectively dealt with through public opinion, as the increasing crime rate would naturally irate public opinion against abolition. On the other hand, statistical and other legitimate information on the non-deterrence effect of the death penalty is an important tool in dealing with the challenge.” [18] (p22)

- 5.22 An Amnesty International public statement on the death penalty in Nigeria, dated 7 July 2005, states:

“As the National Political Reform Conference in Nigeria prepares to reconvene next week, Amnesty International condemned the recommendations by its Committee on Judicial Reform that juveniles should be executed when they have committed heinous crimes.”

“The statement was supported by the Nigerian Coalition on Death Penalty Abolition (NCDPA), The Human Rights Law Service (HURILAWS), and Legal Resources Consortium.”

“...The Committee’s recommendation further contradicts the recommendations of a moratorium on all executions made by the National Study Group on the Death Penalty, initiated by President Obasanjo and inaugurated by the Federal Minister of Justice in October 2003. In its final report and recommendations, as seen by Amnesty International, the National Study Group on the Death Penalty recommends that all executions should be put on hold until the Nigerian justice system can deliver fair trials and due process.” [12f]

- 5.23 Many persons who have been sentenced to death have been on death row for many years. The LEDAP report states:

“On Monday 1st of March 2004, the President Olusegun Obasanjo in Abuja held a meeting with state governors and other stakeholders on prison conditions and the death row phenomenon in the country. An outcome of the meeting was the setting up of a Presidential Committee on death row prisoners, headed by the Attorney General of the Federation and Minister of Justice, Mr Akin Olujimi SAN. The committee is to ascertain the actual number of prisoners on death row who have exhausted the appeal process and make necessary recommendations.”

“The problem of death row is enormous....Some of the prisoners have been waiting for their execution for more than 20 years under very bad conditions. According to the Federal Minister of Internal Affairs, ‘the meeting was about condemned prisoners and there are just too many of them in our prisons. We have a total of 458 of them and some of them have stayed for more than 20 years waiting to be executed. So we deliberated on it extensively.’” [18] (p22)

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CONVICTED DRUG CRIMINALS AND DECREE 33 OF 1990

- 5.24 The British-Danish Fact-Finding Mission (FFM) Report on Nigeria, dated January 2005, 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 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)

- 5.25 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)

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SHARI'A PENAL CODES

- 5.26 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 [italics] (God's revelation to the Prophet Muhammed); the Sunna [italics], or actions of the Prophet, described in the Hadith [italics], the Qiyas [italics] or process of analogical reasoning based on understanding of the principles of the Qur'an or the Hadith; and the Ijma [italics], 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)

- 5.27 An article by the “*The Economist*” (UK) published in February 2005 states that:

“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.” [32]

- 5.28 The USSD 2004 Report on Religious Freedom, published in September 2004, states that:

“The Constitution provides that states may elect to use Islamic (Shari’a) laws and courts. In 2000 Zamfara State began implementing traditional Shar’ia in its entirety, with the exception that apostasy was not criminalized. There are 11 other northern states that have adopted at least parts of Shari’a law – Sokoto, Kebbi, Niger, Kano, Katsina, Kaduna, Jigawa, Yobe, Bauchi, Borno, and Gombe. Adherence to Shari’a provisions is compulsory for Muslims in some states and optional in others. Non-Muslims are not required in any state to submit to Shari’a jurisdiction, though in some states they are given the option, which may work to a defendant’s advantage when the penalty under Shari’a is less severe, such as paying a fine rather than a jail sentence under secular law. Defendants have the right to challenge the constitutionality of Shari’a criminal statutes through the secular courts; however, no challenges with adequate legal standing made it through the appellate system during the period covered by this report.” [3b] (Section 2)

“The Constitution also provides for the Federal Government to establish a Federal Shari’a Court of Appeal and a Final Court of Appeal; however, the Government has not yet established such courts. There were no cases involving Shari’a law that reached the federal appellate level during the period covered in this report.” [3b] (Section 2)

- 5.29 The HRW “Essential Background: Overview of Human Rights Issues in Nigeria” report, published in January 2005, states that:

“Shar’ia has provisions for sentences amounting to cruel inhuman and degrading treatment, including death sentences, amputations and floggings. However, the number of sentences that have been handed down by Shar’ia courts has decreased and there appears to be a reluctance on the part of the authorities to carry them out. No executions or amputations have taken place since early 2002 though a number of defendants remain under sentence of death....Many Shar’ia courts failed to conform to international standards and do not respect due process even as defined by Sha’ria legislation; defendants rarely have access to a lawyer, are not informed about their rights, and judges are poorly trained. The manner in which Shari’a is applied discriminates against women, particularly in adultery cases where different standards of evidence are required making it more likely that women will be convicted.” [22e]

LEGAL FRAMEWORK

- 5.30 The HRW report on shari’a and human rights in northern Nigeria states that:

“In terms of criminal law, there are three main categories of offenses and punishments under Shari’a. The first are the hudud [italics] (or hadd [italics], 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." [22d] (p11)

"The second category are qisas [italics] and diya [italics] punishments. Qisas [italics], 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 [italics], 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 [italics]. The third category are ta'zir [italics] 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." [22d] (p11)

"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 [italics], 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)

- 5.31 The Amnesty International report "The Death Penalty and Women under the Nigeria Penal Systems" states that 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. [12c] (p6-7)

- 5.32 The HRW report on shari'a and human rights in northern Nigeria 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." [22d] (p18)

"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.” [22d] (p18)

“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.” [22d] (p18)

“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)

ENFORCEMENT OF THE SHARI’A PENAL CODES

5.33 The HRW report on shari’a and human rights in northern Nigeria states that:

“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. A human rights activist and academic in Kaduna told Human Rights Watch in mid-2003: ‘In Kaduna, the Shari’a courts are there but they are as good as not there. There has been no serious case since the [2000 and 2002] riots. They deal more with domestic cases.’ A lawyer in Kaduna also said: ‘Generally, it is as if there is no Shari’a in Kaduna’. Kaduna is divided into ‘Shari’a-compliant’ and ‘non Shari’a-compliant’ areas; residents of the former, predominantly Muslim areas, are expected to comply with the requirements of Shari’a, whereas those of the predominantly non-Muslim or mixed areas are not.” [22d] (p16-17)

5.34 The HRW report on shari’a and human rights in northern Nigeria 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 [italics], 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)

"The Arabic term hisbah [italics] means an act which is performed for the common good, or with the intention of seeking a reward from God. The concept of hisbah [italics] 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)

- 5.35 The relationship between the hisbah groups in the states where they are active and the police is complex as the police is a federal institution and the hisbah have been set up by state governments. The HRW report on shari'a and human rights in northern Nigeria states that:

"The relationship between the hisbah and the police has been complicated. While the hisbah were set up by state governments, the police across Nigeria remains a federal institution, answerable to federal and not state structures. The existence of these two parallel structures, both of which have responsibilities for enforcing law and order, has resulted in conflicts of interest. The police is seen as a secular institution, and includes both Muslims and non-Muslims. Unlike the hisbah, the police do not have the specific mandate to ensure enforcement and implementation of Shari'a; yet in twelve states, they are operating in a context where Shar'ia is legally in force (under state legislation, even if there are doubts as to its status under federal law), and where they should therefore logically be trying to enforce. In practice, the police in the northern states have not taken on an active role as 'Shari'a enforcers,' nor have they actively sought to enforce new codes of behavior which were introduced alongside Shari'a, such as dress codes for women, segregation of sexes in public transport, and strict prohibition of alcohol." [22d] (p79)

- 5.36 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 generally not have the resources to follow people across state borders.” [37] (p9)

- 5.37 The HRW report on shari’a and human rights in northern Nigeria states that:

“Many Muslims interviewed by Human Rights Watch in northern Nigeria explained that they had become increasingly disillusioned with the way Shari’a was being implemented in their states. Nevertheless, there is still a strong wish to retain Shari’a among the general public in the north, on condition that it is done faithfully and sincerely.” [22d] (p90)

“One of the main complaints voiced by Muslims has been that government authorities have not observed the true spirit and original principles of Shari’a, and that religion has been reduced to a political tool because of the way Shari’a has been implemented. Many people we interviewed explained that in the rush to introduce Shari’a and to prove a political point, state authorities had disregarded certain fundamental principles, in particular the state’s responsibility towards the population, and the generosity, compassion, and forgiveness which Shari’a advocates towards those accused of crimes. Many Muslims have pointed out that Shari’a promotes fundamental rights including the right to life, to justice, and to equality, but that these were also being disregarded in its application to Nigeria. They claimed that if the governors had been sincere and had wanted to apply Shari’a properly, they would have taken more time and care to prepare and educate the public, and abuses could have been minimized.” [22d] (p91)

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

“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)

THE FEDERAL GOVERNMENT’S POSITION

- 5.39 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. Even at the height of controversy surrounding the issue, it has opted to look the other way, hoping the issue would eventually disappear. 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. The federal government has also refrained from taking a position on whether the extension of Shari'a to criminal law is compatible with the Nigerian constitution. Instead, it has waited for a test case to challenge the issue through the federal courts – which, until now, has not been done. The federal government's unwillingness to intervene can be explained principally by political considerations: in 1999, President Obasanjo, a Christian from the southwest of Nigeria, was elected in large part to the northern, predominantly Muslim vote, and he remains unwilling to openly antagonize northern politicians or alienate public opinion in the north. The government may also feel that an open confrontation on this issue could trigger further bloodshed in the north or in mixed Muslim/Christian areas." [22d] (p99)

FREEDOM TO PUBLICLY EXPRESS CRITICISM OF THE SHARI'A PENAL CODES

5.40 The HRW report on shari'a and human rights in northern Nigeria states that:

"Restrictions on freedom of expression are common throughout Nigeria, despite an outward appearance of openness and tolerance of criticism. Some critics or opponents of Shari'a have claimed that the introduction of Shari'a has led to a further clampdown on freedom of expression in the north. 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. A man from Yobe State who had expressed reservations about the manner in which Shari'a had been introduced was warned by the imam in his village not to air his views on the matter. An activist from Kaduna noted: 'Religion is used to cordon off criticism. You can only discuss Shari'a if you are pro-Shari'a.' " [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. A man in Kano said that the Muslim elite felt ashamed and angry at the way Shari'a was being implemented, but did not feel safe expressing these views." [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. Around 2000, it was reported that a labor union in Zamfara was tagged 'anti-Shari'a' for criticizing the Zamfara government for using state funds to build a hotel in Abuja." [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. Some of these groups have played an important role in providing defense lawyers in cases before the Shari'a courts; but many of these lawyers too have concentrated on technical and procedural aspects of cases....Other groups, in particular women's organizations, have prioritized work in the area of personal status law, for example activities on inheritance, custody and domestic rights, rather than criminal law." [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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INTERNAL SECURITY

OVERVIEW

5.41 With regard to internal security, the USSD 2004 Report states that:

"The Federal Nigeria Police Force (NPF) is tasked with law enforcement and the Inspector-General of Police (IGP) officially reports directly to the President. 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 ethno-religious violence on numerous occasions during the year [2004], and the Government continued its reliance on the army in some cases. While

civilian authorities generally maintained effective control of the security forces, there were some instances in which elements of the security forces acted outside the law. Security forces committed several serious human rights abuses.” [3a] (p1)

THE NIGERIAN POLICE FORCE

- 5.42 The Human Rights Watch (HRW) report “Rest in Pieces – Police Torture and Deaths in Custody in Nigeria”, published in July 2005, 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)

- 5.43 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)

- 5.44 With regard to the actions of the police in 2004, the USSD 2004 Report states that:

“The NPF continued its aggressive anticrime campaign dubbed ‘Operation Fire for Fire,’ which was responsible for human rights abuses and did not noticeably decrease the incidents of violent crime nationwide. Corruption was rampant, usually taking the form of bribes at highway checkpoints, and in 2003, more than 250 police were arrested during the year and another 3000 dismissed from service for corruption. In addition, in 2003 more than 30 officers around the country were arrested in connection with armed robbery. Police generally operated with impunity in the apprehension, illegal detention, and sometime execution of criminal suspects.” [3a] (Section 1d)

- 5.45 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.” [2b] (p9)

THE POLICE SERVICE COMMISSION

- 5.46 The HRW report about 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 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)

5.47 The British-Danish FFM Report states that the:

“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 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 [would] 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)

OTHER LAW ENFORCEMENT AGENCIES

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

“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)

- 5.49 Information obtained from “The Nigerian Immigration Service – A Profile”, published by NigeriaBusinessInfo.com (last reviewed in July 2003), states that immigration controls in Nigeria are the responsibility of the Nigerian Immigration Service (NIS). The functions of the NIS are to issue Nigerian passports and other travel documents, endorse all categories of travel documents of persons arriving and departing Nigeria, issue visa renewals and issue residence permits to foreign nationals. [6] (p3-4)

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PRISONS AND PRISON CONDITIONS

- 5.50 With regard to prison conditions, the USSD 2004 Report states that:

“Prison and detention conditions remained harsh and life threatening. Most prisons were built 70 to 80 years ago and lack functioning 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. Prolonged pretrial detention contributed to the overcrowding.”

“Disease was pervasive in the cramped, poorly ventilated facilities, and chronic shortages of medical supplies were reported. Prison 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. Harsh conditions and denial of proper medical treatment contributed to the deaths of numerous prisoners. According to the NGO Prisoners Rehabilitation and Welfare Action (PRAWA), dead inmates promptly were 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)

- 5.51 During 2004, the Government allowed NGOs access to prisons to report on conditions. The USSD 2004 report states that:

“The Government allowed international and domestic NGOs, including PRAWA and the International Committee of the Red Cross (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)

- 5.52 The British-Danish FFM Report states that prison conditions in Nigeria are very poor, but the Government is concerned about this problem, and has made some efforts to improve prison conditions. The 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)

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MILITARY SERVICE

- 5.53 The “Refusing to Bear Arms” publication, published by War Resisters’ International in 1998, states that there is no military conscription in Nigeria, and this has been the case since Nigeria became an independent country. Recruitment into the armed forces is on a voluntary basis. The minimum legal recruitment age is 18. Information concerning the legal provisions for conscientious objection and the penalty for army desertion was not available to War Resisters’ International when “Refusing to Bear Arms” was published. [13]

MEDICAL SERVICES

- 5.54 The Economist Intelligence Unit’s 2005 Country Profile on Nigeria states that:

“Provision of healthcare in Nigeria is poor, and official data indicate a decline in recent years; the limited resources available are being channelled into personnel rather than buildings and equipment. According to CBN (Central

Bank of Nigeria) data, it is estimated that there was one hospital bed per 2,342 people in 2003, compared with one bed per 1,564 people in 1999. During the same period, the person/doctor ratio deteriorated from 4,479:1 to 4,769:1 and the person/nurse ratio from 906:1 to 1,129:1. Health expenditure has represented on average 4.5% of federal government recurrent expenditure over the years 2001-03. In order to raise money to fund additional spending, a long-awaited national health insurance scheme was launched in February 2003. Under the scheme, for a modest financial contribution, a worker plus spouse and four children can qualify for free health services, excluding diseases requiring costly treatment such as cancer and HIV/AIDS.” [10] (p16-17)

- 5.55 The Norwegian 2004 Fact-Finding Mission 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)

- 5.56 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 government-run 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]

- 5.57 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)

SICKLE CELL ANAEMIA

- 5.58 An article published by “*This Day*” (Nigerian newspaper), dated 31 May 2004, states that sickle cell anaemia is a very common condition in Nigeria. Some 28 million Nigerians are carriers of the sickle cell trait and over 100,000 babies are born annually with sickle cell anaemia. People with the disease can suffer from strokes, severe bone pain, severe haemolysis leading to anaemia and jaundice, possible hepatic dysfunction due to generalised liver damage, susceptibility to infections leading to ulcerations, and nutritional and enzyme defects leading to increased membrane lipid peroxidation. Current treatment is primarily supportive and includes the maintenance of optimal health, education, prompt treatment of associated symptoms, sound nutrition and adequate hydration. According to the newspaper article, a national sickle cell centre is being planned, and when built, will co-ordinate all efforts to deal with sickle cell disease in Nigeria. [17]

MALARIA

- 5.59 Medical treatment for people suffering with malaria is available in Nigeria. A United Nations IRIN report, dated 25 January 2005, reported that there was evidence of widespread resistance to the drugs which are used to treat malaria sufferers. The Health Minister, Eytayo Lambo, announced that the use of malaria-resistant drugs such as chloroquine and sulfadoxine-pyrimethamine would be phased out and more effective artemisinin-based drugs would be used. According to the Health Ministry, artemisinin-based drugs currently in use in Nigeria are imported but the Ministry stated that it had approached pharmaceutical firms about producing the drugs in Nigeria. [21f]
- 5.60 Medecins Sans Frontieres (MSF) have been active in the Delta region treating people suffering with malaria, according to a MSF March 2005 report, which states:

“In the oil-rich Niger Delta region [bold], the struggle for oil revenue regularly results in violent clashes fueled by an abundance of weapons and a strong military presence. The majority of the population here has little access to functional basic health care services because of the distance to care facilities and a lack of medical staff and medicines. At the same time, malaria is the main cause of death for children under five living in the region’s wetlands where mosquitoes thrive. In isolated and swampy parts of southern Bayelsa State [bold], MSF teams provide basic health care at several health centers and support a number of clinics with drug donations. The team uses artemisinin-based combination therapy (ACT), the most effective treatment now available for malaria after research on the effectiveness of various treatment regimes

showed high resistance to the then-standard chloroquine-based therapy. With the results of this research, MSF was able to successfully advocate for a change in the treatment protocol in 2004 and the introduction of ACT as first-line treatment for falciparum malaria in Nigeria.” [19]

HIV/AIDS

5.61 A Medecins Sans Frontieres (MSF) report dated March 2005 report states:

“HIV/AIDS is a growing problem in Nigeria, Africa’s most populous country. According to official estimates, five percent of the country’s adult population is living with the HIV/AIDS virus. This suggests that an estimated 250,000 of the 12 million people living in Lagos, the country’s largest city, are HIV positive. Most of those in urgent need of life-prolonging treatment for AIDS or related illnesses have no way of getting it, because treatment is too expensive or unavailable in their area.” [19]

5.62 A United Nations IRIN report dated 24 January 2005 reported that Medecins San Frontieres (MSF)-Netherlands launched a HIV/AIDS care and support project at Lagos General Hospital in August 2004 to offer a comprehensive AIDS treatment programme for people with HIV/AIDS. The project, implemented in partnership with the Lagos state department of health, offers a comprehensive range of services, including testing, counselling, medical care, nutritional support and free anti-retroviral (ARV) treatment. MSF stated that it planned to provide free treatment and counselling for more people with HIV/AIDS living in Lagos. [21e] A MSF March 2005 report states that “MSF believes that the [HIV/AIDS] program could be a model for more treatment programs. The organization is now actively promoting the use of lower-cost, generic ARV drugs in order to help expand treatment in the country.” [19]

5.63 A United Nations IRIN report dated 1 March 2005 states:

“The Nigerian government has said it aims to quadruple the number of people on antiretroviral drugs (ARVs) by mid-2006, enabling up to 250,000 HIV-positive people receive the medication.”

