



Violence in Nigeria's Oil Rich Rivers State in 2004 A Human Rights Watch Briefing Paper February 2005

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Summary

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 Delta. 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. Shell Petroleum Development Company, which produces about half of Nigeria’s approximately 2.1 million barrels per day (bpd) production, shut down a facility that produces some 28,000 bpd because security concerns prevented the company from traveling to the area to fix a technical problem. The threat of supply disruption rattled already twitchy oil markets, and helped push global crude prices above an unprecedented U.S. \$50 a barrel.

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 occurred mainly in riverine villages southeast and southwest of Port Harcourt, known as the oil capital of Nigeria, and within Port Harcourt itself. Since late 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 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.

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 youth¹ 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

¹ The word “youth” in Nigeria is used to describe all young men who have not reached the status of “elder” in their communities: it is a flexible term that includes people up to the age of forty, or sometimes older. Most communities will have an organized youth association encompassing all the young men living in the village that will be formally consulted when community decisions are made. In addition, there may be separate youth organizations acting outside formal community structures.

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.

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. All levels of government, the oil industry and the international community must address the causes of the escalation of violence in and around Port Harcourt. Individuals responsible for organizing and perpetrating the violence, including government officials at all levels, must be held legally accountable. To bring about long-term change, the government must disarm the armed groups and develop a meaningful strategy with the oil industry, donor governments and international financial institutions, to address the absence of educational and employment opportunities for youth in the Niger Delta. Underlying factors fuelling the violence such as oil bunkering (stealing large quantities of oil for resale on the black market), and problems associated with the community development strategies of oil companies must be also be resolved.

The Emergence of Armed Groups in Rivers State

Since oil exploration began in Nigeria in the 1950s, the nine states that constitute the Niger Delta have been sites of intense violence, from the Biafran war of succession in the 1960s to the Ogoni uprising in the early 1990s. From 1997, Delta State, primarily in and around the capital Warri, has been the main site of violence in the delta. In late 2003, the center of violence shifted to Rivers State, principally in and around the "oil capital" of Port Harcourt.

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.² Oil bunkering is the illegal tapping directly into oil pipelines, often at manifolds or well-heads, and the extraction of crude oil which is piped into river barges that are hidden in small tributaries. The crude is then transported to ships offshore for sale, often to other countries in West Africa but also to other farther destinations.

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, locally known as "cults." Many of these "cult" groups, with names such as the Icelanders, Greenlanders, KKK, Germans, Dey Gbam, Mafia Lords, and Vultures, were originally formed in the early 1990's as university fraternities, but later largely evolved into criminal gangs.³ In late 2003, in an effort to increase their access to weapons and other resources, many of the "cult" groups formed alliances with either Asari's or Tom's armed group as the two leaders fought for control of oil bunkering routes. Although the smaller groups retained their names and leadership structures, Asari and Tom assumed command and control responsibilities over the militant actions of these smaller groups.⁴

The militarization of what started out as non-violent youth and "cult" groups in the 1990's and the later emergence of large, well organized armed groups like the NDPVF and NDV can be attributed to several key factors:

(1) The manipulation of youth groups by local politicians

The transition to democracy in 1999 exacerbated youth militancy as unscrupulous politicians used hired "thugs" to carry out violence to ensure their victory at the polls. Prior to the 1999 and 2003 federal, state, and local elections, all parties, but most effectively the ruling People's Democratic Party (PDP), recruited and armed members of youth groups to intimidate opposition politicians and their supporters. During the recent April and May 2003 state and federal elections, more than 100 people were killed

² "Bunkering" is a term used to describe the process of filling a ship with oil (or coal). "Illegal oil bunkering" is a euphemism for theft.

³ University fraternities date back to 1952 when Wole Soyinka and six others founded the Pyrates Confraternity at the University of Ibadan with the aim of promoting social awareness and political freedoms. During the 1970s and 1980s, hundreds of other fraternities emerged across university campuses but evolved into violent secret "cults", engaging in increasingly criminal activities. Today, violence between campus cult groups is a serious problem throughout the Nigeria.

⁴ Human Rights Watch interviews with senior members of NDPVF and NDV, Port Harcourt, November and December, 2004.

country-wide in political violence, mainly by members or supporters of the PDP. Hundreds more were killed in political violence in the months preceding.⁵ According to a local non-governmental organization involved in monitoring the 2003 state and federal elections, the levels of violence in Rivers State during the elections amounted to “a low intensity armed struggle....[W]eapons and firearms of various types and sophistication were freely used.”⁶ Other national and international monitors recorded high levels of violence, fraud and irregularities in Rivers State, leading European Union election observers to conclude “the minimum standards for democratic elections were not met.”⁷

Local leaders and individuals close to NDPVF and NDV leaders told Human Rights Watch that in the run up to the 2003 election prominent local politicians supported Asari and Tom. These sources allege that as far back as 2001, the former Secretary to the State Government and current Federal Transport Minister, Abiye Sekibo, provided logistical support and political protection to local youth leader Tom to help counter the influence of the opposition All Nigeria People's Party (ANPP), particularly in Okrika local government area, during the 2003 state and federal elections. During this period, Tom was given free rein to carry out profitable bunkering activities in exchange for his group's violent services during the 2003 elections.⁸ In an interview with Human Rights Watch, a local opposition party candidate alleged that senior members of the local PDP, including Abiye Sekibo, used members of Tom's NDV, known at the time as the “Ateke boys,” to drive opposition supporters out of Ogu/Bolo and Okrika local government areas prior to the elections.⁹ A local resident told Human Rights Watch how in March 2003, one month before the elections, armed members of Tom's NDV gunmen attacked opposition party members who were putting up election posters in Amadi Ama.¹⁰

Local leaders and members of local non-governmental organizations told Human Rights Watch that Sekibo, whom they believe would have not acted without the knowledge of Governor Odili, used Asari to limit the growing influence of the Ijaw Youth Council (IYC), an organization formed in 1998 to articulate the aspirations of Ijaw youth in the

⁵ For further information on election violence see Human Rights Watch, *Testing Democracy: Political Violence in Nigeria*, Vol.15, No. 8, April 2003 and Human Rights Watch, *Nigeria's 2003 Elections: The Unacknowledged Violence*, June 2004.

⁶ Election Monitoring Report on the Ongoing Nigeria Federal and State General Elections, April/May 2003 (Executive Summary), Environmental Rights Action, reproduced in *Nigeria Today*, April 26, 2003.

⁷ European Union Election Observation Mission Final Report.

⁸ Human Rights Watch interviews, Port Harcourt, July 15, 2003 and November 2004 and telephone interview, January 2005, see also Christina Katsouris, “Nigeria: Gangsta power,” *Energy Compass*, October 1, 2004, Okafor Ofiebor, “Who is Alhaji Dokubo-Asari?,” *The News*, September 13, 2004 and Okafor Ofiebor, “Portrait of Ateke Tom,” *The News*, September 13, 2004.

⁹ Human Rights Watch interview Port Harcourt, July 15, 2003.

¹⁰ Human Rights Watch interview Amadi Ama, December 12, 2004.

Niger Delta.¹¹ The IYC, whose demands include self-determination, resource control and environmental sustainability, was considered a challenge to authority in the state and the source of a potential Ijaw uprising in the Niger Delta. In 2001, with the financial support of the state government, Asari became president of the IYC and subsequently used this position to exploit divisions between the Ijaw in different states and recruit youths to help ensure Odili's re-election in 2003. These reports of state government support for Asari and Tom, accord with numerous press reports and reports from local organizations.¹²

In an interview with Human Rights Watch, Governor Odili vehemently denied allegations that his government had at any time supported Asari or Tom.¹³ When Human Rights Watch raised this matter directly with Asari and Tom, both disputed claims they were ever supported by the state government.¹⁴

(2) Payments made to communities by multinational oil companies and their impact on fomenting conflict over traditional leadership positions

To start oil exploration and production in rural areas, multinational oil companies¹⁵ are required by law to make payments to the federal government. Customary and statutory payments are also made to "host communities," or those who own the land and fishing grounds where drilling or other activities take place. Designation as a host community thus brings significant benefits in the form of compensation, community development funds and promises of labor and security contracts. The oil companies negotiate such agreements and contracts with individuals whom they identify as community representatives, notably the top traditional leaders or chiefs. These policies have fueled inter-communal conflict by funneling large quantities of money to the tribal leaders, many of whom fail to share the benefits with their community.¹⁶

¹¹ Human Rights Watch interviews, London, October 16, Port Harcourt, November 18 and 20, 2004 and telephone interview, January 2005.

¹² See Sola Odunfa, "Nigeria's oil capital under siege," BBC News, September 8, 2004, *Oil, Violence and Deadlock in the Governance of Rivers State*, Centre for Social and Corporate Responsibility, September, 20, 2004 and *A Harvest of Guns*, Niger Delta Project for Environment Human Rights and Development, August 2004.

¹³ Human Rights Watch interview with Rivers State Governor, Dr. Peter Odili, Port Harcourt, December 1, 2004.

¹⁴ Human Rights Watch interviews with Asari Dukobo and Ateke Tom, Port Harcourt, November 21, 2004.

¹⁵ Five major oil companies operate joint ventures with the Nigerian government. They are Shell, ExxonMobil, ChevronTexaco, TotalFinaElf and Agip. The largest joint venture is the Shell Petroleum Development Company of Nigeria (SPDC) operated by Shell and accounting for nearly 50 percent of Nigeria's crude oil. For further information about the joint venture agreement see <http://www.nipco-nigeria.org/oil-iv.htm>

¹⁶ For further information on the impact of the oil economy on community politics see *The Price of Oil: Corporate Responsibility and Human Rights Violations in Nigeria's Oil Producing Communities* (New York, Human Rights

As traditional leadership positions became more lucrative and the tribal elders more powerful, the competition to occupy them intensified.¹⁷ Beginning in the mid 1990's, prominent local leaders competing to assume top chieftaincy positions in an area recruited youth leaders and provided them with money and weapons to assist in their often violent struggles to control villages. Such violent clashes occurred in several villages about twenty to forty kilometers from Port Harcourt, including Buguma, Tombia, and Okrika. Both Asari, who is from Buguma, and Tom, who is from Okrika, played a prominent role in these early struggles.¹⁸ In an interview with Human Rights Watch, Tom admitted that a local chief from Okrika had supplied the NDV with weapons.¹⁹

Since the mid-1990's, these youth groups have grown more powerful and resentful towards village chiefs. In some areas, youth groups who did not benefit from the largesse handed out, have increasingly accused local chiefs of working with both oil companies and the government to oppress, exploit and neglect them. As a result, the youth groups now compete with tribal elders for control of the cash fees and labor contracts that flow to the villages from oil companies. Oil companies have in turn been forced to make cash payments to the youth for access to facilities or to ensure the security of their business operations.²⁰ These problems are compounded by allegations of corrupt practices within oil companies. Communities have reported how some community liaison staff and contractors work hand in hand with local leaders to guarantee labor and security contracts in return for cash or other favors.²¹