“‘With grants from the Global Fund, the US President’s Initiative PEPFAR, the World Bank and the federal government, our projection is that we’ll be able to treat 250,000 people by June 2006,’ Babatunde Osotimehin, the head of Nigeria’s National Action Committee on AIDS (NACA), told IRIN.”

“The target was first announced last week at a press conference at the end of a visit to Nigeria by Richard Feachem, the director of the Global Fund to Fight AIDS, Tuberculosis and Malaria.”

“Nigeria had previously set a goal of providing subsidised ARV treatment to 100,000 people by the end of 2005. About 65,000 already benefit from the scheme.”

“....Last week the Nigerian Health Minister Eyitayo Lambo got approval from the cabinet to extend subsidised ARV treatment to 100,000 HIV-positive Nigerians by the end of 2005. Three years ago, the government launched the cheap treatment initiative, offering ARV drugs to 15,000 people at a discounted price.”

“In addition to those 15,000 people on ARV treatment, there are now another 50,000 thanks to funds allocated by PEPFAR,’ Lambo was quoted as saying in the Nigerian daily, The Guardian, on Monday. ‘We think we will be able to treat 100,000 people by December [2005].”

“However, despite these aggressive expansion plans, government officials said the country was unlikely to meet its World Health Organisation (WHO) target of putting 400,000 people on ARV treatment by the end of the year.”

“This initiative seems very ambitious,’ NACA’s Osotimehin told IRIN. Health Minister Lambo was equally cautious, telling The Guardian: ‘I’m not sure that we’ll make it.’ ” [21b]

CORONARY HEART DISEASE

5.64 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)

CANCER

5.65 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)

5.66 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.” [39]

- 5.67 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.” [40]

MENTAL HEALTH CARE

- 5.68 Nigeria has mental health care facilities for persons with mental illnesses. The Norwegian 2004 Fact-Finding Mission 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)

- 5.69 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)

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PEOPLE WITH DISABILITIES

5.70 The USSD 2004 Report states that:

“There were no laws that require accessibility to buildings or public transportation for persons with disabilities, and the Government did not formulate any policy specifically ensuring the right of persons with disabilities to work. Children and women with disabilities faced social stigma, exploitation, and discrimination, and were often regarded as a source of shame to their own families. Children with disabilities who could not contribute to the family economy were seen as a liability, and in some cases were severely neglected. 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.” [3a] (Section 5)

THE EDUCATION SYSTEM

5.71 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] The USSD 2004 Report states that: “Public schools continued to be inadequate, and limited facilities precluded access to education for many children. The Constitution calls for the Government, ‘when practical,’ to provide free, compulsory, and universal primary education; however, compulsory primary education rarely was provided.” [3a] (Section 5)

5.72 The Economist Intelligence Unit’s 2005 Country Profile on Nigeria states:

“According to Central Bank of Nigeria (CBN, the Central Bank) data, education expenditure has represented 8.5% of federal government recurrent expenditure on average over the years 2001-03. 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.” [10] (p16)

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6. Human rights

6A. HUMAN RIGHTS ISSUES

GENERAL

6.01 The British-Danish FFM Report 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)

“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)

6.02 Despite the improvement in the human rights situation since democratic rule was restored in 1999, the USSD 2004 Report states that in 2004:

“The Government’s human rights record remained poor, and the Government continued to commit serious abuses. Nationwide local government elections held during the year were not generally judged free and fair and therefore abridged citizens’ right to change their government. Security forces committed extrajudicial killings and used excessive force. There were several politically motivated killings by unknown persons during the year. Security forces regularly beat prisoners, criminal suspects, detainees, and convicted prisoners. There were fewer reported incidents of torture by security agents than in previous years. Impunity was a problem. Shari’a courts sentenced persons to harsh punishments including amputations and death by stoning; however, there were no reports of amputation or stoning sentences carried out during the year. Prison conditions were harsh and life-threatening, and conditions contributed to the death of numerous inmates. Security forces continued to arrest and detain persons arbitrarily, including for political reasons. Prolonged pretrial detention remained a serious problem. The judicial system often was incapable of providing criminal suspects with speedy trials. Government authorities occasionally infringed on citizens’ privacy rights.” [3a] (p1)

- 6.03 The HRW “Essential Background: Overview of Human Rights Issues in Nigeria” report, published in January 2005, also reports that Nigeria has a poor human rights record. The report states that:

“The persistent failure of the Nigerian government to prosecute the perpetrators of serious human rights violations has contributed to a devastating cycle of inter-communal conflict. The violence is exacerbated by the inadequate protection of civilians by the security forces. In 2004, violence between Christians and Muslims in Plateau state and the city of Kano, claimed hundreds of lives and led President Obasanjo to impose a state of emergency in Plateau in May. Ongoing conflict over control of oil wealth in the Niger delta remains a cause of serious violence. However, the willingness of the federal government to use dialogue to respond to problems in the Niger delta and Plateau state, may signal a softening of the heavy handed approach of the past.” [22e]

“Tackling impunity remains a key challenge for the government. No-one has yet been brought to justice for the massacre of hundreds of people by the military in Odi, Bayelsa state, in 1999, and in Benue state, in 2001. The police continue to commit numerous extra-judicial killings, acts of torture and arbitrary arrests. Several opponents or critics of the government have been arrested, harassed, and intimidated. Scores of people were killed in violence related to the local government elections in March. Shar’ia (Islamic law) courts in the north continue to hand down death sentences; however, such sentences have not been implemented since early 2002. While the federal government has made some efforts to tackle corruption, it remains pervasive within both the public and private sectors, leading directly to violations of social and economic rights; the political elite continued to amass wealth at the expense of the vast majority of Nigerians who live in extreme poverty.” [22e]

“Inter-communal violence remains the most serious human rights concern in Nigeria. Since the end of military rule in 1999, fighting in several regions of the country has claimed thousands of lives. Plateau state in central Nigeria has been particularly affected, and the first half of 2004 saw an escalation of violence around the southern part of the state. This culminated in a large scale attack by Christians on the town of Yelwa in May. Around seven hundred people were killed and tens of thousands displaced. One week later, Muslims in the northern city of Kano took revenge for the Yelwa attack and turned against Christians, killing more than two hundred people. Following the violence, President Obasanjo declared a state of emergency in Plateau, suspended the state government, and established an interim administration to implement a six month ‘peace plan’. The plan brought communities and religious leaders together for dialogue and proposed a reconciliation commission, which stipulates that persons admitting responsibility for violence in Plateau state conflicts from 2001-2004, will be granted amnesty.” [22e]

“Security forces frequently fail to respond to early warning signs of conflict and in many incidents, as was the case in Yelwa, they are notably absent. The violence is often fueled by political actors and community leaders. Impunity for violations contributes to the cycle of violence and emboldens the perpetrators. In the aftermath of the conflict in Plateau and Kano, very few arrests were made and those responsible for instigating and planning the attacks appeared to have escaped justice.” [22e]

- 6.04 The Amnesty International 2004 Report on Nigeria summarised the human rights situation in 2004 by stating that:

“People continued to be sentenced to death by stoning for sexually-related offences; no executions were carried out in 2004. Violent attacks, some involving members of the security forces, were reported from the Niger Delta. Violence against women was widespread and gender-based discrimination both in law and in practice remained a serious concern. The authorities failed to conduct independent investigations into human rights abuses and to bring those responsible to justice. Critics of the government faced harassment and intimidation.” [12a]

THE NATIONAL HUMAN RIGHTS COMMISSION

- 6.05 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)

- 6.06 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 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).” [15] (p36)

“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)

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PERSECUTION FROM NON-STATE AGENTS AND INTERNAL RELOCATION

- 6.07 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 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)

- 6.08 As Nigerians can freely move within Nigeria, it is possible for Nigerians to relocate to another part of Nigeria to avoid persecution from non-state agents. Those Nigerians who do relocate, however, may encounter problems. The British-Danish FFM Report states:

“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 [in] 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 [italics] court if he or she has relocated elsewhere in Nigeria in order to escape Shari’a [italics] jurisdiction.” [15] (p37)

“Momoh [Channels Television, Abuja] explained that it is possible to evade ‘social persecution’ e.g. FGM, forced marriage, Shari’a [italics] 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)

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

“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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HUMAN RIGHTS ABUSES COMMITTED BY THE POLICE

- 6.10 The HRW “Essential Background: Overview of Human Rights Issues in Nigeria” report, published in January 2005, states that Nigerian police officers have committed serious human rights abuses against Nigerian citizens in 2004. The report states that:

“Despite repeated promises of reform by senior government and police officials, extra-judicial killings, torture, ill treatment, arbitrary arrests and extortion remain the hallmarks of the Nigerian police. Throughout the years, a large number of extra-judicial killings occurred not only in the context of crime fighting operations against alleged armed robbers, but also during routine duties such as traffic control. Cases of torture and ill-treatment by the police during arrest and detention are common. Police often take advantage of situations of generalized violence and disorder to carry out further killings. For example, in May 2004, riots between Muslims and Christians in Kano left more than two hundred people dead, dozens of whom had been shot dead by the police. In very few cases were the individuals responsible for these acts or their superiors brought to justice.” [22e]

“....There were numerous cases of arrests, detention, ill-treatment, intimidation and harassment of critics and opponents of the government. In September 2004, the offices of Insider Weekly magazine were raided by the State Security Service (SSS) and two staff members were arrested for criticizing the government. During anti-government protest in May, police used tear gas and detained several protestors in Lagos. Similarly during nationwide strikes to protest against an increase in the price of fuel in June and October [2004], several labor union activists were detained and obstructed by police. In other incidents, members of the Movement for the Actualization of the Sovereign

State of Biafra (MASSOB), an Igbo self determination group critical of the government, were repeatedly harassed and arrested.” [22e]

6.11 The British-Danish FFM Report states that:

“A senior representative of the IGP confirmed that members of the police using excessive force is a problem and that there are many complaints made. The law only permits ‘minimum reasonable force’ to be used. 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. The source was not able to provide no [sic] exact figures on the number of complaints made, investigated and their outcomes, against policemen by the public. Although the source undertook to provide the delegation with the information before the end of the mission, it was not unfortunately forthcoming.” [15] (p29)

“Momoh [Channels Television, Abuja] confirmed that bribery and extreme violence is often committed by the NPF. Normally the government does not intervene and Momoh considered NPF abuses as a major human rights problem. He added that the SSS harass persons for no particular reason and mass arrests are taking place in order to extract money from those arrested.” [15] (p29)

“Asiwaju [CLEEN] explained that police brutality is much more common in rural areas than in major urban centres such as Lagos or Abuja but no statistics are available to document the scale of police brutality in Nigeria. In general the NPF has a long history of abuse and violence and it is difficult to change its course and transform it into a democratic institution.” [15] (p29)

6.12 There have been reports of extra-judicial killings committed by the police, as stated in the British-Danish FFM Report:

“Yusuf [*Daily Trust* newspaper] said that there are reports of several hundred incidents of NPF officers arresting and executing armed robbers, instead of taking the culprits through the courts. He explained that a court case can take many years and as accused armed robbers might be able to avoid trial through bribery the police officers might take suspects out of town and shoot them. According to Yusuf such extra-judicial killings are frequent and widespread.”

“In addition Yusuf explained that well-to-do people often use NPF to settle their personal disputes and it is in this connection that extra-judicial killings can take place. The use of bribery is also widespread.”

“LEDAP distinguishes between summary executions and extra-judicial killings. Summary executions refer to unlawful killings by non-state actors; extra-judicial killings refer to killings carried out by state agents, such as law enforcement agents like the police, military, drug enforcement agents, customs and security outfits. LEDAP reported that more than 700 victims of summary and extra-judicial killings in Nigeria were reported during the two-year period between December 2001 and December 2003.” [15] (p30)

6.13 The USSD 2004 Report states:

“There were politically motivated killings by the Government or its agents [in 2004]. National police, army, and security forces committed extrajudicial killings or used excessive force to apprehend criminals and to disperse protestors during the year [2004], when crowds were perceived by police as possibly becoming violent. 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.”

“...The Federal anticrime taskforce, also known as ‘Operation Fire for Fire,’ was among the most frequent human rights offenders. Operation Fire for Fire was established in response to widespread public calls for the Government and police to address violent crime more vigorously. Police and anticrime taskforce personnel committed extrajudicial killings in the apprehension and detention of suspected criminals. There were widespread complaints that Operation Fire for Fire has given a largely untrained police force broad latitude in using deadly force. In most cases, police officers were not held accountable for excessive or deadly force, or for the deaths of persons in custody. They generally operated with impunity in the apprehension, illegal detention, and sometimes execution of criminal suspects.”

“During the year [2004], police, military, and anticrime personnel continued to regularly use lethal force against suspected criminals. On December 28 [2004], the Inspector-General of Police, Tafa Balogun, announced that [the] police killed 1,694 ‘suspected armed robbers’ during the year.” [3a] (Section 1a)

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

“During interviews with Human Rights Watch, local NGOs, lawyers and prison officials report little improvement in the treatment of criminal suspects by the police or the reduction of torture since the end of military rule in 1999. Indeed, thirty-six of the fifty people interviewed represented urban areas, which, due to high crime rates, have a higher proportion of criminal cases, as well as remote rural areas where poor infrastructure and communication mean the activities of [the] police go largely without scrutiny by local human rights groups.” [22b] (p26)

“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)

“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)

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GOVERNMENT REMEDIES AND RESPONSE TO POLICE HUMAN RIGHTS ABUSES

- 6.15 Individuals who have been ill-treated by the police can formally complain about the ill-treatment they have experienced, as stated in the British-Danish FFM Report:

"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)

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

"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 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)

- 6.17 In August 2005, the British High Commission in Abuja obtained information from Innocent Chukwuma, CLEEN Foundation [Centre for Law Enforcement Education], 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.” [2b] (p4)

6.18 Regarding the effectiveness of the police complaints procedures, the British-Danish FFM Report states:

“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)

SUPPORT AND ASSISTANCE PROVIDED BY NGOS TO VICTIMS OF HUMAN RIGHTS ABUSES

- 6.19 Independent Nigerian NGOs offer support services, including legal protection and assistance, to victims of human rights abuses. The British-Danish FFM Report states that:

“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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FREEDOM OF SPEECH AND THE MEDIA

6.20 The USSD 2004 Report states that:

“The Constitution provides for freedom of speech and of the press; however, the Government at times restricted these rights. While there were many private newspapers and magazines that published freely, there were also numerous attacks carried out by security forces during the year [2004]. Some journalists practiced self-censorship.” [3a] (Section 2a)

6.21 The HRW “Essential Background: Overview of Human Rights Issues in Nigeria” report states:

“Despite significant gains in civil liberties since the end of military rule, several restrictions on freedom of expression remain. There were numerous cases of arrests, detention, ill treatment, intimidation and harassment of critics and opponents of the government. In September 2004, the offices of Insider Weekly magazine were raided by the State Security Service (SSS) and two staff members were arrested for criticizing the government. During anti-government protests in May, police used tear gas and detained several protestors in Lagos. Similarly during nationwide strikes to protest against an increase in the price of fuel in June and October, several labor union activists were detained and obstructed by police. In other incidents, members of the Movement for the Actualization of the Sovereign State of Biafra (MASSOB), an Igbo self determination group critical of the government, were repeatedly harassed and arrested.” [22e]

6.22 The BBC Country Profile on Nigeria, published in July 2005, states that:

“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. However 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]