(3) Poverty, underdevelopment and widespread youth unemployment

Both Tom and Asari were able to recruit from the large pool of unemployed youth, many of whom are university graduates, frustrated with decades of extreme poverty, underdevelopment, and the lack of job opportunities. Although Rivers State receives the third-highest allocation of oil revenues of Nigeria's thirty-six states, few see the benefits of Nigeria's oil wealth. Seventy percent of Nigeria's citizens live on below one dollar a day, the United Nations specified poverty line and the country ranks 151st out of 175

Watch, January 1999) and Human Rights Watch, *The Niger Delta: No Democratic Dividend*, Human Rights Watch, Vol. 14, No. 6, October 2002.

¹⁷ Chiefs are chosen differently across the delta, sometimes by inheritance, sometime for a set term and sometimes for life. Traditional leaders are recognized by the Nigerian government but operate in parallel with elected local, state and federal government structures.

¹⁸ Human Rights Watch interviews Port Harcourt, November 18, 19, 20, 28 and 29, 2004.

¹⁹ Human Rights Watch interview with Ateke Tom, Port Harcourt, November 21, 2004.

²⁰ See Shell Petroleum Development Company, *People and the Environment, Annual Report 2003*, pp 16.

²¹ Peace and Security in the Niger Delta: Conflict Expert Group Baseline Report, Working Paper for SPDC, December 2003, pp.17, and Human Rights Watch correspondence with Movement for the Survival of the Ogoni People (MOSOP), October 21, 2004.

countries in the UN Human Development Index.²² Largely because of government corruption and the mismanagement of oil revenue, riverine villages near Port Harcourt lack basic amenities such as clean water, electricity, medical care and roads. Large slums within Port Harcourt are submerged under piles of waste. This gross underdevelopment in the midst of vast oil wealth has bred intense frustration and resentment among the youth in Rivers State.

(4) The use of youth groups by conglomerates involved in the illegal theft and sale of crude oil, or illegal oil bunkering

Highly organized conglomerates of oil bunkerers, reportedly comprised of expatriate and local businessmen, high-level politicians and military personnel, and even employees of the oil companies themselves, have also recruited youth leaders to help provide security for their criminal activities.²³ Although the revenue from oil bunkering fluctuates greatly, it accounts for about ten percent of Nigeria's daily production, earning those involved about between US\$1.5 billion and US\$ 4 billion per year.²⁴

Illegal oil bunkering has fueled violence between armed groups and exacerbated human rights abuses in two ways. First, it has provided various youth groups, including Asari's NDPVF and Tom's NDV, with a lucrative revenue stream to purchase increasingly sophisticated weapons. Second, much of the violence in 2004 around Port Harcourt appears to have been motivated by struggles to control territory and thus bunkering routes. A state government spokesman told Human Rights Watch that the conflict between Asari and Tom was likely based on "disagreements over business transactions and contracts for protecting barges that lift crude oil."²⁵ When Human Rights Watch questioned Asari about his involvement in oil bunkering he stated, "I don't engage in bunkering, I take that which belongs to me. It is not theft the oil belongs to our people."²⁶

²² United Nations Development Program, *Human Development Report*, New York: United Nations Publications, 2004 [online] http://hdr.undp.org/statistics/data/cty/cty_f_NGA.html

²³ Human Rights Watch interviews, Port Harcourt, November 23, and 28, 2004, see also Peace and Security in the Niger Delta: Conflict Expert Group Baseline Report, Working Paper for SPDC, December 2003, pp.46 and Report of the Special Security Committee on Oil Producing Areas (unpublished), February 2002.

²⁴ Peace and Security in the Niger Delta: Conflict Expert Group Baseline Report, Working Paper for SPDC, December 2003.

²⁵ Human Rights Watch interview with Fred Alasia, Chief of Staff to Rivers State Government, Port Harcourt, November 23, 2004.

²⁶ Human Rights Watch interview with Asari Dukobo, Port Harcourt, November 21, 2004.

The practice of oil bunkering has increased dramatically since 2000 as the syndicates involved have become better organized and used their profits to purchase more sophisticated weapons. This has been compounded by a lack of government political will to vigorously pursue those involved and the inability of the security forces to effectively police the waterways where the barges transporting the stolen oil are hidden. Oil companies say that they have frequently reported incidents to the authorities, which has prompted the government since 2003, to improve and expand its security patrols on the waterways, seize vessels involved, and more recently prosecute several naval commanders for their involvement.²⁷ Despite these measures, however, bunkering remains a serious problem throughout the Niger Delta.²⁸

(5) Widespread availability of small arms and other weapons

The conflict in Rivers State has become more violent as a consequence of the widespread availability of small arms throughout Nigeria, and in particular in the Niger Delta. Small arms and other weapons are readily available for purchase particularly in Warri, the capital of Delta State. Fighters interviewed by Human Rights Watch admitted to possessing and using a variety of weapons ranging from machetes and cutlasses, to pistols, shotguns, semi automatic rifles, machine guns, and rocket launchers. According to their accounts, many of these weapons were provided to them by sponsors including members of the state government, political parties or individuals involved in oil bunkering.

Many of these weapons are also recycled from other conflicts in the region and imported into Nigeria via land or sea routes. Other weapons are stolen or purchased from the security forces. A 1998 arms moratorium agreed by the Economic Community of West African States (ECOWAS),²⁹ committed states in the sub-region not to import, export or manufacture small arms or light weapons. Nigeria is a signatory to the moratorium and, in 2001, President Obasanjo established a national committee on its implementation. The federal government has also set up various presidential committees tasked with analyzing the causes and extent of arms proliferation in the country.³⁰ Despite these measures, efforts to stop the flow of small arms lack a coordinated strategy or consistent implementation and have failed to make any significant impact on the proliferation of weapons in the country.

²⁷ Mike Oduniyi, "EFCC Now to Prosecute Oil Thieves Nigeria Loses 55,000 bpd to Bunkering," *This Day*, July 19, 2004 and Shell Petroleum Development Company, *People and the Environment*, Annual Report 2003.

²⁸ "Nigeria: Conviction of admirals confirms navy role in oil theft," *IRIN*, January 6, 2005.

²⁹ Fifteen states are members of ECOWAS. They are Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, and Togo.

³⁰ Mopping Up Illegal Weapons, *Vanguard*, July 7, 2004.

(6) The prevailing culture of impunity in Nigeria

The state government, which is responsible for criminal prosecutions, has not taken serious steps to investigate the crimes committed in the Port Harcourt area since violence between armed groups began in the mid-1990's. Crimes associated with the armed groups have included numerous killings and widespread destruction of homes and property that have forced tens of thousands from their homes. Despite the state's passage of a law banning militant youth groups in June 2004, there have been few arrests and prosecutions for these killings.

The weakness of law enforcement agencies in Nigeria exacerbates the culture of impunity from prosecution enjoyed by the armed groups. The Nigerian police force suffers from poor training, lack of equipment, and corruption. A spokesperson for the state government acknowledged that widespread corruption in the force has also meant that even in those cases where members of armed groups believed to have participated in attacks were arrested many were released after paying bribes to the police.³¹ Several members of one armed group, the Njemenze Vigilante Service, told Human Rights Watch that rising crime and the current state of impunity underpinned their decision to establish an armed group to better protect their community.³²

Criminal Violence and Human Rights Abuses Against the Local Population in 2004

Nigerians living in and around Port Harcourt have borne the brunt of the violence between Asari's NDPVF and Tom's NDV. Townspeople and villagers have experienced unprecedented levels of insecurity as armed groups fought around their homes and communities. Since late 2003, tens of thousands of Nigerians have been driven from their homes, forced to flee in terror to live with friends or relatives in neighboring towns and communities. Daily life has been totally disrupted -- schools have been forced to close down, economic activity has all but ceased and the homes and property of already desperately poor Nigerians have been destroyed. People have been left homeless and destitute and are yet to receive promises of financial assistance from the state

³¹ Human Rights Watch interview with Fred Alasia, Chief of Staff to Rivers State Government, Port Harcourt, November 23, 2004.

³² Human Rights Watch interviews, Port Harcourt, November 20 and 22, 2004. For further background on impunity in Nigeria see Human Rights Watch, *Military Revenge in Benue: A Population Under Attack*, Vol. 14, No. 2, April 2002 and Human Rights Watch, *The "Miss World Riots": Continued Impunity for Killings in Kaduna*, Vol. X, No. X, July 2003. On vigilantism in Nigeria see Human Rights Watch, *The Bakassi Boys: The Legitimization of Murder and Torture*, Vol. 14, No. 5, May 2002 and Human Rights Watch, *The O'dua People's Congress: Fighting Violence with Violence*, Vol. 14, No. 4, February 2003.

government. Peoples' reluctance to return to their communities and unwillingness to take steps to seek justice for the crimes committed indicates their level of fear of the armed groups. In this environment Human Rights Watch researchers found it difficult to locate eyewitnesses or victims prepared to talk about their experiences. Although the high number of violent incidents between October 2003 and October 2004 makes it difficult to be precise on the number killed, Human Rights Watch estimates, based on interviews with eyewitnesses, victims and participants in the violence, that several dozen local residents as well as hundreds of fighters were killed during this period.

The escalation of violence between Asari's NDPVF and Tom's NDV in and around Port Harcourt, which began in late 2003 and continued through 2004, appears to have been precipitated by a fallout between Asari and his former supporter, Rivers State Governor Peter Odili, in the wake of the April 2003 state and federal elections. Asari's public criticism of the conduct of the elections lost him political patronage and, according to Asari, led the state government to launch a violent campaign against him, primarily through Tom's NDV.³³ The pattern of violence in the villages near Port Harcourt between January and June 2004 suggests it originated as a battle between the two groups for control of access to bunkering routes. However, with Tom favored by the state government, Asari increasingly framed his actions in popular rhetoric -- demands for resource control and self determination, which have long been articulated by local activists, including the Ijaw Youth Council. From June 2004 onwards a state level security task force of police, army and navy was deployed and carried out operations, primarily against Asari's NDPVF in riverine towns and villages.

The August 2004 armed clashes in Port Harcourt, several of which were in close proximity to the headquarters of the Rivers State government, targeted members of Tom's NDV and shocked local, state and federal government officials. The brazen nature of these attacks caused President Obasanjo to deploy the armed forces in September 2004 in an attempt to quell the fighting. Asari responded with the threat of "all out war" against the Nigerian state,³⁴ prompting an immediate response from the President, who brought the two leaders to the federal capital Abuja to broker an agreement.