6.23 The USSD 2004 Report states that:

“The Government owned and controlled most of the electronic media and some publications; however, there was also a large and vibrant domestic press that was frequently critical of the Government. Following the privatization of the Daily Times, only one national, government-owned daily newspaper was published, the New Nigerian. In addition to English, the New Nigerian published a Hausa edition. 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. By year's end, there were more than 10 major daily newspapers, 6 weekly newsmagazines, and several sensational evening newspapers and tabloid publications." [3a] (Section 2a)

JOURNALISTS

6.24 The USSD 2004 Report states that:

"During the year [2004], there were multiple cases of threats against and attacks on the press. Security forces beat journalists on several occasions during the year. For example, on May 4, the police in Enugu beat journalists covering the appeals court judgment on election petitions. On June 10, heavily armed police beat eight journalists who were at the Nigerian Union of Journalists Press Center in Osogbo to cover a lecture organized by a local NGO working in the areas of democracy and governance. The police alleged that the organisers of the lecture constituted a security risk to the state." [3a] (Section 2a)

6.25 The "Reporters without Borders 2005 Annual Report on Nigeria", published in May 2005, states that in 2004:

"Despite President Olusegun Obasanjo's assurances, Nigeria's journalists have still not completely emerged from the dark years of political persecution. When military rule ended in 1999, they thought the years of 'guerrilla journalism' and reprisals by the feared federal police were over. But the climate in one of the world's most corrupt countries at the end of 2004 suggests this is not necessarily so." [34]

"A total of 81 press freedom violations were brought to Reporters Without Borders' attention in 2004. Twelve journalists were arrested, 27 were physically attacked by police or other armed state agents, and at least five were publicly threatened, in one case by a governor. Six news media were ransacked or attacked, and more than 20 journalists were placed under surveillance, expelled, subjected to extortion, summoned to a police station, heavily fined, unfairly dismissed or suspended, or subjected to other forms of harassment." [34]

"...Nigeria's journalists tend to be the victims of a prevailing culture of brutality and impunity for those responsible for violence. It is not uncommon for journalists, regardless of the news media they work for, to be manhandled or beaten by policemen, bodyguards, political activists or security guards." [34]

6.26 The Nigeria section of the Committee to Protect Journalists "Attacks on the Press 2004" report states that:

"While press freedom has improved since the presidential election of 1999 ended years of military rule, local journalists are concerned by signs that the Obasanjo administration is borrowing repressive tactics from Nigeria's past to intimidate the press...." [35]

"Ethnic, religious, and political conflicts remained sensitive topics for the press. Local journalists reported threats and harassment while covering hot spots across the country. Warring groups accused journalists of bias, and the

government accused the media of sensationalizing the crises. Following deadly fighting between rival Christian and Muslim ethnic groups, Obasanjo declared a state of emergency in Plateau State in May [2004], suspended its governor, dissolved the state legislature, and appointed retired army Gen. Chris Alli to administer the state. In August, Alli accused the local press of reporting negatively on government activities and threatened to take action against journalists who ‘want to cause problems,’ according to the private daily *ThisDay*” [35]

“Authorities have generally failed to punish members of security forces who have attacked local journalists, despite some improvements under Obasanjo. The trial of five suspects in the 1996 assassination attempt against Alex Ibru, former publisher of the independent daily *Guardian*, was still ongoing five years after it began in 1999....” [35]

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FREEDOM OF RELIGION

- 6.27 The USSD 2004 Report on Religious Freedom, published in September 2004, 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 in worship, teaching, practice, and observance. While the Federal Government generally respects religious freedom, there were some instances in which limits were placed on religious activity in order to address security and public safety concerns.” [3b] (Section 2)

“The Government remained an observer in the Organization of the Islamic Conference (OIC) during the period covered by this report. However, there is no state religion.” [3b] (Section 2)

“The law prohibits religious discrimination in employment and other practices; however, private businesses frequently discriminated on the basis of religion or ethnicity on their hiring practices and purchasing patterns. In nearly all states, ethnic rivalries between ‘indigene’ groups and ‘settlers’ led to some societal discrimination against minority ethnic and religious groups.” [3b] (Section 3)

- 6.28 The construction of churches and mosques in Nigeria is subject to government regulations, as the USSD 2004 Report on Religious Freedom states:

“Christian and Islamic groups planning to build new churches or mosques are required by law to register with the Corporate Affairs Commission (CAC). This law was put into effect to stem the proliferation of new religious buildings in the absence of zoning laws, to resolve legal questions arising from disputes over church ownership and control, to provide a single registry for government reference in the event that compensation is demanded following civil disturbances, and to allow for legal solemnization of marriages. The law requires religious groups to name a board of trustees, place a notice of the group’s intent to organize in three nationwide newspapers, and send trustee information to the CAC. If the CAC receives no objections, the group can proceed with construction. 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, mostly notably those in Abuja, had their places of worship shut down when the zoning laws were enforced.” [3b] (Section 2)

“...Christians in the predominantly Muslim northern states continued to allege that local government officials used zoning regulations to stop or slow the establishment of new churches. Muslims continued to complain that they were denied permission to build mosques in predominantly Christian southern states. Officials responded that many of these new churches and mosques were being constructed in residential neighborhoods not zoned for religious purposes. State officials also stated that the certification boards were dealing with a large backlog of cases for all applicants regardless of religious faith.” [3b] (Section 2)

- 6.29 The USSD 2004 Report on Religious Freedom states that the constitution provides for the states to use Shari’a customary law and courts. Twelve northern states have adopted parts of Shari’a law into their penal codes. These states are Zamfara, Sokoto, Kebbi, Niger, Kano, Katsina, Kaduna, Jigawa, Yobe, Bauchi, Borno and Gombe. In some states, it is compulsory for Muslims to adhere to the provisions of Shari’a law while in other states, adherence to Shari’a law is optional. Non-Muslims are not required in any state to adhere to Shari’a law provisions, although in some states they are given the option to do so. [3b] (Section 2)

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RELIGIOUS GROUPS

- 6.30 The USSD 2004 Report on Religious Freedom states:

“Approximately half of the country’s population practices Islam, more than 40 percent practices Christianity, and the remainder practice traditional indigenous religions or no religions. Many persons combine elements of Christianity or Islam with elements of a traditional indigenous religion. The predominant form of Islam in the country is Sunni. The Christian population includes Roman Catholics, Anglicans, Baptists, Methodists, Presbyterians, and a growing number of Evangelical and Pentecostal Christians. Catholics constitute the largest Christian denomination.” [3b] (Section 1)

“There is a strong correlation between religious differences and ethnic and regional diversity. The north, dominated by the large Hausa and Fulani ethnic groups, is predominantly Muslim; however, there are significant numbers of Christians in urban centers of the north. Both Muslims and Christians are found in large numbers in the Middle Belt. In the southwest, where the large Yoruba ethnic group is the majority, there is no dominant religion. Most Yorubas practice either Christianity or Islam, while others continue to practice the traditional Yoruba religion, which includes a belief in a supreme deity and the worship of lesser deities that serve as the supreme deity’s agents on aspects of daily life. In the east, where the large Igbo ethnic group is dominant, Catholics and Methodists are the majority, although many Igbos continue to observe traditional rites and ceremonies.” [3b] (Section 1)

- 6.31 Many Nigerians believe in witchcraft, astrology, ghosts and other supernatural forces, according to an article by Leo Igwe, dated September 2001, published

by the Committee for the Scientific Investigation of Claims of the Paranormal. This article states that:

“Nigeria is a very religious country with most of its population mired in superstition. This is not limited to the illiterate rural folks but is also applicable to the urban elite and literati. In Nigeria there is a strong and widespread belief in juju and charms, witchcraft, ghosts, astrology, divination, reincarnation, miracles, private revelation, fortune telling, etc. These beliefs are fostered and reinforced by the many prophets and prophetesses, gurus, miracle workers, faith healers, and soothsayers that lurk in every nook and cranny of our cities and countryside.” [14]

“These charlatans claim to have divine powers – the power to bilocate and predict the future, the ability to heal all diseases – even AIDS – and the power to make people rich or live longer.” [14]

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FREEDOM OF ASSEMBLY AND ASSOCIATION

6.32 The USSD 2004 Report states that:

“The Constitution provides for freedom of assembly, and the Government generally respected this right for pro-government 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.”

“The Government continued nominally to require organizers of outdoor public functions to apply for permits, although both government authorities and those assembling often ignored this requirement.”

“The law prohibited gatherings whose political, ethnic, or religious content might lead to unrest. Open-air religious services away from places of worship remained prohibited in many states due to fears that they might heighten interreligious tensions.” [3a] (Section 2b)

POLITICAL ACTIVISTS

6.33 The USSD 2004 Report states that:

“The Constitution provides for the right to associate freely with other persons in political parties, trade unions, or special interest associations, and the Government has generally respected this right in practice. The Constitution allows the free formation of political parties. There were 30 parties registered with [the] Independent National Electoral Commission (INEC) during the year [2004].” [3a] (Section 2b)

6.34 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)

- 6.35 The HRW “Essential Background: Overview of Human Rights Issues in Nigeria” report, published in January 2005, states that:

“Politically motivated killings and violence continued to be a regular occurrence in Nigeria. Most incidents of violence involve fighting between factions of the ruling People’s Democratic Party (PDP) or between the supporters of the PDP and the main opposition All Nigeria People’s Party (ANPP). Local party leaders regularly hire and arm thugs to intimidate political opponents, and then protect them from prosecution. In the weeks preceding the local government elections in March 2004, numerous prominent politicians were killed or targeted in assassination attempts. Local candidates, election officials and rank and file party members were also killed in many incidents that went unreported. On polling day, voting in many local government areas was marred by electoral violence and in some areas elections has to be postponed due to insecurity. Local monitoring groups observed substantial flaws in the preparations for elections, and widespread irregularities and fraud during voting.” [22e]

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EMPLOYMENT RIGHTS

- 6.36 The USSD 2004 Report states that:

“The Constitution provides all citizens with the right to form or belong to any trade union or other association for the protection of their interests, and workers exercised this right in practice; however, several statutory restrictions on the right of association and on trade unions remained in effect.” [3a] (Section 6a)

“According to figures provided by the Nigeria[n] Labor Congress (NLC), total union membership was approximately 4 million. Less than 10 percent of the total work force was organized. With the exception of small numbers of workers engaged in commercial food processing, the agricultural sector, which employed the majority of the work force, was not organized. The informal sector, and small and medium enterprises remained largely unorganized.” [3a] (Section 6a)

“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. 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)

“The country’s labor law mandates a single-labor-federation structure for workers, which has become the NLC. Trade unions are required to be registered formally by the Government, and a minimum [of] 50 workers per enterprise are required to form a trade union; the Government formally recognized 29 such unions under the NLC by year’s end. Senior staffers are not permitted to join NLC-affiliated unions and were organized under the confederation Trade Union Congress (TUC), which was not registered with the Government. The TUC and its constituent organizations acted like a union

federation and often co-operated with their NLC counterparts but had no legal status. It was also denied a seat on the National Labor Advisory Council (NLAC). These legal restrictions diluted the bargaining strength of workers. The ILO Committee of Experts on the Application of Conventions repeatedly inquired what steps were being taken to eliminate these restrictions on the freedom of association.” [3a] (Section 6a)

6.37 Workers have the right to strike but this right is subject to some restrictions. The USSD 2004 Report states:

“The Labor laws provide for both the right to organize and bargain collectively between management and trade unions, and collective bargaining occurred throughout the public sector and the organized private sector. The Labor Minister could refer unresolved disputes to the Industrial Arbitration Panel (IAP) and the National Industrial Court (NIC). Union officials questioned the effectiveness of the NIC in view of its inability to resolve various disputes stemming from the Government’s failure to fulfil contract provisions for public sector employees. Union leaders criticized the arbitration system’s dependence on the Labor Minister’s referrals. The Labor Minister made several referrals to the IAP during the year. The IAP and NIC were active; however, both suffered from a lack of resources.” [3a] (Section 6b)

“Workers had the right to strike; however, certain essential workers were required to provide advance notice of a strike. In September [2004] a court limited the right to strike to matters pertaining to wages and conditions of work, thereby prohibiting strikes over matters of national economic policy. The NLC appealed the ruling; the appeal was pending at year’s end. Worker[s] under a collective bargaining agreement could not participate in a strike unless their union complied with the requirements of the law, which included provisions for mandatory mediation and for referral of the dispute to the Government; however, in practice the law did not appear to be enforced, and strikes, including in the public sector, were widespread.” [3a] (Section 6b)

“There were several strikes during the year [2004] over a government policy to deregulate fuel prices. In October, the NLC, in association with various NGOs, organized a 4-day ‘stay-at-home’ to protest another fuel price increase. On October 1, the State Security Service had detained the president of the NLC, Adams Oshiomhole, for questioning following the NLC’s decision to mobilize the ‘stay-at-home’ protest. Other activists in various places were detained in connection with the protest, and the staff of the AFL-CIO’s Solidarity Center in Abuja were detained [for] several hours by State SSS, then released without explanation, just after the protest was suspended. On October 11, police reportedly killed a 12-year-old boy during clashes with protesters in Kaduna; a man was reported killed in a similar incident in Port Harcourt the following day. There were allegations that some of the arrested strikers in Kaduna were killed. The protest was suspended after 4 days when the Government set up a ‘stakeholders committee’ led by the Senate Vice President, and including NLC members, which agreed to a fixed price for fuel.” [3a] (Section 6b)

“There were no laws prohibiting retribution against strikers and strike leaders, but strikers who believed they were victims of unfair retribution could submit their cases to [the] IAP, with the approval of the Labor Ministry. The IAP’s decisions were binding on parties but could be appealed to the NIC; however in practice, the decisions of these bodies infrequently carried the force of law.

Union representatives described the arbitration process as cumbersome and time-consuming, and an ineffective deterrent against strikers.” [3a] (Section 6b)

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PEOPLE TRAFFICKING

OVERVIEW

6.38 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. The USSD 2004 Report states that:

“The law prohibits trafficking in persons; however, persons were trafficked to, from, and within the country. It was believed that some individual members of the government facilitated or condoned trafficking, although no officials were accused, prosecuted, or convicted.”

“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 (50,000 naira) to \$1,500 (200,000 naira).”

“...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 the Benin Republic. 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. The country was a destination country for children trafficked for forced labor from other West African countries, primarily Benin.”

“...The UN Office of Drugs and Crime (UNODC) 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. Many were organized into specialties, 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 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 placed under juju curses. Victims were transited by air, land, and sea. Established land routes to Europe transited Benin, Togo, Ghana, Cote d’Ivoire, Guinea, Mali, Niger and Morocco.” [3a] (Section 5)

GOVERNMENT EFFORTS TO TACKLE PEOPLE TRAFFICKING

- 6.39 The Government is concerned about the problem of people trafficking and has co-operated with foreign governments and set up an agency to tackle it. The USSD 2004 Report states:

“The National Agency for Prohibition of Trafficking in Persons (NAPTIP), established in August 2003, was [has] primary responsibility for combating trafficking. The NPF and the Nigerian Immigration Service (NIS) also have antitrafficking units. In addition the President has a special assistant for human trafficking and child labor.”

“With the existence of NAPTIP, enforcement efforts improved during the year [2004]; however, inadequate funding for NAPTIP and other antitrafficking efforts remained a major constraint. The number of trafficking cases investigated and prosecuted during the year increased; however the precise number of cases pursued was difficult to determine because of poor record keeping and the overlapping roles of NAPTIP and the anti-trafficking units of the NPF and NIS.”

“...The Government collaborated with the Spanish police, the Italian National Antimafia Bureau, and the police force of the Benin Republic on investigations in several cases. In November, the Government signed a memorandum of understanding with the United Kingdom to share detection methods and equipment and provide medical and financial support to victims.”

“...At the institutional level, government authorities do not facilitate or condone trafficking; however, NAPTIP received reports 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. Victims interviewed by UNODC identified the complicit and collaborative behavior of police, security force, immigration, and customs officials. NAPTIP briefed the heads of police and immigration. NAPTIP also worked with the Ministry of Aviation to address corruption among airport officials. The law provides punitive measures for officials who aid or abet trafficking; however, during the year, NAPTIP and NPF found no evidence of official complicity, and no officials were prosecuted, tried, or convicted for traffic-related charges.”
[3a] (Section 5)

- 6.40 The Nigeria section of the USSD 2005 Trafficking in Persons Report acknowledges that the Government has made efforts to tackle people trafficking but also states that corruption by Government officials has hindered these efforts. The report states that:

“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 showed clear progress in implementing its 2003 anti-trafficking law and improving the capacity of the National Agency for the Prohibition of Trafficking in Persons (NAPTIP).” [3d]

“...The government made strong strides in improving its anti-trafficking law enforcement efforts over the reporting period. Comprehensive anti-trafficking law enforcement statistics were not available. NAPTIP investigated more than 40 cases of suspected trafficking, leading to eight new prosecutions. In November 2004 a court handed down the first conviction under the 2003 anti-trafficking law, sentencing a female trafficker to three years’ imprisonment for attempting to traffic six girls to Spain. The police anti-trafficking unit expanded

its coverage to 11 state offices, rescued 35 victims of trafficking, opened 27 investigations, and arrested 40 suspected traffickers. The government provided over \$1 million in funding for NAPTIP in 2004, allowing it to hire staff; expand cooperation with other countries, including Benin, Niger, Saudi Arabia, Italy and the United Kingdom; and train its own dedicated prosecutors. Trafficking-related corruption is a serious obstacle to Nigerian anti-trafficking efforts. Although NAPTIP began investigating a number of law enforcement officials suspected of trafficking complicity over the last year, no prosecutions were initiated.” [3d]

6.41 The British-Danish FFM Report states:

“Akinmoyo [Special Assistant to the Presidency on Human Trafficking and Child Labour] pointed out that there is a strong political will within the federal government to address the problem, of human trafficking and child labour but the government does not fully control the policies of the state and local governments. On the federal level a number of governmental bodies are concerned with trafficking and a National Presidential Committee has the overall responsibility for all activities and an anti-trafficking police force has been established. The key NGO engaged in anti-trafficking is WOTCLEF, but Akinmoyo emphasised that there is a need to form a coalition of anti-trafficking NGOs throughout the country as the victims of trafficking most likely are more prepared to co-operate with a local NGO whom they may know.”