Tombia, Buguma and Bukuma

Some of the most intense fighting between October 2003 and October 2004 centered around villages located on tributaries about twenty to forty kilometers southwest of Port

³³ Human Rights Watch interview with Asari Dukobo, Port Harcourt, November 21, 2004.

³⁴ See Tom Ashby, "Nigerian oil security raised amid rebel threat," Reuters, September 28, 2004.

Harcourt, including Buguma, Bukuma, Tombia, and Ogbakiri. This is Asari's home area and the site of several oil wells, flow stations and gas gathering projects operated by Shell Petroleum Development Company in the Cawthorne Channel.

The violence in Tombia and Bukuma (which are a few kilometers apart) escalated in October 2003 when members of the Germans "cult" group killed a leader of the Dey Gbam "cult". Both sides claim that after this incident, members of their group were forced to flee Tombia and Bukuma, seeking refuge in Port Harcourt. In late 2003 Dey Gbam formed an alliance with Asari's NDPVF and the Germans formed an alliance with Tom's NDV. Although members of Dey Gbam and the Germans sought assistance to facilitate their return to their villages, Asari and Tom were most likely interested in manipulating a local dispute to gain control of Tombia and Bukuma because of their proximity to lucrative bunkering routes in the Cawthorne Channel.³⁵ According to fighters interviewed by Human Rights Watch, both Asari and Tom armed their new recruits with sophisticated weapons and speedboats in late 2003.³⁶

From late 2003, thousands of local people in and around Tombia, Buguma, Ogbakiri and Bukuma were forced to flee as Asari's NDPVF and Tom's NDV launched attacks and counter attacks. The fighting intensified between January and May 2004 and the majority of the population left during this period. When Human Rights Watch visited Tombia, Ogbakiri, and Bukuma in November 2004 researchers found substantial evidence of widespread destruction of homes, schools, churches, and other buildings dating back to this period between January and May 2004. Of a population of approximately 15,000 only about 1000 people were present in Tombia when Human Rights Watch visited. Similarly in Bukuma, which is normally home to around 10,000 people, roughly 500 were left. Human Rights Watch estimates from interviews with participants to the fighting, villagers and local human rights organizations that dozens of people, primarily fighters, but also many bystanders, died in these raids.

Amadi Ama and Okrika

During the period from late 2003, violence between armed groups also escalated in Amadi-Ama and Okrika, waterfront areas south-west of Port Harcourt, killing several civilians and displacing thousands. The fighting in Amadi Ama and Okrika can be traced back to 1999 and has its origins in a dispute over a tribal leadership position and the use of youth groups by local politicians to consolidate their power, as previously described.

³⁵ Human Rights Watch interviews, Port Harcourt, November 19, 25 and 28, 2004.

³⁶ Human Rights Watch interviews with members of NDPVF and NDV, Port Harcourt, November and December, 2004.

From 2003 the fighting in this area became increasingly connected to events in and around Tombia and Buguma as a local youth group called the Bush Boys who had been pushed out of Okrika by Tom's NDV, turned to Asari Dukubo's NDPVF for support.³⁷ Tom's NDV began raids on the Bush Boys in Amadi-Ama. In one attack in early January 2004, members of Tom's group arrived by boat in the middle of the night and began firing at several homes. A local business woman with four children who witnessed the attack described what happened:

At about 11.15 p.m., I heard gunshots coming from the sea and from the road. The gunshots lasted until 6:00 a.m. I didn't know what was happening, there were gunshots everywhere. If you peep through the window it was like stars – the gunshots were everywhere - so we just sat in the house and prayed. That was all we could do.³⁸

According to eyewitnesses interviewed by Human Rights Watch, one participant and as many as four bystanders were killed in the shootout. One of the victims was Felix Olunwa a local factory worker in his thirties and a father of four, who died of gunshot wounds to his neck and chest.³⁹ After the attack, hundreds of residents fled their homes and have only recently started to return.

As the fighting in the state intensified, members of Asari's NDPVF, in September, launched large-scale retaliatory attacks on Ateke Tom's village of Okrika, located about 20 kilometers southeast of Port Harcourt, which also allegedly served as his logistical base.⁴⁰

Port Harcourt

In late August 2004 Asari's NDPVF stepped up its attacks, launching raids on several areas of Port Harcourt, including Njemanze, Marine Base, Sangana Street and a restaurant on Warri Street. Bringing the fighting to Port Harcourt, whereas it had previously been confined to the riverine communities, was a brazen gesture by Asari. The state government found itself confronted with violence on the doorstep of the oil capital of Nigeria. The violence sent shockwaves through the oil industry and the international community. According to NDPVF members interviewed by Human Rights

³⁷ Human Rights Watch interviews, Port Harcourt, November 28, 2004.

³⁸ Human Rights Watch interviews, Amadi Ama, December 1, 2004.

³⁹ Human Rights Watch interviews, Amadi Ama, December 1 and 2, 2004.

⁴⁰ Human Rights Watch interviews Bukuma, November 25, 2004 and Ogbakiri, November 26, 2004 and Port Harcourt, November 28, 2004.

Watch, the NDPVF attacked these locations to either eliminate specific members of Tom's NDV or kill members of his group more generally.⁴¹

Human Rights Watch researchers concluded that these attacks led to the deaths of at least sixteen people, the widespread destruction of homes, shops, and property, and the displacement of several hundred local residents.

Njemanze waterfront

On August 22, 2004 at around 11:00 p.m. about fifty members of Asari's NDPVF attacked a densely populated slum settlement called Njemanze on the Port Harcourt waterfront. At that time the area was controlled by an armed group called the Njemanze Vigilante Service. Asari's fighters first fired gunshots around the settlement and then set fire to about 30 homes. The Njemanze Vigilante Service told Human Rights Watch researchers they were not affiliated to Ateke's NDV but according to a member of Asari's group who participated in the raid:

We burned Njemanze down to make sure our boys can stay there. We attacked the Ateke boys [members of Tom's NDV]. They shot against us, but we shot and killed them. We burned the whole place down.⁴²

About five fighters from both sides died from gunshot wounds during the clash.. Although members of the Njemanze Vigilante Service claim seven bystanders died, eyewitnesses put the numbers at up to four.⁴³ A large area of Njemanze was completely razed during the attack; over thirty homes were destroyed resulting in the displacement of several hundred people. Residents interviewed at Njemanze told Human Rights Watch how they had lost their homes and all possessions and, months later were still too afraid to return permanently. Several survivors told Human Rights Watch how they managed to escape. According to one woman:

Around 11p.m. I was sleeping in my house and I heard gunshots. They came down the stairs and started shooting...They started burning houses. I could smell the fire. I tied a wrapper around my chest and ran out. All of us here ran out. We were women and children. We ran up the stairs to the street. As we

⁴¹ Human Rights Watch interviews with members of the NDPVF, Port Harcourt, November 20, 21, 2004 and Bukuma and Tombia, November 25, 2004.

⁴² Human Rights Watch interview, Bukuma, November 25, 2004.

⁴³ Human Rights Watch interviews, Port Harcourt, November 22, 2004.

were running we saw four dead bodies. ...I ran to the Deeper Life Church and stayed there all night. I still live there because my house was burnt down.”⁴⁴

Another woman described:

Around 11pm I was inside my house and I heard gunshots. I lay down on the floor with my four children and husband. Then they threw dynamite, not on my house, but on my neighbor's house. We lay on the floor for about 15 minutes before we heard someone shout: “Fire, Fire!” I carried one child, my husband carried two, and my sister carried one. We ran out of the house. We ran up to the street and stayed there for about two hours. When I came back down everything was burned. My house was burned down. On my way down I saw two *okada* [local motorbike taxi] drivers who had died. They were lying up by the stairs.⁴⁵

Marine base waterfront

In another attack on August 29, 2004 at around 5:30 a.m. approximately fifty well armed members of Asari's NDPVF arrived by speedboats at Marine Base, a waterfront area in Port Harcourt where several members of Tom's NDV resided. One resident, a twenty-three year old student described what he saw:

I was in the house and I saw them through the window. They were many, between 40 and 70 men in ten speedboats. They were wearing white or yellow shirts and tied white bands round their head. They were shouting “Asawana”, a war cry, so that bullets won't harm them. Only Asari's men say this. They were carrying guns, big guns. They entered the area and started shooting and looking for their enemies. They shouted “Where are the Ateke boys? Where are the Icelanders?”⁴⁶

The two groups fought each other on the streets for nearly four hours while civilians mostly remained inside their homes or places of worship. According to a member of Tom's NDV who participated in the fight, the attack occurred because of a “misunderstanding about power and who ruled the place.”⁴⁷ According to eyewitnesses

⁴⁴ Human Rights Watch interview, Port Harcourt, November 22, 2004.

⁴⁵ Human Rights Watch interview, Port Harcourt, November 22, 2004.

⁴⁶ Human Rights Watch interview, Port Harcourt, November 24, 2004.

⁴⁷ Human Rights Watch interview, Port Harcourt, November 23, 2004.

the security forces didn't arrive on the scene until 9 a.m. and appeared unable to contain the violence or match the firepower of the NDPVF. Residents described to Human Rights Watch how the police ran away leaving residents defenseless. The fighting led to the deaths of four people as well as the destruction of several stores and cars.⁴⁸

Sangana Street and Warri Street

On August 31, 2004 Asari's NDPVP perpetrated a similar attack on Sangana Street in the Diobu area of Port Harcourt where they opened fire indiscriminately, killing three civilians and injuring at least nine adults and one six-year old boy. A woman trader described the attack:

I was outside selling. It was after 9:00 p.m. when they came in a bus. There were many—it was a full bus. I ran into my house. We were lying on the ground near the bed. It was me, my six year old son, my daughter, and my sister's two children. They entered the yard and went to my neighbor's house and started shooting and shot his window. Then they came over here and started shooting. They shot the walls, they shot all over. My son was shot twice—in the jaw and in the wrist.⁴⁹

Minutes after this incident, at approximately 9.15 p.m., an NDPVF gunman, opened fire on customers drinking at the Platform Restaurant on nearby Warri Street. Eyewitnesses describe how a dark red Mercedes first drove up outside the restaurant. Then a man in a trench coat stepped out, pulled out a gun and sprayed bullets at the customers. Two women, including a waitress, and two male customers died instantly, while another male customer died on the way to the hospital.

A member of the NDPVF interviewed by Human Rights Watch admitted involvement in the shootings on Sangana Street and Warri Street: "I was there on Sangana and Warri Street. We shot eight people, just eight in number. We know where they stay. One girl in the restaurant died by accident, she was hit by a flying bullet."⁵⁰ Asari himself claimed responsibility for the attack on Marine Base and subsequent attacks on areas in and around Port Harcourt including Borokiri and Isaka Island.⁵¹

⁴⁸ Human Rights Watch interviews, Port Harcourt, November 24, 2004.