“Ndaguba explained that the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act was enacted in 2003 and in August the same year NAPTIP 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.”

“NAPTIP is closely co-operating with NPF and about 40 police officers and police detectives are now working for the agency. This provides a quick and effective instrument against traffickers as well as for quick support to victims of trafficking. All cases of trafficking are referred to NAPTIP. To further assist victims of trafficking and to improve the scope to investigate suspected cases of trafficking NAPTIP has established a hotline. The line is open to everyone and about one call per day is registered.” [15] (p42)

SOCIETAL ATTITUDES TO PEOPLE TRAFFICKING

6.42 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, Abuja] 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)

TREATMENT OF TRAFFICKED WOMEN RETURNED TO NIGERIA

6.43 The British-Danish FFM Report states:

“Carol N. Ndaguba, Executive Secretary/Chief Executive, National Agency for the Prohibition of Traffic in Person 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’ [italics] and to the juju [italics] 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 [italics] 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, Abuja], 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, Abuja], 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 women. 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)

“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)

PROTECTION FOR THE VICTIMS OF PEOPLE TRAFFICKING

- 6.44 The Government has provided some assistance to the victims of people trafficking. The USSD 2004 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. Seventy-four victims passed through the agency during the year. NAPTIP directly provided overnight shelter to some, but most often, agency officials connected victims to nongovernment or international organizations for shelter, counseling, and reintegration assistance. NAPTIP established a hotline for victims and anyone seeking or wanting to provide information about trafficking. In a couple of cases, the Government helped victims repatriate to the country. NAPTIP also helped to reunite several trafficked children with their families.”

“...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 also created a brochure to let victims know the agency exists to help them if they would like to pursue protection. The brochure was distributed to deportees returning to the country in [the] hopes [sic] that it would encourage unidentified trafficking victims to come forward. The brochure prompted at least one woman returned from Italy to contact NAPTIP. Several state governments in the south continued strong efforts to protect victims. Victims were no longer criminalized or detained with criminals in cells as they were in previous years.” [3a] (Section 5)

- 6.45 The British-Danish FFM Report states:

“BAOBAB considered that some victims of trafficking might find it difficult to find protection against persecution by agents of trafficking. However, those victims may even find their security at stake abroad. BAOBAB emphasised that trafficking agents do have a well-established network even internationally. This network makes it possible for agents to harass, intimidate and even kill their victims or their relatives overseas. BAOBAB referred to a recent case from Italy in which someone presumably connected to trafficking agents had killed the sister of a victim of trafficking.”

“Regarding victims of trafficking Momoh considered that if social stigmatisation in the home area of a victim turned out to be a problem for a returnee this person would only have to settle temporarily somewhere else in Nigeria before returning to her home area.” [15] (p38)

- 6.46 As regards state protection by the federal government, the Nigeria section of the USSD 2005 Trafficking in Persons Report states:

“The government’s efforts to provide protection for victims of trafficking remained weak in 2004, though some progress was made through the opening of a transit shelter in Lagos and a small shelter in Benin City, Edo State. In other locations, NAPTIP provided emergency overnight shelter for victims, but usually referred victims requiring longer-term care to NGOs and international organizations. Police and NAPTIP encouraged victims to assist in prosecutions; the government published a brochure outlining the steps a victim can take to help in prosecutions that was distributed to Nigerian victims deported from Europe. A system of screening and referral of victims was established among

the various Nigerian law enforcement agencies, and victims are now referred to NAPTIP, NGOs or international organizations for care. The government provided modest funding for NGOs involved in protecting victims.” [3d]

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FREEDOM OF MOVEMENT

- 6.47 Regarding the right to travel within the country, to travel abroad and to return to Nigeria, the USSD 2004 Report states that:

“The Constitution provides for these rights, and the Government generally respected them; however, police occasionally restricted freedom of movement by enforcing curfews in areas with ethno-religious violence.”

“...Law enforcement agencies used roadblocks and checkpoints to search for criminals and to prevent persons traveling 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 engage in extortion and violence.” [3a] (Section 2d)

- 6.48 The British-Danish FFM Report states that:

“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)

TREATMENT OF RETURNED FAILED ASYLUM SEEKERS

- 6.49 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)

- 6.50 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." [15] (p66)

"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." [15] (p66)

"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)

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6B. Human rights - specific groups

ETHNIC GROUPS

6.51 The Nigeria section of reference.com states that:

“The variety of customs, languages, and traditions among Nigeria’s 250 ethnic groups gives the country a rich diversity.”

“The dominant ethnic group in the northern two-thirds of the country is the Hausa-Fulani, the overwhelming majority of whom are Muslim. Other major ethnic groups of the north are the Nupe, Tiv, and Kanuri. The Yoruba people are predominant in the southwest. Over half of the Yorubas are Christian and about a quarter are Muslim, with the remainder following mostly traditional beliefs. The predominantly Christian Igbo are the largest ethnic group in the southeast. Roman Catholics are the largest denomination, but Pentecostal and other Evangelical denominations are also strong. The Efik, Ibibio, and Ijaw (the country’s fourth-largest ethnic group) communities also comprise a substantial segment of the population in that area.” [20]

6.52 Nigerians of any ethnic group can participate in government at the local, state and federal level. The USSD 2004 Report states that:

“The Constitution mandates that the composition of the federal, state, and local governments and their agencies, as well as the conduct of their affairs, reflect the diverse character of the country to promote national unity and loyalty. The Government was an example of this diversity: President Obasanjo is a Yoruba from the southwest, the Vice President is a Fulani from the northeast, and the Senate President is an Igbo from the southeast. The Government also attempted to balance other key positions among the different regions and ethnic groups....Despite this effort, with more than 250 ethnic groups, it was difficult to ensure presentation of every group in the Government.” [3a] (Section 3)

ETHNICITY AND SOCIETAL DISCRIMINATION

6.53 Discrimination on the basis of ethnicity is practised in Nigeria. The USSD 2004 Report states that:

“The Constitution prohibits ethnic discrimination by the Government; however, claims of marginalization, particularly by members of southern minority groups and Igbos, continued. In particular, the ethnic groups of the Niger Delta continued their calls for high-level representation on petroleum problems and within the security forces. Northern Muslims accused the Government of favoring Yorubas or Christians from the Middle Belt for those positions. Traditional linkages continued to impose considerable pressure on individual government officials to favor their own ethnic groups for important positions and patronage.”

“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 neighborhoods, and a continuing paucity of marriages across major ethnic and regional lines. There was a long history of tensions among some ethnic groups.” [3a] (Section 5)

6.54 A Global Security report dated April 2005 states:

“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

6.55 Incidents of violence between various ethnic groups sometimes occurs in Nigeria. The Global IDP Project “Internal displacement in Nigeria: a hidden crisis” report, published on 1 February 2005, states:

“With a population of about 130 million and more than 250 ethnic groups, Nigeria is Africa’s most populous nation – with a multitude of religious, ethnic and political fault lines that periodically erupt into communal violence. This has created a sizeable, albeit fluctuating, internally displaced population – particularly since the return of democracy in 1999. Conservative estimates put the number of people killed in communal violence across Nigeria since 1999 at around 10,000; some government figures stand at more than 50,000 for central Plateau state alone (BBC, 7 October 2004).” [42] (p8)

“....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. In predominantly Christian Plateau state, for example, the majority of ‘settlers’ belong to the northern Hausa-Fulani ethnic group, nomads who have

gradually moved southwards as the expanding Sahara desert has dried up their traditional grazing land. Hausa-Fulani Muslims have long complained that predominantly Christian farmers steal their cattle and prevent them from grazing, whilst the farmers counter that cattle encroach on their land. At the same time there are indigenous Muslim ethnic groups fiercely opposed to the perceived expansionist tendencies of the Hausa-Fulanis.” [42] (p8)

- 6.56 Violent inter-ethnic conflicts based on disputes over land rights and ownership occurred during 2004. The USSD 2004 Report states:

“Conflict over land rights and ownership continued among members of the Tiv, Kwalla, Jukun, 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 consider themselves ‘indigenous’ ethnic groups. Tivs are the largest ethnic group in much of Benue and parts of other states.”

“Communal violence between members of the Ogori and Ekpodo ethnic groups in Kogi and Edo states continued over boundary and land disputes. Kogi and Edo state governors declared the disputed land a ‘buffer zone’, and the matter was referred to the National Boundary Commission in 2003. No further action was taken during the year [2004].” [3a] (Section 5)

INTER-ETHNIC VIOLENCE IN THE DELTA REGION

- 6.57 The Niger delta is a region of Nigeria where there have been long-standing ethnic tensions that have sometimes resulted in violence. A Norwegian 2004 Fact-Finding Mission 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)

6.58 The USSD 2004 Report states that:

“Ethnic groups claimed environmental degradation and government indifference to their status in the oil-producing Niger Delta region. Groups such as the Ijaw, Itsekiri, Urhobo, Isoko, and Ogoni continued to express their unhappiness about their perceived economic exploitation and destruction of their homelands, and incidents of ethnic conflict and confrontation with government officials and forces continued in the Delta area.”

“Inter-ethnic fighting also continued in Warri, Delta State, resulting in casualties and the displacement of tens of thousands of local inhabitants. In June [2004], as the result of numerous conflict resolution efforts, parties agreed to a ceasefire. Interethnic violence decreased, but did not stop completely. The ceasefire in Warri remained largely in effect at year’s end.”

“Inter-ethnic fighting elsewhere in the Delta also displaced tens of thousands of local inhabitants. Violence temporarily abated in the region in 2003. In 2004, militia groups operating in Port Harcourt and other areas around the Delta region carried out violence operations. In September, several persons were killed in Port Harcourt when militia gangs attacked some neighborhoods around the port area. Militants claimed they were protesting poverty, inadequate control of local resources, lack of infrastructure, and environmental degradation, conditions for which they blamed the Federal Government and multinational oil companies operating in the area. Some observers alleged that some of the militants were exploiting the ‘cause of the Niger Delta peoples’ for personal gain and aggrandizement. They further alleged that many of the militants were thugs and criminals. Officials from the Presidency negotiated directly with militant leaders and reached a ceasefire agreement that was implemented by the government of Rivers State.” [3a] (Section 5)

6.59 The Human Rights Watch report “Essential Background: Overview of Human Rights Issues in Nigeria”, states the following about the Niger delta:

“The oil-rich Niger delta, in the south of the country, remains the scene of recurring violence between members of different ethnic groups competing for political and economic power, and between militia and the security forces sent to restore order in the area. Local groups are also fighting over control of the theft of crude oil, known as ‘illegal bunkering’. The area around Warri, in Delta state, saw some of the worst violence in 2003: hundreds of people were killed (some by the security forces, others in inter-communal clashes between the Ijaw, Itsekiri, and Urhobo ethnic groups) and thousands were displaced from their homes. The violence is aggravated by the widespread availability of small arms – a problem which exists throughout Nigeria but is particularly acute in the delta, where local militia are well-armed....Despite a massive army, navy and police presence in the area, local communities remain vulnerable and have little protection; members of the security forces deployed in the delta also regularly engage in acts of violence.” [22e]

6.60 Information published by Global Security, dated November 2004, states that:

“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]

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VIOLENCE COMMITTED BY ARMED MILITIA GROUPS IN THE DELTA REGION

6.61 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 [have] 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)

The Government’s response to the violence

6.62 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 [italics], 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)

THE AGREEMENT TO END THE VIOLENCE

6.63 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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INCIDENTS OF VIOLENCE BETWEEN DIFFERENT RELIGIOUS GROUPS

6.64 A Global Security report dated April 2005 states:

“Religious conflicts constitute a serious cause of violence in Nigeria and have for a number of years. Much of this violence has occurred in the North, although anti-Muslim incidents often occur in the South as well. Low-level incidents seem more or less a constant of daily life, and more or less manageable at that level; but when they escalate, the costs in lives, property, and political and economic stability can be devastating. This latter kind of violence can touch off ricochet riots in other parts of the country (e.g., in Aba after the two Kaduna religious riots during the first five months of 2000).” [33b]

6.65 The USSD 2004 Report on Religious Freedom states:

“There were instances in which individuals or groups were targeted primarily based on religious issues and/or because of their religious affiliations. For example, in July [2004], animists destroyed Christian homes and businesses in Nkalaha, Ebonyi State in retaliation for the nonparticipation of Christians in animist rites and traditions. Animists in Ebonyi State insisted that all individuals pay cultural respect to the traditional ruler. Many Christians refused, and in

retaliation the animists flogged the Christians. The Christians later complained to the police, who then beat the animists involved in the flogging.” [3b] (Section 3)

6.66 The USSD 2004 Report on Religious Freedom states:

“In June [2004], at least 50 persons were killed in Numan, Adamawa State during fighting that began over the rebuilding of the central mosque near a Christian tribal leader’s palace. Exactly 1 year before, in June 2003, approximately 100 persons were killed in Numan in a riot sparked by the killing of a Christian evangelist by a Muslim water seller....During the 2004 fighting, several mosques and homes were burned, and many residents fled the area. In response to the June 2004 violence, the Governor of Adamawa dethroned the Bachama leader and ordered the relocation of the mosque.”

“In May [2004], in Jega, Kebbi State, at least 3 persons were killed, 150 to 200 arrested, and up to 8 churches were burned when mobs attacked the town’s market, and looted and burned stalls.”

“In April [2004], in Kaduna State, a Christian youth, possibly mentally ill, tore up a copy of the Koran and was beaten by Muslim youths. When police took the Christian youth into protective custody, a mob formed at the police station to demand vigilante justice. Police fled with the Christian youth, and the mob burned the police station and up to eight Christian churches. Some members of the mob were arrested, but no charges were filed against them.”

“In March [2004], in Jigawa State, a Muslim man allegedly complained about the volume of services at a nearby Christian church, whereupon the church accused the man of theft. When police took the Muslim man into custody, an irate mob burned several churches and possibly a hotel before order was restored. As is the practice, the police arrested the rioters to prevent retaliatory attacks, but no charges were filed against those persons arrested.” [3b] (Section 3)

INCIDENTS OF VIOLENCE BETWEEN CHRISTIANS AND MUSLIMS IN PLATEAU AND KANO STATES

6.67 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. Concerning the communal violence that took place in Yelwa in Plateau State, the HRW report states:

“Yelwa is a market town located in the southern part of Plateau State. As it is an important commercial center, people from different ethnic groups have settled there over the years. However, the majority of Yelwa’s residents are Muslim. Yelwa is under the administrative control of Shendam local government area, which has its headquarters in the town of Shendam, about 20 kilometres away. Shendam, which is roughly the same size as Yelwa, is a predominantly Christian town and the residents of the villages in the surrounding area are also predominantly Christian. Most local government officials and traditional leaders in Shendam are Christian.” [22c] (p10)

“The disputes in Yelwa and Shendam have involved several ethnic groups. The principal protagonists in the conflict have been the Gamai, the majority ethnic group in Shendam local government area, and the Jarawa.” [22c] (p10)

“The Gamai, who include both Christians and Muslims, consider themselves to be ‘indigenes’ and regard the Jarawa as ‘settlers’. The Jarawa, who are predominantly Muslim, claim to be the original founders of Yelwa.” [22c] (p11)

“None of those interviewed by Human Rights Watch in July 2004 cited religion as a fundamental cause of the conflict. Yet, as documented below, when the fighting began, groups and individuals were targeted on the basis of religion rather than ethnicity. Mosques and churches were deliberately attacked. Religion was used as a rallying cry to drag other groups into the conflict, and both sides used explicitly religious language to defend their own position or tarnish their opponents.” [22c] (p12)

“...Witnesses interviewed by Human Rights Watch described three major outbreaks of violence in Yelwa town: the first on June 26, 2002, the second on February 24, 2004, and the third on May 2-3, 2004. All three incidents involved deliberate attacks. In all three cases, the victims included both Christians and Muslims. However, the majority of victims in the February 24, 2004 attack were Christians, while the majority of victims in the May 2004 attack were Muslims.” [22c] (p12)

“The first outbreak of violence in Yelwa occurred on June 26, 2002....That evening, at around 9 p.m., a masquerade (a traditional celebration or parade in which people wear masks) came through Yelwa town. Muslims interviewed by Human Rights Watch described it as a Tarok masquerade, although it also included people from other ethnic groups. Eye-witnesses said a large crowd was following the masquerade, and that many of them were carrying machetes and other weapons. Several witnesses claimed that these armed people taunted and threatened Muslims and challenged them to come out. They noticed a mosque on fire in the Angwan Pandam area, then saw another building burning in a different area. Muslims reportedly came out of their homes, confronted the people in the masquerade, and the violence began. A witness described it as ‘effective mobilization in both camps. Muslims came out in droves. Christians did too.’ The fighting lasted until 4 a.m. the following morning, when soldiers were sent to Yelwa to restore peace.” [22c] (p13)

“Both Muslims and Christians died in the violence on June 26. Human Rights Watch was not able to confirm the death toll. According to some Muslim residents, between ten and twenty Muslims and an unknown number of Christians were killed.” [22c] (p13-14)

- 6.68 Further violence occurred in Yelwa in February 2004 according to the HRW report on violence in Plateau and Kano. This report states:

“In February 2004, after nineteen months of relative peace in Yelwa, violence in the area escalated again. The trigger for the escalation appears to have been an incident on February 21 or 22 in Yamini, a predominantly Muslim village about thirty kilometres from Yelwa. A clash occurred between some Fulani, who were angry at the theft of their cattle. Christians from Langtang South then killed several people in Yamini, including the local chief, a Sa’adu, a Muslim Gamai in his fifties, and around eight others. They burned many houses in Yamini as well

as in other villages including Lakushi, Sabon Layi and Ajikamai....On February 24, at about 6.30 a.m., Yelwa was attacked. The fighting lasted until around 3 p.m. or 4 p.m. Christians claimed the attack was initiated by Muslims, while Muslims claimed it was initiated by Christians. Human Rights Watch was not able to confirm which side started the fighting, but our research indicates that the majority of victims were Christians.” [22c] (p14-15)

“There were a number of smaller attacks on predominantly Christian villages around Yelwa between February and May, mostly attributed to armed Muslims. A chart compiled by the district head of Shendam and submitted to Shendam local government lists 22 separate incidents which took place between February 21 and May 6, 2004 in at least 17 different locations.” [22c] (p19)

- 6.69 Further violence occurred in Yelwa in May 2004, according to the HRW report on violence in Plateau and Kano, which states:

“On May 2 [2004], Yelwa was attacked again. This attack, which lasted two days, was on a larger scale than any of the previous attacks in the area. Despite claims by some Christian leaders that it was ‘spontaneous,’ on the basis of the testimonies of eye-witnesses and residents of Yelwa, it would appear that the attack was carefully coordinated and involved not only Christian residents of the immediate area, but also Christians from other local government areas.” [22c] (p20)

“As in the case of some of the earlier attacks by Christians, the perpetrators were initially described as Tarok by the media and others; in reality, it was not only the Tarok but many different groups who participated in this attack. Eye-witnesses mentioned a wide range of tribes among the attackers, including the Tarok, Gamai, Montol, Angas, Kwalla, Birom, Sayawa, and Jukun. The victims were also from many different tribes, with only their religion in common: almost all of them were Muslim.” [22c] (p20)

“The attackers were operating in different groups and their mode of operation indicated a high level of coordination. A witness said that on May 3, ‘the attackers came and retreated. They had a system: one group attacked and retreated, then another group attacked.’ Most of the attackers were bare-chested and just wearing shorts or trousers. They carried a variety of weapons, including firearms, such as Kalashnikovs and G3s, and machetes, knives, cutlasses, and bows and arrows.” [22c] (p21)

“The attackers specifically targeted the Muslim population of Yelwa. One witness said: ‘They were just killing like that [...] They [the victims] were all Muslims. The attackers were shooting at random. I also saw women and children who had been killed [...] They were just shooting, not picking them out.’ [22c] (p23)

“...Muslim residents of Yelwa estimate that around 660 Muslims were killed on May 2 and 3. On the basis of its own research and detailed testimonies from residents, including some who buried the bodies and others who were present as the bodies were counted, Human Rights Watch believes this figure to be credible, and that the real figure may be closer to seven hundred. These figures refer only to the Muslim deaths. The number of Christians who died over the two days is not known.” [22c] (p23)

6.70 The HRW report about the communal violence in Plateau and Kano states:

“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....The total number of people killed in Plateau State since 2001 has not been confirmed, but on the basis of its own research, Human Rights Watch believes that between 2,000 and 3,000 people were killed between September 2001 and May 2004.” [22c] (p6)

“One of the biggest challenges posed by the violence in Plateau State is the difficulty in identifying the perpetrators, particularly those orchestrating the attacks. 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. Across the state, there are organizations representing the political, economic and social interests of different ethnic groups and communities, but these organizations do not openly advocate violence. There are no formal or clearly identifiable armed groups who maintain a visible presence in the periods between the fighting. 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)

6.71 An Afrol News report about the violent clashes in Plateau State, dated 18 May 2004, states:

“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.”

“In February, 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.”

“State governor Dariye is accused of siding with the Tarok people based on religion. Christianity is the majority religion in Plateau state and Mr Dariye is reported to recently have encouraged Muslims to leave the state. Religious leaders not belonging to the two clashing peoples have increasingly become involved in the conflict.”

“Last week, the Plateau unrest started spreading to other Nigerian states. In the predominantly Muslim state Kano in northern Nigeria, large crowds on 11 May demonstrated against the attacks on fellow Muslims in Plateau. The protests soon turned violent against Christians. According to Christian leaders in Kano, over 600 people were killed and 12 churches burnt in two days.”

“In Kano, the state government has issued several curfew orders to control the escalating violence. Tension is reported to have eased somewhat during the weekend after local authorities have done their best in controlling the violence.”

“In Plateau, however, President Obasanjo was not convinced by the efforts of state authorities and traditional and religious leaders.”

“...We need to take serious steps to stem the tide of what has become a near-mutual genocide, President Obasanjo said, declaring the state of emergency. Retired General Chris Ali was appointed the new interim governor of the state for a period of six months. The federal President nevertheless will have ample powers in Plateau as long as the state of emergency is upheld.” [43]

6.72 The HRW report about the violence in Plateau and Kano States” states:

“The declaration of the state of emergency [in Plateau State] provoked strong reactions across Nigeria – far stronger, in fact, than the reactions to the massacre of hundreds of people in Yelwa or the continuing violence in Plateau State over the previous three years. Many organizations, including civil society groups and lawyers in Lagos, Abuja, and other cities far from Plateau State, denounced the move as unconstitutional and a violation of democracy. Within Plateau State, reactions quickly became polarized. Christians accused the president of being one-sided, complaining that he had only declared a state of emergency when Muslims were the victims; some suggested that in order to be even-handed, the president should also have declared a state of emergency in Kano in response to the May 2004 killings of Christians there. Many Muslims, on the other hand, received the news positively and interpreted it as a sign that the federal government was finally taking the situation seriously.” [22c] (p41)

“...As the situation remained relatively calm over the following months, some of the initial objections to the state of emergency gradually dissipated. Fears that the security forces would abuse their powers under the state of emergency by harassing or ill-treating the population did not materialize. Critics began to acknowledge that the state of emergency may have contributed to restoring

calm, at least temporarily, while reiterating their in-principle objections to the manner in which it was imposed.” [22c] (p41)

“On November 18, 2004, the state of emergency was lifted, and Joshua Dariye was returned to the post of Governor of Plateau State. Since then, the situation in Plateau State has remained relatively calm. The state of emergency might have played a part in restoring calm, or the violence may simply have run its course, as happened on earlier occasions, for example after the Jos 2001 crisis. However, the fundamental problems which gave rise to the conflict – in particular, the different communities’ longstanding grievances over the control of economic resources and political positions and the definition of ‘indigeneship’ – have still not been addressed in an effective or sustained way.” [22c] (p42)

- 6.73 A United Nations IRIN report, dated 18 May 2004, stated that the inter-religious communal violence that occurred in May 2004 in Plateau State was based on religious differences. [21c] In contrast, a BBC News Online report, dated 19 May 2004, states that the root causes of the violence that occurred in Plateau State in May 2004 were political and economic differences, rather than religious differences. The BBC report states that “Nigeria’s combination of poverty for the majority and wealth for the few makes it an ideal breeding ground for the sort of violence which led to a presidential order for a state of emergency to be declared in the centre of the country this week” and that “The violence this month in Plateau State is a consequence of the polarisation caused by earlier rounds of fighting and the underlying causes related to poverty and wealth.” [8b]

- 6.74 The HRW report about the violence in Plateau and Kano States” states:

“On May 11 [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.” [22c] (p50)

“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 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. A Muslim journalist commented that unlike previous outbreaks of violence in Kano, some of which had been more economically than religiously motivated, this time ‘they were just out to kill. The primary aim was killing. Looting was incidental.’” [22c] (p53)

“The victims were from many different ethnic groups, reflecting the diversity of the population of Kano. Most were Christians originally from different states in

Nigeria, but who had been living in Kano for some time. There were also a few Muslims among the victims.” [22c] (p54)

“...There were numerous reports of Muslims protecting and saving Christians from the attackers, or warning them in advance that there was likely to be violence and they should leave the area. In some cases, Muslims gave their Christian neighbors headscarves so that they could disguise themselves as Muslim women while fleeing to safer areas. In some instances, Muslims who had protected or tried to protect Christians were threatened by attackers.” [22c] (p54)

“On the basis of its own research, Human Rights Watch believes that around 200 to 250 people, and possibly more, were killed in Kano on May 11 and 12. Most of the victims of the violence were men, but a number of women and children were also killed, as illustrated by the testimonies in this report.” [22c] (p55)

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INCIDENTS OF VIOLENCE BETWEEN MILITANT ISLAMIC SECTS AND THE GOVERNMENT’S SECURITY FORCES

- 6.75 Incidents of violence took place between the Government’s security forces and militant Islamic sects during 2004 and 2005. These violent clashes were reported on by various news sources. BBC News Online reported on a violent incident, involving an Islamic sect called the Yan-Gwagwarmaya and Government security forces, that occurred in August 2004. The BBC report, dated 5 August 2004, stated:

“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.” [8k]

- 6.76 A United Nations IRIN report dated 6 January 2004 reported on violent clashes that took place between the Government's security forces and members of the Al Sunna wal Jamma militant Islamic sect. The report states:

"At least 10,000 people fled their homes in northeastern Nigeria over the past two weeks following clashes in the region between the security forces and armed Islamic militants, government officials said on Tuesday."

"Mohamed Powa, the head of Yobe State Emergency and Relief Materials Agency, told IRIN that more than half the population of Kanamma, a small town near the Niger border, which the militants briefly turned into their headquarters, has disappeared."

"Large numbers of people had also abandoned their homes in the nearby towns of Geidam, Babangida and Dankalawar, he added."

"Powa said the Yobe state authorities had begun distributing food, water and shelter materials to the displaced."

"The militants belonged to the Al Sunna Wal Jamma (Followers of the Prophet) movement, which has existed for at least two years and enjoys a following among university students in Maiduguri, the main city in northeastern Nigeria."

"The militants, who are seeking to create a fundamentalist Islamic state in Nigeria, are self-confessed admirers of the Taliban in Afghanistan. They flew flags bearing the word 'Afghanistan' during their brief occupation of Kanamma."

"A group of at least 200 militants attacked the police stations in Kanamma and Geidam, where they seized guns and ammunition, before a joint force of riot police and soldiers was sent to confront them."

"Following an initial confrontation with the security forces in Kanamma on 31 December [2003], 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."

"Yobe state governor Abba Ibrahim said on Monday [5 January 2004] that 10 people had died in the clashes – eight militants and two policemen. At least 10 Islamic militants had been captured and were undergoing police interrogation, he added." [21h]

- 6.77 A United Nations IRIN report dated 22 September 2004 reported on violent clashes that took place between the Government's security forces and members of the Al Sunna wal Jamma militant Islamic sect in September 2004. The report states:

"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 Cameroonian 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].” [21i]

- 6.78 A United Nations IRIN report dated 11 October 2004 reported on violent clashes that took place between the Government’s security forces and members of the Al Sunna wal Jamma militant Islamic sect in October 2004. The report states:

“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 Cameroonian 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.” [21j]

INCIDENTS OF VIOLENCE BETWEEN ISLAMIC SECTS

- 6.79 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.” [21g]

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VIGILANTE GROUPS

- 6.80 The Amnesty International (AI) report “Nigeria – Vigilante Violence in the South and South-East”, published in November 2002, states:

“The rise in crime and insecurity and the sense of low performance by the security forces has led to an expansion of vigilante groups at local and state

level. Armed vigilante groups carry out law enforcement activities in an ever-growing number of states with the tacit, and sometimes explicit, endorsement from the state governments, especially in the south-east of Nigeria.” [12e] (p1)

- 6.81 The Human Rights Watch (HRW) report “The O’odua People’s Congress: Fighting Violence with Violence”, published in February 2003, also states that the police are widely regarded by Nigerians as being ineffective in tackling crime. The HRW report states:

“Underlying all these vigilante groups’ ability to operate freely and without accountability is the fundamental inability of the national police force to perform its law enforcement functions effectively, and the consequent lack of public confidence in the police. For many years, the Nigerian police has suffered from a severe lack of resources, insufficient or inadequate training, poor pay and conditions, and widespread corruption. This has resulted in the perception on the part of the general public that it is futile to report crimes to the police, or expect any remedial action from them. All too often, the police are more likely to be involved in crime, corruption, and human rights violations themselves than to have the will or ability to solve these problems.” [22a] (p9)

- 6.82 According to the AI Report on vigilantes:

“The increasing incidence of crime since the end of the military regime has favoured the proliferation of heavily armed vigilante groups of various conditions and interests in nearly every corner of Nigeria. There is no pattern to define who creates them, and what they fight for or the methods they employ, and most importantly, there is not a clear code of conduct binding them, nor an official register of legal vigilante groups.”

“In the majority of cases, vigilante groups have their origin in political or militant organizations designed to ensure that the interests of specific ethnic groups in different parts of the country prevail. Such is the case of OPC (O’odua People’s Congress) created to promote the interests of the Yoruba ethnic group in south-west Nigeria, MASSOB (Movement for the Actualisation of the Sovereign State of Biafra) which claims to represent the Igbo ethnic group in eastern Nigeria or Egbesu Boys, based in the oil-producing Delta region, to protect the rights of the Ijaw ethnic group. With the general concern over crime, most of these groups have extended their scope to vigilante actions. Although none of the above-mentioned armed groups have been expressly endorsed by state governments, some state governments have failed to condemn their existence. On several occasions governors have expressed the convenience of counting on the vigilante activities of these groups to combat crime in their states, despite the fact that the majority of these groups, based on ethnic, religion or political lines, clearly seek to protect these interests rather than those of the community as a whole.” [12e] (p2)

- 6.83 Vigilantes have committed human rights abuses, according to the AI Report on vigilantes, which states that:

“Armed vigilante groups in Nigeria are reported to carry out extrajudicial executions and killings of suspected criminals and perpetrate acts of torture, cruel, inhuman and degrading treatment, unlawful detention and ‘disappearances’. Allegations of extortion, harassment, arson, destruction of public property or armed robbery are often made against members of these groups.” [12e] (p2)

- 6.84 With regard to how the federal government views vigilante groups, the AI Report on vigilantes states that:

“The position of the federal government towards armed vigilante groups remains unclear, since they are often regarded as an internal matter of the states and not as a federal issue. The police and the Armed Forces (both under the responsibility of the federal government) have been accused of inaction and neglecting to investigate, and when required, arrest and prosecute members of armed vigilante groups....In fact, although the police have arrested several members of vigilante armed-groups, the suspects are often released after a few months through the intervention of authorities of the state and their charges dropped before going to trial.” [12e] (p2)

- 6.85 Vigilante groups were active during 2004, according to the USSD 2004 Report, which states that:

“Killings carried out by gangs of armed robbers remained common during the year. In most southeastern states, state governments supported vigilante groups, the most well-known of which was the ‘Bakassi Boys,’ officially known as the Anambra State Vigilante Service. Like most vigilante groups, the Bakassi Boys sometimes killed suspected criminals rather than turn them over to the police. Although some killings continued, the influence of the Bakassi Boys and other vigilante groups in the Southeast diminished during the year.”

“Other organized vigilante groups continued to commit numerous killings of suspected criminals. For example, on May 14, a vigilante group in Yobe State killed a shop owner, claiming he had confessed to armed robbery. The same group killed two others, allegedly for being ‘godfathers’ to gangs of armed robbers. The Yobe State governor publicly praised the leader of the group, Sarkin Baka, for his actions.” [3a] (Section 1a)

VIGILANTE GROUPS AND THE POLICE

- 6.86 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)

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THE O’ODUA PEOPLE’S CONGRESS (OPC)

- 6.87 The Human Rights Watch (HRW) report “The O’odua People’s Congress: Fighting Violence with Violence”, published in February 2003, 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)

- 6.88 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)

- 6.89 The OPC appeals to people for a variety of reasons and people have joined the OPC for a variety of reasons. According to 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)

- 6.90 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)

- 6.91 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)

- 6.92 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)

- 6.93 The OPC has developed a close relationship with the state governors and other state government officials in the south western states, according to the HRW report on the OPC, which states:

“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)

- 6.94 Some state governors have approved of OPC vigilante activity, according to the HRW report on the OPC, which states:

“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)

- 6.95 Since 1999, federal government officials have periodically reiterated their opposition to the OPC, and instructed the police to suppress OPC activity. Despite this, the OPC has continued to function. According to the HRW report on the OPC:

“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)

- 6.96 Regarding the relationship between the police and OPC members, the USSD 2004 Report states:

“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, continued to be arrested and detained without trial. Some members were charged as armed robbers and tried accordingly. However, relations with [the] police continued to improve, and [the] OPC operated freely during the year [2004].” [3a] (Section 1d)

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THE BAKASSI BOYS

- 6.97 According to the AI report on vigilantes:

“The Bakassi Boys are named after the Bakassi Peninsula, an area disputed between Cameroon and Nigeria. The term is commonly applied to various vigilante groups operating mainly in Abia, Anambra and Imo states. These groups were originally created by groups of traders and other citizens to curb the upsurge in violent crime and armed robberies in their respective states.”