⁴⁹ Human Rights Watch interview, Port Harcourt, November 23, 2004.

⁵⁰ Human Rights Watch interview, Bukuma, November 25, 2004

⁵¹ Human Rights Watch interview with Asari Dukobo, Port Harcourt, November 21, 2004 and other interviews with members of the NDPVF, Tombia, November 21 and Bukuma, November 25, 2004.

Response of the Nigerian Security Forces

During the course of the 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.”⁵² 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.⁵³ One NDPVF leader from Tombia told Human Rights Watch that during January 2004 clashes “the MOPOL [mobile police] in this town protected them [Tom’s NDV]. MOPOL shot at us.”⁵⁴ A junior NDV fighter interviewed by researchers described how the NDV “worked with MOPOL” to repel a NDPVF attack on Tombia in February 2004.⁵⁵

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.⁵⁶ 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.⁵⁷ Human Rights Watch in December 2004 asked the State Commissioner of Police and officers of the High Court to provide a list of suspects arrested following the August 2004 attacks

⁵² Human Rights Watch interview with Sylvester Araba, Rivers State Commissioner of Police, Port Harcourt, December 1, 2004.

⁵³ Human Rights Watch interviews Tombia and Bukuma, November 25, 2004.

⁵⁴ Human Rights Watch interview Tombia, November 25, 2004.

⁵⁵ Human Rights Watch interview Port Harcourt, November 26, 2004.

⁵⁶ Human Rights Watch interviews, Port Harcourt, November 22 and 23, 2004.

⁵⁷ Human Rights Watch interviews, Port Harcourt, November 21, 22, 24 and 26, 2004.

in Port Harcourt; to date Human Rights Watch has not received a response, despite numerous inquiries.

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."⁵⁸ On July 8, 2004, in the early hours of the morning, over fifty soldiers entered Amadi Ama in search of NDPVF supporters. They exchanged fire with fighters for over two hours, raided homes and threatened local people. At least four bystanders and one participant were killed during the operation. The victims include a seven-year-old girl called Ngozi, twenty-one-year-old Kuluma Koko and his younger brother Godswill Koko.⁵⁹ One resident, a twenty-seven-year-old man, described what happened:

At 7:00 a.m. I heard a knock on the door. The Army banged on the door and I told my sister not to be scared. I came out and they pushed me outside. They called me a criminal, and said we were harboring criminals. They took me to the back of the house and asked me to dig for weapons. But I have nothing incriminating so they shot at the ground close to my leg. I kept saying I know nothing about what they are saying. They left but came back later and flogged me with a horse whip. They pulled me out and said I should carry dynamite. They had found dynamite in an unoccupied building and ordered myself and my uncle to carry the dynamite. They threatened to shoot us and flogged us again.⁶⁰

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 2004.⁶¹ 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.

⁵⁸ Human Rights Watch interview with Sylvester Araba, Rivers State Commissioner of Police, Port Harcourt, December 1, 2004.

⁵⁹ Human Rights Watch interviews, Amadi Ama, December 2, 2004.

⁶⁰ Human Rights Watch interview, Amadi Ama, December 2, 2004.

⁶¹ For example see, "Nigeria: At least 50 die in battle with Ijaw militants," IRIN, June 7, 2004.

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*, 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."⁶² 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.

During Operation Flush Out 3 in September 2004, troops and police were again deployed to Amadi-Ama, Tombia, Okrika, Buguma, Bukuma, Ogbakiri, and several other areas. Asari and other NDPVF fighters accuse the government of launching air raids in Tombia, Bukuma, Ogbakiri, Buguma, and Oru Sangana, leading to widespread destruction of homes and the death of local people and fighters. Army Spokesman Captain Kanu denied these allegations, admitting the use of helicopter gunships only once, in an attack on Asari's base, described by Kanu as a "military installation" and located on a remote riverine island close to Harry's Town. Although local NGOs reported the destruction of several fishing villages during these raids, Human Rights Watch was unable to visit the area to confirm the reports. During Human Rights Watch's visit to Tombia, Bukuma, and Ogbakiri, NDPVF members, who at the time controlled access to these villages, gave differing accounts of attacks by the military. In addition, most of the destruction they showed Human Rights Watch researchers appeared to have occurred well before September and October 2004—there was significant growth of vegetation around many of the buildings—and probably occurred during the clashes between the armed groups from January to June 2004.

Asari's September 27, 2004 threat to launch a war against the federal government and oil companies appears to have been provoked by the government's attack on his base.⁶³ His decision was probably also shaped by his recognition that the state government's behind-the-scenes diplomatic effort to resolve the crisis threatened to marginalize him. His threat immediately generated tremendous international publicity, primarily because of its impact on global crude prices. Asari proved adept at using the international media to buttress his domestic power. He issued several statements where he claimed that the NDPVF was fighting for the "self-determination" of the Ijaw people in the Niger Delta

⁶² Human Rights Watch interview with Captain Onyema Kanu, Public Relations Officer, 2nd Amphibious Brigade and Joint Task Force, Port Harcourt, December 1, 2004.