“....The extreme popularity of the so called Bakassi Boys at their inception is also related to their campaign to rid society of crime, but it also has a connotation of traditional cults; it is widely believed among the population in the area that these groups have extraordinary power and their members are bullet-proof by magic and virtually immortal.”

“....The Bakassi Boys of Anambra, Abia and Imo States are accused of carrying out extrajudicial executions, perpetrating acts of torture, cruel, inhuman and degrading treatment of alleged criminals and illegal detention with the endorsement of the state governments and the State of Assembly of their respective states.” [12e] (p3)

THE ANAMBRA STATE VIGILANTE SERVICE

- 6.98 The Anambra State Vigilante Service (AVS), commonly known as the Bakassi Boys of Anambra State, is a vigilante group that has official state recognition. According to the AI report on vigilantes:

“The Anambra State Vigilante Service is the first – and to-date only – armed vigilante group officially recognised by a state government in Nigeria through a bill enacted by the state governor. According to official sources from Anambra, members of the AVS are paid by the government of Anambra State – and hence, by the Nigerian state and taxpayers – and act ‘under strict supervision from the authorities of Anambra’.” [12e] (p4)

- 6.99 According to the AI report on vigilantes, the state law known as the AVS Act states that the vigilante group should not be armed and must hand every suspect it arrests straight to the police. According to the police, however, there are no known records of the AVS delivering those they apprehend into police custody. The AVS reportedly routinely execute persons they have arrested, without reference to the police or any judicial authority, when they think that the police will release a suspect they consider to be guilty. Hundreds of people of Anambra State are reported to have been extrajudicially killed by the AVS since it received official recognition. There have also been reports of the AVS subjecting people to torture, and other cruel or degrading treatment and illegal detentions. [12e] (p4 and 6)
- 6.100 According to the AI report on vigilantes, the police have often fallen short of their duties towards the Anambra State Vigilante Service. They consistently failed to arrest suspects from these armed groups and carry out investigations of the numerous alleged crimes committed by them. Some members of the police have clashed with AVS members on several occasions. [12e] (p5)

THE ABIA STATE VIGILANTE SERVICE

- 6.101 The AI report on vigilantes states that the Abia State Vigilante Service, also known as the Bakassi Boys of Abia, has been active in Abia State. At the time the AI report on vigilantes was published, this vigilante group had not been officially recognised by Abia State, although Abia State had not taken any action to stop their activities. The Bakassi Boys have reportedly been involved in human rights abuses and the police have taken some action to deal with these abuses. [12e] (p6)

THE IMO STATE VIGILANTE SERVICE

- 6.102 The AI report on vigilantes states that the Imo State Vigilante Service (ISVS) has been active in Imo State. This vigilante group has been recognised by Imo State legislative institutions but not directly by the state governor. It has reportedly been involved in human rights abuses and the police have taken some action to deal with these abuses. [12e] (p6-7)

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

- 6.103 An article from the “*Daily Sun*” (Nigeria) newspaper dated 18 August 2004 reported that:

“The Federal Government banned the movement in 2001, alleging that its activities threatened the peace and security of the country. Despite the ban, MASSOB has continued to pursue its campaign for self-determination. In June, 38 MASSOB members were arrested from different locations in the southeast following a tip-off and last year, some 40 members of the group, including its leader Ralph Uwazuruke, were taken to court.” [28]

“They were later released on the order of the court after a few months in detention.” [28]

6.104 The “*Daily Sun*” (Nigeria) newspaper report dated 18 August 2004 also reported that MASSOB had called on the more than 30 million people of the five Igbo-speaking states of Abia, Anambra, Ebonyi, Enugu and Imo to go on strike on 26 August 2004 to draw international attention to their cause. [28] According to a “*Vanguard*” (Nigeria) newspaper report dated 27 August 2004, Igbo traders across the country closed shops and markets on 26 August, in the south east and other parts of the country, in obedience to the directive from MASSOB. The police patrolled some areas but there were no reports of violence. [29]

6.105 The USSD 2004 Report states that:

“There were several politically motivated arrests during the year [2004]. For example, on May 27, 20 members of the Movement for the Actualisation of the Sovereign State of Biafra (MASSOB) were arrested in Ebonyi State and taken to Abuja, where they were held without charges until October, when they were charged with conspiracy to commit treason and released on bail. In September, 53 MASSOB members were arrested in Lagos, but charges were not filed; most were released by year’s end.” [3a] (Section 1d)

6.106 The British-Danish FFM Report states that:

“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.”

“...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)

6.107 The same FFM Report also states:

“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 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)

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WOMEN

6.108 The USSD 2004 Report states that:

“Women also experienced considerable discrimination. While there are no laws barring women from particular fields of employment, women often experienced discrimination through customary and religious practices. The Nigerian NGOs Coalition expressed concern about 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 each 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)

6.109 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.”

“Violence and discrimination against women and the girl child is illegal in Nigeria and there are proposals to strengthen further the laws. There is a new Bill before the National Assembly specifically on violence against women. The Convention on the Rights of the Child has been incorporated into Nigerian law in the Child Rights Act. Some Nigerian States have passed their own State laws against female genital mutilation and violence against women.”

“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.” [2b] (p2)

DOMESTIC VIOLENCE

6.110 The USSD 2004 Report states that:

“Domestic violence was widespread and accepted by both men and women. Reports of spousal abuse particularly wife beating were common. Police normally did not intervene in domestic disputes, which seldom were discussed publicly. The Penal Code 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 traditional areas of the country, courts and police were reluctant to intervene to protect women who formally accused their husbands 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 agree 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)

6.111 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.” [12g] (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.” [12g] (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.” [12g] (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.” [12g] (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.” [12g] (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.” [12g] (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.” [12g] (p7)

RAPE

6.112 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.’ [Italics] (Section 357).” [12g] (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’ [italics]) 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.” [12g] (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.” [12g] (p27)

STATE PROTECTION FOR VICTIMS OF DOMESTIC VIOLENCE AND RAPE

6.113 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.” [12g] (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.” [12g] (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.” [12g] (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.” [12g] (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.” [12g] (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.” [12g] (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.” [12g] (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.” [12g] (p24)

- 6.114 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.” [2b] (p2)

- 6.115 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.” [2b] (p4)

- 6.116 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 and rape. 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.” [2b] (p9)

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CUSTOMS AND LAWS RELATING TO MARRIAGE

- 6.117 The British-Danish FFM Report states that:

“There are four legal forms of marriage in Nigeria and different procedures for marriage and dissolution apply to each category.

- Islamic (Maliki [italics] school of law)
- Christian
- Civil (statutory law)

- Customary (tribal/traditional)

According to BAOBAB Muslim personal law in northern Nigeria is generally practised in preference to statutory law. Muslims very rarely choose to marry under statutory law. In the southern parts of Nigeria marriage under statutory law is much more common. However, throughout Nigeria, other than where Muslim law is applied, it is generally the various customary laws that govern personal matters – even when couples have married under statutory law.” [15] (p68)

- 6.118 Regarding the various type of marriages, the British-Danish FFM Report states that:

“According to the Visa Section, the BHC, the rules, which apply to Islamic marriages in Nigeria, are the same as elsewhere in the Islamic world. A man may take a maximum of four wives. Normally no marriage certificate will be issued, but an Imam on request will issue such a document.” [15] (p69)

“...According to the Visa Section, BHC, polygamy is not permitted in Christian Nigerian marriages. For the marriage to proceed, both parties must be baptised, and the woman is often required to take a pregnancy test. A marriage certificate will be issued in all cases.” [15] (p70)

“...According to the Visa Section, BHC, registry offices conduct civil marriages. A certificate is issued in every case. Either party may file for a divorce on various grounds i.e. separation, unreasonable behaviour, infidelity, irreconcilable breakdown. The court deals with such files. A certificate of divorce is issued in all cases.” [15] (p70)

“According to the Visa Section, BHC, there is no upper limit to the number of wives a man may take under tribal custom. An elderly, respected male member of the community, normally a member of the bride’s family, performs the marriage ceremony.” [15] (p71)

“The issue of customary marriages is complicated since no marriage certificate is issued, or even obtainable. Either party may seek to dissolve the marriage for any reason. This would simply require the agreement of the official at the wedding, or the local chief. No certificate of divorce is either issued or obtainable.” [15] (p71)

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

“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)

CUSTOMS AND LAWS RELATING TO DIVORCE

- 6.120 Women who leave their husbands may encounter problems as a consequence of this action. The Asylum Aid (UK) “Refugee Women and Domestic Violence: Country Studies – Nigeria” report, published in 2003, states:

“A woman who wished to leave her husband because of violence, or who was separated or divorced, would face multiple problems in Nigeria. These include social stigma and ill-treatment as a divorced woman, rejection by the family, possible loss of custody of her children, difficulty in supporting herself financially, discrimination in employment (especially in states implementing Shari’a), lack of property and land and inadequate access to education and health services.” [9] (p50)

- 6.121 The Asylum Aid report also states that the legal rights of widows vary, depending on whether their marriage was civil, Islamic or customary and on whether their marriage was monogamous or polygamous. In general, women who were in monogamous, statutory marriages have greater legal protection. Widows who were in polygamous, customary law marriages, however, have no formal legal protection. Their rights are determined by customary law, and under customary law, widows do not enjoy the right of inheritance to their husband’s estate. [9] (p34-35)

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FEMALE GENITAL MUTILATION

- 6.122 Female genital mutilation (FGM) is a cultural tradition that is widely practised in Nigeria. The USSD 2004 Report states:

“The NDHS [Nigeria Demographic and Health Survey], estimated the FGM rate at approximately 19 percent among the nation’s female population, and the incidence has declined steadily in the past 15 years. While practiced in all parts of the country, FGM was much more prevalent in the southern part of the country. 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 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.” [3a] (Section 5)

- 6.123 The Government publicly opposes the practice of FGM but there are no federal laws banning FGM throughout the country. Some states, however, have banned the practice of FGM. The USSD 2004 Report states:

“The Federal Government publicly opposed FGM; however, it took no legal action to curb the practice. There were no federal laws banning FGM. Because of the considerable problems that anti-FGM groups faced at the federal level, most refocused their energies to combat FGM at the state and LGA [local government area] levels. Bayelsa, Edo, Ogun, Cross River, Osun, and Rivers States have banned FGM. However, once a state legislature criminalized FGM, NGOs found that 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; however, they had limited contact with health care workers on the medical effects of FGM.” [3a] (Section 5)

6.124 Regarding the practice of FGM, the British-Danish FFM Report states:

“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)

6.125 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)

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

“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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CHILDREN

- 6.127 Nigerian children are exploited and abused in different ways and for different reasons. The USSD 2004 Report states:

“Cases of child abuse, abandoned infants, child prostitution, and physically harmful child labor practices remained common throughout the country. The Government criticized child abuse and neglect but did not undertake any significant measures to stop customary practices harmful to children, such as the sale of young girls into marriage. There were credible reports that poor families sold their daughters into marriage as a means to supplement their incomes. Young girls sometimes are forced into marriage as soon as they reach puberty, regardless of age, to prevent the ‘indecent’ associated with premarital sex or for other cultural and religious reasons. Human rights groups reported an increase in sexual assaults and rapes of young girls, especially in the North, and attribute the increase to a fear of AIDS and a resulting desire for young virgins.” [3a] (Section 5)

CHILD LABOUR

- 6.128 There is an active and extensive trade in child labourers in Nigeria. The USSD 2004 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 agricultural or domestic work. The law states that children may not be employed in agricultural or domestic work for more than 8 hours per day. Apprenticeship of youths at the age of 13 is allowed under specific conditions.”

“...A Ministry of Employment, Labor and Productivity unit dealt with child labor problems, as well as an inspections department whose major responsibility included enforcement of legal provisions relating to conditions of work and protection of workers; however, there were fewer than 50 inspectors for the entire country, and the Ministry conducted inspections only in the formal business sector, where the incidence of child labor was not a significant problem. NAPTIP bears some responsibility for enforcing child labor laws. The agency reportedly received no complaints of child labor, although it did pursue cases of trafficking in children.”

“Private and government initiatives to stem the incidence of child employment continued but were ineffective. The Government implemented the ILO/IPEC West Africa Cocoa Agriculture Project in the cocoa and other agricultural sub-sectors to combat hazardous child labor and to prevent the child trafficking for labor exploitation. Several programs by NGOs and international organizations worked to address child labor in the country.” [3a] (Section 6d)

CHILD MARRIAGE

- 6.129 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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HOMOSEXUALS

HOMOSEXUAL PRACTICES AND THE LAW

- 6.130 The 1999 International Lesbian and Gay Association World Legal Survey on homosexuality states that, according to Article 214 of the Nigerian Penal Code, 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. Maximum penalties for non-consensual acts are the same as for consensual acts. Lesbianism and lesbian sexual acts are not mentioned in Nigerian criminal law. [23] The USSD 2004 Report states that: "Homosexuality is illegal under federal law; homosexual practices are punishable by prison sentences of up to 14 years. In the 12 northern states that have adopted Shar'ia, adults convicted of having engaged in homosexuals intercourse are subject to execution by stoning, although no such sentences have been imposed." [3a] (Section 5)

6.131 The British-Danish FFM Report states:

"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 [italics] 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 [italics] 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 [italics] law. Obiagwu referred to a case concerning Jibrin Babaji who was sentenced to death by stoning in September 2003 by a Shari'a [italics] 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)

6.132 According to a newspaper report published by "*The News*" of Lagos on 22 April 2002, 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. According to the report, 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. [24]

6.133 A United Nations IRIN report dated 7 May 2004 reports on the appearance of gay rights groups at the country's fourth national AIDS conference in Abuja, in May 2004. According to the report, one of the gay rights groups, Alliance Rights, called on fellow Nigerians to recognise and protect Nigeria's gay community. The report also states that the Nigerian gay community has been largely forgotten about when it comes to AIDS awareness campaigns, which have always focused on preventing the spread of the HIV virus through heterosexual relationships. 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. [21k]

SOCIETAL ATTITUDES TO HOMOSEXUALITY

- 6.134 Regarding societal attitudes to homosexuality in Nigeria, a Norwegian 2004 Fact-Finding Mission 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.” [37] (p16)

“....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 shar’ia 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)

- 6.135 The British-Danish FFM Report states:

“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.”

“....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.”

“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)

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SECRET SOCIETIES

- 6.136 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 varities 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)

THE OGBONI SOCIETY

- 6.137 Information obtained from a letter written by Mr Akintunde Oyetade (School of Oriental and African Studies), dated 12 March 1998, indicates that the title

‘Ogboni’ is only conferred on the elders, i.e. senior members of the society. These are usually men but women have traditionally been included to represent the interests of women in the community. Membership of the society is usually, but not always, passed through patrilineal descent. The Ogboni traditionally played a significant role in Yoruba religion and society, and were involved in the installation of new kings. Historically, an Ogboni could be said to have combined the powers of a local magistrate with those of a member of the local government and a religious leader. The Ogboni have engaged in animal sacrifice. There is no firm evidence to suggest that they engaged in human sacrifice. In the event that a king abused his power, however, they could compel him to commit suicide. They could also impose sanctions against other members of the community if they believed that these were justified. The Ogboni are reputed to threaten its members with death should they break their oath of secrecy regarding its rituals and beliefs. It is still regarded as being a powerful organisation throughout Nigeria. The Ogboni is believed to be a purely Yoruba cult, but there are a number of Yoruba sub-tribes who also may be involved. [4]

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STUDENT SECRET CULTS

- 6.138 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 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.” [36] (p79)

“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.” [36] (p79)

REASONS WHY STUDENTS JOIN CULTS

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

“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’ (Eneji 1996). Still others may join because of the need for financial assistance, to secure girl friends or for self protection (Ogunbameru 1997). Some students are also attracted to cultist groups because they are seeking after meaning, direction, comfort and love (Omotunde 1984). 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 (Omotunde 1984). 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.” [36] (p82-83)

RECRUITMENT AND INITIATION

6.140 The Adewale Rotimi report about student secret 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.” [36] (p84)

CULT ACTIVITIES

6.141 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.” [36] (p84)

“On different campuses across the country, cults were in the forefront of promoting law and order.” [36] (p85)

“...Unfortunately, however, from the beginning of the 1980's, the activities of Confraternities became virulently violent and secrecy became their ways 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.” [36] (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.” [36] (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.” [36] (p85)

INCIDENTS OF VIOLENCE

6.142 There were reports of student cult-related violent incidents in 2004 and in 2005. A “*Daily Champion*” (Nigeria) newspaper report, dated 30 August 2004, reports that 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 [25]. A BBC News Online report, dated 10 March 2005, reported that at least ten students had died in violent clashes between rival cult gangs at the Ambrose Alli University in Ekpoma. The BBC report further states that “One of the Ambrose Alli cults is alleged to have hired mercenaries from another university to carry out the killings which were done in broad daylight over a period of four days.” [8j]

6.143 According to a Norwegian 2004 Fact-Finding Mission 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 and 15)

- 6.144 Members of secret cults who have been threatened or harassed by other cult members, or who have been subject to violent attacks, can seek protection from the police. The British-Danish FFM Report states that:

“A senior representative of the IGP explained that 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)

6.145 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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REFUGEES IN NIGERIA

6.146 Nigeria accepts refugees into the country and co-operates with the UNHCR and other humanitarian organisations in giving assistance to refugees. The USSD 2004 Report states:

“The law provides for the granting of asylum and refugee status to persons in accordance with the 1951 U.N. Convention Relating to the Status of Refugees, and its 1967 Protocol, and the Government has established such a system for providing protection to refugees. In practice, 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 co-operated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers through the National Commission for Refugees (NCR), its Federal Commissioner, and the National Emergency Management Agency NEMA. 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. The Committee met in January and July. The Committee granted 238 asylum seekers refugee status; cases were rejected, with 900 cases pending at year’s end.” [3a] (Section 2d)

“There were an estimated 9,000 recognized refugees living in the country. During the year, 1,017 refugees were repatriated to Liberia and Sierra Leone. Remaining refugees included others from Sierra Leone, Liberia, Chad, Rwanda, and the Democratic Republic of the Congo. Refugee camps were generally overcrowded, and refugees’ requests for police and judicial assistance generally received less attention. The National Commission for Refugees

managed the camps and had 10 staff members based in the camps.”
[3a] (Section 2d)

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INTERNALLY DISPLACED PERSONS

6.147 The USSD 2004 Report states:

“During periods of ethno-religious violence, numerous persons were displaced from their places of residence. According to Amnesty International, tens of thousands of persons were displaced in the Niger delta region during the year [2004] due to continued ethnic and communal conflict. In May and June, reprisals to root out criminal groups displaced many persons, primarily from Ijaw villages. In June through September, gang fighting in Port Harcourt resulted in thousands of displaced persons. In August, as the result of an improved although still tenuous security situation in Delta State, persons displaced by violence in 2003 began returning to some parts of Warri. However, the majority of persons displaced in 2003 had not returned by year’s end.” [3a] (Section 2d)

6.148 The Global IDP Project “Internal displacement in Nigeria: a hidden crisis” report, published on 1 February 2005, states:

“While ethno-religious conflict is endemic in Nigeria – with at least 10,000 people killed and an estimated 800,000 internally displaced since military rule ended in 1999 – the past year has witnessed an alarming upsurge in the level of violence and its impact on civilians. Almost one year after spiralling violence between mainly Muslim cattle herders and Christian farmers in central Plateau state left possibly more than 1,000 people dead and 258,000 temporarily displaced, many of those who fled are still too scared to return. Although a six-month state of emergency in Plateau – imposed by President Olusegun Obasanjo in May 2004 to stem the ‘near mutual genocide’ between Muslims and Christians – was lifted in November [2004], many fear this might still foreshadow a return to the cycle of revenge attacks that previously spread to other areas of the country, including the northern city of Kano.” [42] (p4)

“Some 3,000 IDPs remain in camps in neighbouring Bauchi and Nassarawa states, and many more are effectively hidden within host communities. The issue of data is extremely problematic, as there has been no systematic registration or verification of numbers of internally displaced and the Nigerian government itself admits that figures are often ‘grossly misleading’. Estimates of the number of people internally displaced by the 2004 Plateau state crisis range from 40,000 to 258,000. Some of those displaced have integrated into local communities; some have joined relatives in other states, while others are being officially resettled, particularly in Bauchi state. Although some have returned to try to salvage what they can of their homes, few have the means to start rebuilding. Lack of shelter is a major obstacle to return.” [42] (p4)

“The immediate humanitarian needs of IDPs from Plateau state – principally medical treatment, shelter, food and water/sanitation – were adequately addressed through a combination of humanitarian stakeholders, albeit in a rather ad hoc and uncoordinated fashion. But as in previous displacement crises in Nigeria, the longer term needs of IDPs have been given scant attention. Since the immediate crisis in the Yelwa area of Plateau state died

down after May 2004, humanitarian assistance has been virtually non-existent. Medecins Sans Frontieres is the only relief agency present in the area, providing basic health services as well as trauma counselling. Many people witnessed relatives being mutilated and killed, and hundreds of mainly women and girls were abducted. Some were raped, although this has not been well documented. Many were visibly suffering from post-traumatic stress syndrome....” [42] (p4)

“Assistance for return and reintegration is the most pressing need of IDPs in Nigeria. This should include not only physical rehabilitation of homes, public buildings and infrastructure, but also support for peace and reconciliation initiatives, especially at the grass-roots level....Although the Nigerian 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....” [42] (p4-5)

6.149 The Norwegian 2004 Fact-Finding Mission Report on Nigeria states that:

“The ICRC said that the internally displaced are either absorbed fairly quickly in the communities they go to, or they return after a while to the area they left. Informal networks and solidarity contribute to the situations returning to near normalcy after a while.” [37] (p19)

“According to the UNHCR representative, the Nigerian National Commission for Refugees has a mandate for internally displaced persons, not only from refugees from neighbouring countries, and Nigeria is preparing a national policy concerning IDPs.” [37] (p19-20)

“The Nigerian Red Cross pointed to internal flight as a common strategy to escape situations of conflict. In cases where the numbers of people in need of shelter and assistance are larger than what can be absorbed by a local community, the state or federal authorities, local NGOs, religious congregations, charities, etc, try to assist. In such situations, public buildings like schools may be turned into temporary accommodation.” [37] (p20)

“UNHCR[‘s] local representative stressed that very few Nigerians have registered with UNHCR in neighbouring countries as refugees, the exception being some 12000 ethnic Tivs crossing the border from Taraba State into Cameroon after the riots in the Midbelt since 2000 – there are now plans for repatriating them to Nigeria.” [37] (p20)

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Non-Governmental Organisations (NGOs) AND HUMAN RIGHTS ORGANISATIONS

6.150 The USSD Report 2004 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 past human rights record was abundant in various media. Human rights activists

continued to complain that President Obasanjo and members of his Government did not meet with them as frequently as they did during the early years of his first administration.” [3a] (Section 4)

“....The ICRC was active, with offices in Abuja and Lagos under the direction of a regional delegate. Its primary human rights activities during the year involved training prison officials on human rights, sanitation, and prisoner health.” [3a] (Section 4)

“The NHRC, which was tasked with monitoring and protecting human rights in the country, enjoyed greater recognition by and cooperation with NGOs and worked to establish its credibility as an independent monitoring body. The NHRC was chaired by retired justice Uche Omo, included 15 other members, and had zonal affiliates in each of the country’s 6 political regions. Since its inception, the NHRC has been underfunded. The NHRC was a member of the International Coordinating Committee of the National Human Rights Institutions (ICC).” [3a] (Section 4)

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TRADE UNION ACTIVISTS

6.151 The Economist Intelligence Unit’s 2005 Country Profile on Nigeria states that:

“The trade union movement, once a powerful force that successive governments were wary of antagonising, was weakened during the 1990s by unemployment, falling real wages and poor leadership. Following the collapse of the 1994 pro-democracy strikes, General Abacha emasculated the labour movement by replacing the leaders of the militant oil unions and the umbrella union body, the Nigerian Labour Congress (NLC), with state-appointed administrators. The unions regained their independence shortly after General Abubakar came to power in June 1998.” [10] (p11)

“However, it is in the last few years that the unions have really re-emerged as a major political force, coalescing support around the controversial issue of domestic fuel price rises, and on three occasions the administration was forced to partially reverse the new price levels. Growing increasingly frustrated by the way that the NLC has used the sensitive issue of fuel to block government policy, despite the ruling PDP’s overwhelming majorities in the National Assembly, in September 2004 the Senate passed a bill that severely weakens the unions’ sources of funding and ends the monopoly of the NLC as the sole central labour organisation. This, and the fact that the issue of domestic fuel prices is still unresolved, means that confrontation between the government and the unions could well rise in 2005.” [10] (p11)

6.152 The British-Danish FFM Report states:

“Utomi [Lagos Business School] and Momoh [Channels Television] both considered that prominent and very vocal members of trade unions and other civil society organisations might be at risk of persecution.” [15] (p21)

“Professor Utomi believed that when a government is losing its legitimacy it turns its focus on groups that are critical of the government. Leaders of civil society organisations and trade unions in Nigeria who can mobilise anti-

government support are at risk of arrest and detention. It is however only the leadership [who are] at risk, ordinary members, supporters of those associated with them are not at risk of persecution by state agents. Only persons that are 'very, very active' would be at risk of persecution. It was explained that when the government consider that the organisational and mobilising capacity of a person can pose a threat to its legitimacy it might persecute or intimidate that person." [15] (p21)

"Momoh regretted the recent arrest of Adams Oshiomhole, the outspoken president of the Nigeria Labour Congress (NLC), and stated that he personally appreciated the actions of the NLC." [15] (p21)

"Professor Utomi also commented [on] the recent arrest of Oshiomhole who was arrested in public and detained without any reason by the SSS at Abuja airport during the recent national strike. Professor Utomi considered the arrest as politically motivated and a very clear human rights problem – even though he himself is a close friend of the head of the SSS. The head of the SSS is a political appointee who reports directly to the president." [15] (p22)

"British Broadcasting Corporation (BBC) reported that Oshiomhole was arrested early on 9 October 2004. According to a press release by [the] NLC 'Mr Oshiomole [sic] was arrested at gunpoint at 8.30 am on Saturday 9 October at Nnamdi Azikiwe Airport, Abuja, as he was about to board a flight for Lagos. About 15 officers of the State Security Service (SSS) took part in the operation, during which Mr Oshiomole [sic] was wrestled to the ground, dragged along the tarmac and then forced into a car which had no licence plates. His jacket was torn and he sustained severe bruising to both knees and his left arm - now in a sling further to hospital treatment - as a result....The SSS claim that the arrest was a 'misunderstanding' and that Mr Oshiomole [sic] was released shortly afterwards. The NLC informs us that he was not released until 6 p.m. that evening. Nor do they believe it was a misunderstanding. Their view is that it was an attempt at intimidation, in retaliation at the day before of a four-day general strike seeking the reversal of petrol price rises...." [15] (p22)

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6C. HUMAN RIGHTS - OTHER ISSUES

CORRUPTION

6.153 A "*Guardian*" newspaper (Nigeria) article, dated 2 November 2004, states that Transparency International has described Nigeria as one of the world's most corrupt countries and corrupt practices are reported to be endemic in the country. The article also acknowledges that the Government is concerned about the problem and has taken some anti-corruption measures. The article states:

"The 2004 Corruption Perceptions Index, released the other day by Transparency International (TI), the watchdog on global corruption, ranks Nigeria as the third most corrupt country in the world. In 2003, the organisation ranked Nigeria second, a one-step improvement from the previous position as the most corrupt country in the world."

“In the last three years of the Obasanjo administration, Nigeria’s ranking in the global corruption index has moved from the first to the third most corrupt country in the world, behind Bangladesh and Haiti....At the same time, Transparency International’s chairman, Dr Eigen, issued a statement describing the new President as ‘courageous and highly-principled anti-corruption fighter’ whose victory ‘bodes well for the future of all Nigerians.’ “

“Nevertheless the Obasanjo administration responded almost immediately to the TI report by describing it as unfair to Nigeria. Minister of Finance Ngozi Okonjo-Iweala, faulted the methodology employed by Transparency International, which she claimed did not recognise countries like Nigeria that are undertaking reforms. The government has introduced procurement and contract reforms, international bidding and total competitive bidding. It has also established anti-corruption agencies, particularly the Economic and Financial Crimes Commission (EFCC) and the Independent Corrupt Practices Commission (ICPC). Since corruption is systemic in the country these measures would take time to bear fruit. But, at least, the administration has recognised the problem and is taking action against it. The government, she emphasised, is committed to curbing the incidence of corruption in the country.”

“We believe that the government’s attempt to question Transparency International’s methodology is diversionary; it ignores the substance and chases shadows. The organisation’s methodology does not in any way eliminate the obvious fact that corruption is endemic in this country.”

“It is no longer necessary to list the numerous instances of corruption in our country. Suffice it to say that the report on the 2001 financial year which the former Auditor-General, Mr Vincent Azie, submitted to the National Assembly, cataloguing the numerous instances of financial recklessness and corruption in all sections of the public service, including the Presidency, provided ample proof of the pervasiveness of corruption in spite of the government anti-corruption program.” [41]

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

“Corruption in Nigeria is endemic. You cannot have access to political power if you are not somehow related to powerful business people or a rich businessman yourself. One part of what we call corruption is actually built into the system; everyone is aware of it and can act accordingly. Such is the case with a salary being twice of what is says on the payroll, or the fee for a passport being double than what is says on the form. Another, more serious and damaging form of corruption is embezzlement of public funds, which continues unabated under Obasanjo.”

“This means that with few exceptions there is no relevant public spending neither on the state level nor on the federal level. Neither are there enough public funds. The state budget and the federal budget were robbed both under Abacha and under Abubakar. Except for Abacha’s son and maybe three or four members of the Abacha regime, there have been no consequences for those responsible. With some members of the Abacha family, Obasanjo struck an agreement that they would have to pay back some of the money they had embezzled....” [31] (p143)

- 6.155 An article by Osita Agbu, published in *“West Africa Review”* in 2003, also states that corruption is endemic in Nigeria and 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]

- 6.156 The British-Danish FFM Report states that:

“Professor Pat Utomi, Lagos Business School, Pan-African University, Lagos who is a well-known commentator in the Nigerian media, said that there is genuine commitment and desire by the President to end corruption in the

country – Nigeria being rated the third most corrupt country in the world in year 2004 by Transparency International. Professor Utomi chaired a Presidential Committee to review systems of integrity in state institutions. The committee had high-level membership and included Transparency International. In practice however action in dealing with the problem has been very slow and none of the committee's recommendations have not yet [sic] been implemented.” [15] (p6)

THE USE OF FORGED DOCUMENTATION

- 6.157 It is easy to obtain forged documentation in Nigeria and it is also easy to obtain genuine official documents in Nigeria that contain false information. The Norwegian 2004 FFM Report states that:

“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)

- 6.158 Regarding forged and falsified documentation, the British-Danish FFM Report states that use of these type of documents is widespread in Nigeria. The report states:

“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)

- 6.159 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, which states:

“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).

ORGANISED CRIME

- 6.160 The Economist Intelligence Unit’s 2005 Country Profile on Nigeria states that:

“Nigeria has in recent years become synonymous with organised drug-trafficking groups, international prostitution networks, money-laundering and ‘419 scams’. (419 scams involve unsolicited letters being sent to individuals to ask for the use of a bank account and for money to be sent to Nigeria to help to release funds, of which a percentage will then be paid to the person who has helped to release the funds. The person receives nothing. The swindle is named after the relevant section of the Nigerian penal code.) Although each is a problem in its own right, together they do not pose a specific threat to conducting business in Nigeria. The civilian government is committed to tackling all these problems – in November 2003 the president, Olusegun Obasanjo, inaugurated a committee headed by his national security adviser to fight 419 internet fraud – but it is constrained by lack of resources and other more pressing problems. Progress is likely to be slow.” [10] (p15)

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THE BAKASSI PENINSULA DISPUTE WITH CAMEROON

6.161 A United Nations Chronicle 2004 report states:

“In 1994, Cameroon asked the ICJ [International Court of Justice] to rule on a dispute ‘relating essentially to the question of sovereignty over the oil-rich Bakassi Peninsula’, which it declared was under military possession by Nigeria, and to settle the maritime boundary between the two countries. On 10 October 2002, citing a 1913 agreement between Germany and the United Kingdom, as well as the Thomson-Marchland Declaration of 1929-1930, the ICJ decided to award sovereignty rights of the Bakassi Peninsula to Cameroon. In response to this decision, Nigeria asserted that the judgement did not consider ‘fundamental facts’ about the Nigerian inhabitants of the Peninsula, whose ‘ancestral homes’ the ICJ ruled to be in Cameroonian territory.”

“Before the ruling, on 5 September 2002, the Secretary-General met in Paris with Nigerian President Olusegun Obasanjo and Cameroonian President Paul Biya to discuss the Peninsula. Both Presidents agreed to respect and implement the decision of the ICJ and to establish an implementation mechanism, with the support of the United Nations. They also agreed on the need for confidence-building measures, including demilitarization of the Peninsula, and recognized that the issue needed to be considered in the wider context of the overall relationship between the two countries. Both were determined to restore neighbourly relations and discussed the possibilities of cooperation in the economic field, including joint ventures.”

“A second meeting between the Secretary-General and the two Presidents was held in Geneva on 15 November 2002, during which they agreed to establish the Mixed Commission, comprising representatives from Nigeria and Cameroon, to handle differences and consider all implications and ways of following up the ICJ ruling. The Commission, which is chaired by the Special Representative of the Secretary-General for West Africa, Ahmedou Ould-Abdallah, is charged with demarcating the land boundary and making recommendations on confidence-building measures, including the development of joint venture projects, troop withdrawals along the boundary, demilitarization of the Peninsula and reactivation of the Lake Chad Basin Commission.” [11]

6.162 A United Nations IRIN report dated 24 October 2004 stated that:

“Nigeria has failed to agree on a new date for handing over the disputed Bakassi peninsula to Cameroon after refusing to withdraw from the potentially oil-rich territory by the original deadline of 15 September [2004], the UN mediator in the border dispute has announced.”