⁶³ See Tom Ashby, "Nigerian oil delta rebels say 'war' starts Oct 1." Reuters, September 27, 2004.

and their right to control—or at least benefit from—the vast oil resources near their homes.⁶⁴

Asari's attempt to cast his struggle in pan-Ijaw nationalist terms does not fit with the evidence presented by the violence in and around Port Harcourt in 2004. It is more likely that Asari is seeking political and economic power for himself and his allies. The violence between Asari's NDPVF and Tom's NDV resulted in the deaths of hundreds of young Ijaw fighters, the killing of dozens of largely Ijaw local people and the destruction of several Ijaw villages. Regardless, Asari's rhetoric of "resource control" no doubt resonated with thousands of other young, unemployed Ijaw men, providing him with an effective recruiting tool.

The Agreement to End the Violence in Rivers State

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. This agreement called for an immediate ceasefire, the "disbandment of all militias and militant groups" and total disarmament. Since then 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, 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.

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 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.

⁶⁴ See Tom Ashby, "Nigerian oil security raised amid rebel threat," Reuters, September 28, 2004 and "Nigeria Delta rebels agree truce," BBC News, October 2, 2004.

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 over 4000 jobs to the youth, officials have not developed specific proposals to create these jobs.

Human Rights Watch commends the government's effort to address the violence that dramatically escalated in 2004 but two issues of concern remain about the agreement:

- 1) The granting of amnesty to individuals responsible for serious human rights abuses, including killings, will contribute to the culture of impunity and jeopardize the prospects for peace in Rivers State. To effectively establish the rule of law and ensure lasting peace, all individuals, including government officials, responsible for murder and other serious crimes must be held fully accountable.
- 2) The agreement fails to address the root causes of the violence, in particular the sponsorship and manipulation of youth groups by political leaders, traditional elites, and networks of "oil bunkerers," as well as the tensions created by the impact of oil company payments to communities. As the 2007 elections draw closer and local politicians jostle for positions, it is likely that frustrated youth will be easily re-mobilized unless these underlying issues are addressed.

Recommendations

To the Nigerian Federal and Rivers State Governments:

- Promptly investigate the 2003-2004 violence around Port Harcourt by the NDPVF and the NDV, including allegations of the role of state and local government officials in sponsoring armed groups. Independent investigations must also be undertaken into alleged abuses and excessive use of force by state security forces. Prosecute any individuals alleged to be responsible for serious human rights abuses, including murder and wanton destruction of property, in accordance with international fair trial standards.
- Take prompt and effective measures to ensure that families who suffered loss of lives and property as a result of human rights violations committed by government agents, including government complicity in abuses committed by the armed groups, receive appropriate reparation. Work with international donors and multinational oil companies to obtain financial and logistical

assistance to assist all those who have been internally displaced, and had homes and property destroyed during the violence in late 2003 and 2004

- Deploy adequate numbers of police in Rivers State, in particular to the riverine communities, to protect the local population from potential acts of violence by armed groups. Ensure that members of the police force deployed act professionally, impartially and in accordance with international standards.
- Take measures to stop the flow of small arms into the Niger Delta, such as the strengthening of controls over government-controlled weapons and the improvement of border security with neighbouring countries. Take the lead in pressing for the implementation of a binding regional convention on small arms to replace the ECOWAS small arms moratorium. Establish more robust mechanisms for monitoring the disarmament process.
- Provide to the public, reports on payments of oil companies to the government and government revenues derived from the extractive industries sector, as recommended by the Extractive Industries Transparency Initiative, signed onto by the Nigerian government in 2003.
- Establish a comprehensive strategy for investigating illegal oil bunkering activities, and for ensuring that such investigations and resulting arrests and prosecutions are not affected by political considerations. Explore the possibility of oil certification as a means of eliminating the role of illegal oil bunkering in fuelling the violence, by reducing the income that can be made from the illegal sale of oil.

To donor governments and international financial institutions:

- Urge the federal and state government to investigate responsibility for the 2003 and 2004 violence around Port Harcourt and to hold perpetrators of serious human rights abuses accountable.
- Provide assistance for government and civil society initiatives to assist internally displaced persons.
- Provide technical and financial assistance for initiatives to curb the flow of small arms in the Niger Delta and the wider sub-region.
- Encourage full implementation by the Nigerian government of the Extractive Industries Transparency Initiative and support the international campaign - commonly known as the 'Publish What You Pay' campaign - calling for the mandatory disclosure of all taxes, fees, royalties and other payments made by companies to governments for the extraction of natural resources.

To intergovernmental institutions, including the United Nations, the African Union and ECOWAS:

- Urge the federal and state government to investigate responsibility for the 2003 and 2004 violence around Port Harcourt and to hold perpetrators of serious human rights abuses accountable.
- Take measures to stop the flow of small arms into the Niger Delta, such as the improvement of border security with neighbouring countries. Press for the implementation of a binding regional convention on small arms to replace the ECOWAS small arms moratorium.

To oil companies operating in the Niger Delta:

- Publicly and privately urge the federal and state government to investigate responsibility for the 2003 and 2004 violence around Port Harcourt and to hold perpetrators of serious human rights abuses accountable.
- Encourage full and swift implementation by the Nigerian government of the Extractive Industries Transparency Initiative.
- Publish details of all fees, royalties, contracts and other payments made to all levels of the Nigerian government and to local communities, including compensation payments and community development funding.
- Ensure credible third party audits of community development assistance, including payments that are given to community representatives to disburse or spend on community projects and employment agreements with local communities. Results of such audits should be made public to ensure that all funds are used for their stated and intended purpose.
- Explore the possibility of oil certification as a means of stopping illegal oil bunkering.