“The UN Office for West Africa (UNOWA) said the latest meeting of the Cameroon-Nigeria Mixed Commission in Abuja on 21 and 22 October [2004] had simply referred the issue to the heads of state of the two countries and UN Secretary-General Kofi Annan.”

“The issue of the modalities of withdrawal and transfer of authority in the Bakassi Peninsula as earlier agreed was discussed. After deliberation on the

issue and as a result of divergence of views, the Mixed Commission decided to refer the matter to the heads of state of Cameroon and Nigeria and the Secretary General of the United Nations,' UNOWA said in a statement."

"....The Bakassi peninsula is home to several thousand farmers and fisherman, most of whom fervently support continued Nigerian ownership of the territory."
[21d]

6.163 The Economist Intelligence Unit's 2005 Country Profile on Nigeria states that:

"Nigeria's relations with neighbouring countries have been generally good, although there is an ongoing territorial dispute with Cameroon over the oil-rich Bakassi Peninsula. After sporadic armed clashes between the two countries, the case was brought to the International Court of Justice (ICJ), which ruled in 2002 in favour of Cameroon. As part of the ruling, in December 2003 Nigeria began to hand over 33 villages in the Lake Chad region to Cameroon, which, in turn, returned a village to Nigeria. However, the Nigerian government missed the September 2004 agreed deadline for withdrawal, and by the end of 2005 no new date had been set for the handover. Observers believe that the Nigerian government is delaying matters because of fierce opposition to the transfer from Nigerian residents in Bakassi...." [10] (p12)

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Annex A: Chronology of major events [1][2][3c][8e]

- 1861** Great Britain consolidates its hold over what it calls the Colony and
-1914 Protectorate of Nigeria, and governs indirectly through local leaders.
- 1922** Part of former German colony Kamerun is added to Nigeria under a League of Nations mandate.
- 1947** A new constitution establishes a federal system of government.
- 1954** The Federation of Nigeria becomes self-governing.
- 1960** Nigeria becomes an independent country. Sir Abubakar Tafawa Balewa becomes Nigeria's first Prime Minister, leading a coalition government.
- 1962-63** Controversial census fuels regional and ethnic tensions.
- 1966** **January:** Balewa killed in coup. Major-General Johnson Aguiyi-Ironsi heads up military administration.
July: Ironsi killed in counter-coup, replaced by Lieutenant-Colonel Yakubu Gowon.
- 1967** Three eastern states secede as the Republic of Biafra, which sparks off a civil war (the Biafran War).
- 1970** Biafran leaders surrender, former Biafran regions reintegrated into country.
- 1975** Gowon overthrown, flees to Britain, replaced by Brigadier Murtala Ramat Mohammed, who begins process of moving federal capital to Abuja.
- 1976** Mohammed assassinated in coup attempt. Replaced by Lieutenant-General Olusegun Obasanjo, the Chief-of-Staff of the armed forces, who helps introduce an American-style presidential constitution.
- 1979** Elections bring Alhaji Shehu Shagari to power.
- 1983** **August to September:** Shagari wins the presidential election and begins a second presidential term.
December: Major-General Muhammad Buhari seizes power in bloodless coup.
- 1985** **August:** Ibrahim Babangida seizes power in a bloodless military coup, curtails political activity.
- 1990** **April:** coup attempt by Major Gideon Orkar is suppressed. Orkar was arrested, together with about 300 other military personnel, and more than 30 civilians. In July, Orkar and some other prisoners were convicted by a military tribunal, of conspiracy to commit treason, and later in July, Orkar and 42 other prisoners were executed.
- 1991** **December:** the seat of the federal government was formally transferred from Lagos to Abuja. Gubernatorial and state assembly elections take place.

- 1992** **May:** widespread rioting in response to a sharp increase in transport fares, resulting from a severe fuel shortage, which culminates in demonstrations demanding the resignation of the government. The unrest was violently suppressed by the security forces.
July: National Assembly elections take place.
December: bicameral national assembly was formally convened in the new federal capital of Abuja.
- 1993** **June:** the military government annuls a presidential election, when preliminary results clearly show a victory by Chief Moshood Abiola.
November: Ernest Shonekan resigns as the Head of State and power is transferred to General Sani Abacha.
- 1998** Abacha dies, succeeded by Major-General Abdulsalami Abubakar.
- 1999** Parliamentary and presidential elections take place. Olusegun Obasanjo wins the presidential election and is sworn in as president.
- 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.
- 2001** **October:** army soldiers were sent to quash the fighting kill more than 200 unarmed civilians, apparently in retaliation for the abduction and murder of 19 soldiers.
 Also in 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.
- 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 southwest. Thousands flee their homes. The city's governor suggests retired army officials stoked the violence in an attempt to restore military rule.
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, but the sentence provoked an international outcry including a plea for clemency from the European Union.
October: The International Court of Justice awards the disputed Bakassi peninsula to Cameroon. The Nigerian and Cameroonian governments form a Mixed Commission, with UN assistance, to resolve the Bakassi territory dispute.
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.
- 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.
19 April: first civilian-run presidential elections since end of military rule. Olusegun Obasanjo elected for second term with more than 60 percent of the vote. Opposition parties reject result.

July: nationwide general strike called off after nine days after government agrees to lower recently-increased fuel prices.

August: violence between Ijaw and Itsekiri people in Delta town of Warri kills about 100 people, injures 1,000.

September: an Islamic appeals court in the northern state of Katsina acquitted a woman, Amina Lawal, who had been sentenced to death by stoning for alleged adultery.

2004 March: spate of high-profile political killings and attacks by armed bandits in run-up to local elections.

Suspected coup attempt. President Olusegun Obasanjo's government announced on 2 April 2004 that security agencies were investigating several Nigerian army officers and civilians in connection with "serious security breaches".

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 and all state democratic institutions are suspended.

August to September: violent clashes take place between gangs in Port Harcourt, which prompts a crackdown by troops. Amnesty International cites a death toll of 500 but the Nigerian authorities state that about 20 people were killed.

October: A businessman and three military officers, including Major Hamza al-Mustapha, the former security chief under Sani Abacha, were charged in connection with a coup attempt, that reportedly took place in March 2004.

A four-day general strike over high fuel prices takes place.

November: The Government orders the state oil firm to reduce fuel prices, following a threat by trade unions to call a general strike.

State of emergency lifted in Plateau State. All state democratic institutions, which had been suspended, were restored.

2005 February: President Obasanjo opened a national political conference in Abuja to discuss constitutional reforms.

July: National political conference in Abuja ends.

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Annex B: List of the main political organisations

(The “political organisations” in this list include organisations that are not registered political parties but have political objectives or are political in nature)

Abia Democratic Alliance [1]

Based in Umuahia. Formed in 2001. Allied to the People’s Democratic Party.

African Renaissance Party (ARP) [38]

Registered political party. Based in Abuja.

All Nigeria’s People’s Party (ANPP) [1][26][38]

Registered political party. Alhaji Yusuf Garbah Ali is the leader and George Moghalu is the National Secretary. The ANPP was established in 1998 by a number of groupings which had formerly participated in the Abacha regime’s programme for the reintroduction of civilian rule.

Alliance for Democracy (AD) [1][26][38]

Registered political party. Based in Abuja. Acting Chairman - Chief Bisi Akande. Formed in late 1998, the AD was the most radical of the three parties that won registration to contest the Nigerian elections of January and February 1999. In the 2003 elections, the AD won 31 seats in the House of Representatives and six seats in the Senate.

All People’s Liberation Party (APLP) [38]

Registered political party. Based in Abuja. Chairman - Alhaji Umar Mohammed.

All Progressive Grand Alliance (APGA) [1][38]

Registered political party. Based in Abuja. Formed in June 2002. Leader - Chief Chekwas Okorie.

Better Nigeria Progressive Party (BNPP) [38]

Registered political party. Based in Abuja. Chairman - Alh. Bashir Maidugu.

Communist Party of Nigeria (CPN) [38]

Registered political party. Based in Abuja. Chairman - Musari Bukar Sani.

Fourth Dimension [1]

Founded in 2001 by former politicians and military officers. Chairman: Augustus Aikhomu.

IBB Vision 2003 [1]

Founded in 2002. Supports former president Ibrahim Babangida. Chairman: Hameed Makama.

Ijaw Youth Congress [1]

Founded in 1999. President: Felix Tuodolo

Justice Party (JP) [38]

Registered political party. Based in Abuja. Chairman - Chief Ralph Obioha.

Liberal Democratic Party of Nigeria (LDPN) [38]

Registered political party. Based in Abuja. Chairman - Chief Felix Modebelu.

Masses Movement of Nigeria (MMN) [38]

Registered political party. Based in Abuja. Chairman - Major Isola Adekunle Obasanjo (rtd).

Movement for Democracy and Justice (MDJ) [38]

Registered political party. Based in Abuja. Chairman - Alh. Kalli Al-Gazali.

Movement for the Actualization of the Sovereign State of Biafra (MASSOB) [1]

Formed in 1999. Leader - Ralph Uwazurike.

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 Party (NAP) [38]

Registered political party. Based in Abuja. Chairman - Dr Olapade Agoro.

National Conscience Party (NCP) [1][38]

Registered political party. Based in Abuja. Leader - Chief Gani Fawehinmi.

National Democratic Party [1][38]

Registered political party. Based in Abuja. Chairman - Aliyu Habu Fari.

National Frontier [1]

Founded in 2001 by former governors and military officers. Chairman: Chief Edwin Ume Ezeoke.

National Mass Movement of Nigeria (NMMN) [38]

Registered political party. Based in Abuja. Chairman - Alh. Zanna Bukar Mandara.

National Reformation Party (NRP) [38]

Registered political party. Based in Abuja. Chairman - Chief Anthony Enahoro.

National Solidarity Party [1]

Formed in 2001 by former military officers. Chairman - Saleh Jambo.

New Nigeria People's Party (NNPP) [38]

Registered political party. Based in Abuja. Chairman - Dr B O Aniebonam.

Nigeria Advance Party (NAP) [38]

Registered political party. Based in Abuja. Chairman - Dr O Braithwaite.

Nigerian People's Congress [38]

Registered political party. Based in Abuja.

Party for Social Democracy [38]

Registered political party. Based in Abuja. Chairman - Comrade O Z Ejiofor.

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 (PDP) [1][26][38]

Registered political party. Based in Abuja. Party of current President Obasanjo. 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 on 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 (PMP) [38]

Chairman - Dr Arthur Nwankwo. Based in Abuja.

People's Redemption Party (PSP) [1][38]

Registered political party. Founded in December 2002. Based in Abuja. Leader - Abdullah Balarabe Musa.

People's Salvation Party [1]

Formed in December 2002. Chairman: Alhaji Wada Nas

Progressive Liberation Party [1]

Formed in 2001. Leader - Ezekiel Izuogu.

The Democratic Alternative (DA) [38]

Formed in 1994. Chairman - Dr Abayomi Ferreira. Based in Abuja.

The Green Party (GPN) [38]

Chairman - Olisa Agbakoba. Based in Abuja.

United Democratic Party (UDP) [38]

Based in Abuja.

United Nigeria Development Forum [1]

Founded in 2001 by former military officers of former president Sani Abacha. Chairman - Brigadier-General (retd) Lawal Ja'afar Isa

United Nigeria People's Party [1]

Formed in 2002 in Abuja. Leader - Saleh Jambo.

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Annex C: Prominent people past and present

General Sani Abacha [1]

Army Chief-of-Staff in Babangida's regime. Took power on 17 November 1993. Died on 8 June 1998.

General Abdusalam Abubakar [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.

General Johnson Aguiyi-Ironsi [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.

Alhaji Dokubo Asari [22]

Asari is the leader of the Niger Delta People's Volunteer Force (NDPVF), a militia group based in the Niger delta region.

General Ibrahim Babangida [1]

He became the head of government in August 1985 after a military coup. In August 1993, Babangida resigned as head of government.

Abubakar Tafawa Balewa [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.

Major General Muhammadu Buhari [1]

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.

General Yakubu Gowon [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.

Olusegun Obasanjo [1] [8d]

Olusegun Obasanjo is Nigeria's current president. 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 was a candidate in the 1999 Presidential Election, which he won, and took office on 29 May 1999. He was re-elected as president in the 2003 Presidential Election. [1]

Ojukwu Chukwuemeka Odumegwu [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.

Adams Oshiomhole [3a]

Oshiomhole is the president of the Nigeria Labour Congress (NLC).

Alhaji Shehu Shagari [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.

Ateke Tom [22f]

Tom is the leader of the Niger Delta Vigilante (NDV), a militia group based in the Niger delta region.

Ken Saro Wiwa [1]

He was once the President of the Movement for the Survival of the Ogoni People (MOSOP). Arrested in May 1994 in connection with murder of four Ogoni chiefs. Executed in November 1995 along with eight other MOSOP members.

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Annex D: List of the states of Nigeria [1]

Federal Capital Territory – national capital: Abuja

<u>Name of State</u>	<u>State Capital</u>
Abia	Umuahia
Adamawa	Yola
Akwa Ibom	Uyo
Anambra	Awka
Bauchi*	Bauchi
Bayelsa	Yenogoa
Benue	Makurdi
Borno*	Maiduguri
Cross River	Calabar
Delta	Asaba
Ebonyi	Abakaliki
Edo	Benin City
Ekiti	Ado-Ekiti
Enugu	Enugu
Gombe*	Gombe
Imo	Owerri
Jigawa*	Dutse
Kaduna*	Kaduna
Kano*	Kano
Katsina*	Katsina
Kebbi*	Bernin Kebbi
Kogi	Lokoja
Kwara	Ilorin
Lagos	Ikeja
Nassarawa	Lafia
Niger*	Minna
Ogun	Abeokuta
Ondo	Akure
Osun	Oshogbo
Oyo	Ibadan
Plateau	Jos
Rivers	Port Harcourt
Sokoto*	Sokoto
Taraba	Jalingo
Yobe*	Damaturu
Zamfara*	Gusau

*state that has adopted parts of shari'a law into its penal code [3b] (Section 2)

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Annex E: The federal government ^[1]

The federal government cabinet as of July 2005

President and Commander-in-Chief of the Armed Forces: Gen. (retired) Olusegun Obasanjo

Vice President:	Alhaji Atihu Abubakar
Minister of Finance and Economy:	Dr N Okonjo-Iweala
Minister of Foreign Affairs:	Amb O. Adeniji
Minister of Health:	Professor Eyitayo Lambo
Minister of Housing:	Segun Mimiko
Minister of Industry:	Fidelis Tapgun
Minister of Information:	Frank Nweke
Minister of Internal Affairs:	Magaji Muhammed
Minister of Justice and Attorney-General:	Bayo Ojo
Minister of Labour and Productivity:	Hassan Lawal
Minister of Police Affairs:	Broderick Bozimo
Minister of Power and Steel:	Liyel Imoken
Minister of Agriculture and Rural Development:	Adamu Bello
Minister of Commerce:	Idris Waziri
Minister of Communications:	Cornelius Adebayo
Minister of Defence:	Rabiu M. Kwankaso
Minister of Education:	Chinwe Nora Obaji
Minister of the Environment:	Dr Iyorchia Ayu
Minister of the Federal Capital Territory:	Mallam Nasir El-Rufai
Minister of Aviation:	Babalola Borishade
Minister of Culture and Tourism:	Chief Franklin Ogbuewu
Minister of Regional Integration and Co-operation: ..	Lawan Gana Buba
Minister of Government Affairs:	Musa Mohammed
Minister of Science and Technology:	Dr Turner Isoun
Minister of Solid Minerals:	Obiageli Odion Ezekwesili
Minister of Transport:	Abiye Sekibo
Minister of Water Resources:	Mallam Mukhtar Shagari
Minister of Sports:	Saidu Samaila
Minister of Women's Affairs and Youth:	Maryam Ciroma
Minister of Works:	Adeseye Ogunlewe

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Annex F: Glossary of acronyms

This glossary contains a selection of some of the acronyms used in the Nigeria Country Report – refer to Annex B (list of the main political organisations) for the acronyms of political parties and political organisations.

ACCORD/

UNHCR	Austrian Red Cross/United Nations High Commissioner for Refugees
AI	Amnesty International
BHC	British High Commission (Abuja)
CLEEN	Centre for Law Enforcement Education
FFM	Fact-Finding Mission
HRW	Human Rights Watch
ICJ	International Court of Justice
ICRC	International Committee of the Red Cross
IGP	Inspector General of the Police
INEC	Independent National Electoral Commission
LEDAP	Legal Defence and Assistance Project
NAPTIP	National Agency for 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	Nigerian Labour Congress
NPF	Nigerian Police Force
NPS	Nigerian Prisons Service
PRAWA	Prisoners Rehabilitation and Welfare Action
SSS	State Security Service
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UN IRIN	United Nations Independent Regional Information Networks
UNODC	United Nations Office of Drugs and Crime
USSD	United States State Department
WACOL	Women's Aid Collective
WOTCLEF	Women Trafficking and Child Labour Eradication Foundation

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