



Human Rights Watch
UPR Submission

Nigeria

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I. Summary

Since the end of military rule in 1999, Nigeria has enjoyed the longest stretch of uninterrupted civilian government in its history as a nation. While this period has seen some important improvements in respect for civil and political rights, ordinary Nigerians are still denied their basic human rights to security and well-being. Serious problems include widespread government corruption and mismanagement that undermines the realization of the right to basic healthcare and education; political and intercommunal violence fomented by government officials and politicians; and widespread use of extrajudicial executions, torture, and extortion by state security forces. The government's lack of political will to address the prevailing culture of impunity and improve Nigeria's poor human rights record threatens to undermine the fragile gains made since the end of military rule.

In May 2007 President Umaru Yar'Adua came to power in elections marred by widespread fraud, intimidation, and election violence that left some 300 people dead. Powerful ruling party politicians were very credibly implicated in mobilizing armed gangs responsible for election-related violence and orchestrating the brazen rigging of the elections, but no official investigation into these election-related abuses has been undertaken.

Rampant corruption and mismanagement that permeates unchecked through federal, state, and local government institutions significantly impedes the realization of economic and social rights for Nigerians countrywide. Nigeria has earned well over US\$223 billion in oil revenues since the end of military rule in 1999, but millions of Nigerians still lack access to basic health and education services because so much of the money has been lost to corruption and mismanagement.

In 2008 the government has thwarted efforts to hold corrupt politicians accountable by removing and arresting senior officials from the Economic and Financial Crimes Commission (EFCC), the only institution that had actively pursued criminal prosecutions against high-level government officials accused of corruption and graft. Although the EFCC has been accused of selectively prosecuting government opponents ahead of the 2007 elections, the anti-corruption commission had scored unprecedented successes including the corruption convictions of former Inspector General of Police Tafa Balogun and former Bayelsa State Governor Diepreye Alamieyeseigha.

The government has made no effective effort to address the abject poverty and environmental degradation that lies at the heart of the escalating violence in the oil-rich Niger Delta, despite windfall revenues from rising oil prices. Instead of taking steps to defuse the crisis, powerful ruling party politicians have been implicated in embezzling oil revenues that could have been spent on improving health and education for ordinary Nigerians but also in sponsoring the armed groups that have carried out the violence.

II. Human Rights Issues

A. Political and Intercommunal Violence

Nigerian political leaders have manipulated intercommunal tensions by actively sponsoring violence to advance their political positions. Most notably before and during the April 2007 elections, powerful political “godfathers” and politicians openly recruited and armed criminal gangs that unleashed terror upon their opponents and ordinary citizens, leaving some 300 people dead. Voters were brazenly driven away from polling stations by gangs of thugs employed by politicians while the police turned a blind eye.

Those who stand accused of sponsoring political violence have never been held to account. Public officials in Nigeria can usually expect to enjoy complete impunity for crimes they commit. In Anambra State, for example, police officials told Human Rights Watch that they were helpless to act against the powerful ruling party politician Andy Uba, even though they knew he was mobilizing armed gangs responsible for political violence, because he was seen as too close to then-President Olusegun Obasanjo and therefore untouchable. In Oyo State, ruling party godfather Lamidi Adedibu openly recruited gangs that sowed terror on the streets of Ibadan and other cities while fighting to preserve his power and influence in the state. While in Gombe State, current and former state government officials who openly recruited violent gangs to unleash a wave of violence on local communities have also gone unpunished.

Although President Yar’Adua has since established an electoral reform committee which shows some promise, electoral reforms cannot succeed unless the underlying patterns of impunity and criminality in the political system are addressed.

Since 1999 more than 11,000 Nigerians have died in violent intercommunal clashes. While large-scale massacres like those in Jos in 2001, Kaduna in 2002, and Yelwa in 2004 have not been repeated in the past several years, intercommunal violence remains common. In February 2006, for example, more than 100 people were killed and thousands displaced in a wave of interconnected religious riots in Borno, Bauchi, and Anambra states.

Although the underlying causes of this strife are varied and complex, the government has failed to take measures to effectively address these problems. Government policies that discriminate against individuals who are deemed not to be “indigenes” (descendants of the original inhabitants) of their communities have made issues of local citizenship in Nigeria increasingly contentious. The government’s failure to combat worsening poverty has also exacerbated many intercommunal conflicts as competition for scarce economic resources becomes increasingly desperate.

B. Violence and Poverty in the Niger Delta

Nigeria's oil-rich Niger Delta has become increasingly militarized and insecure. Scores of ordinary Nigerians have been killed by armed gangs and security forces during the past year alone. Many of these groups claim to be fighting for greater local control of the region's oil wealth, while simultaneously engaging in various forms of violent criminal activity including kidnapping and oil bunkering (theft of crude oil).

In July and August 2007, warring gangs in Port Harcourt, the capital of Rivers State, unleashed an unprecedented wave of violence against the city and its people. Gangs fought pitched battles in the streets with military assault rifles, explosives, and machetes. These gangs opened fire at random on crowds, gunning down scores of terrified people in the streets. During this six-week period several dozen people were killed and scores more wounded. Although the military succeeded in restoring order in Port Harcourt, its forces also committed serious abuses against ordinary Nigerians.

Most of the gangs involved in the fighting gained their experience and power as hired guns of Rivers State politicians who have since 2003 armed and used these gangs to rig elections and intimidate political opponents. The clashes between these groups primarily represented a violent competition for access to illegal patronage doled out by public officials. Powerful politicians, including former Rivers State governors Peter Odili and Celestine Omehia, and members of their respective administrations, have been implicated in sponsoring armed gangs but have never been formally investigated for these allegations, much less brought to justice.

C. Government Corruption and Mismanagement

In his testimony before the Nigerian Senate in 2006, then EFCC Executive Chairman Nuhu Ribadu stated that 31 of Nigeria's 36 governors were under investigation for corruption by his institution, and yet practically no accounting of the status of these investigations has been rendered to the public.

In December 2007 the EFCC took the bold step to arrest one of these governors, the powerful former Delta State Governor James Ibori, on money laundering and corruption charges. Two weeks later, however, the Inspector General of Police Mike Okiro announced the removal of EFCC Chairman Ribadu from the anti-corruption post. Senior EFCC investigators have also been removed, including the head of the anti-corruption team investigating James Ibori who was in August arrested and held without charge for several weeks in police detention.

Much of the insecurity that plagues the Niger Delta and elsewhere is also directly related to the failure of the government to tackle the abject poverty that lies at the root of political discontent. In Rivers State, for example, the state government's US\$3 billion annual budget far exceeds the entire central government budgets for most West African nations. Oil revenues that could have been spent on improving health and education for ordinary Nigerians are instead squandered and embezzled by powerful politicians.

D. Human Rights Abuses by Security Forces

Nigeria's poorly trained police force remains mired in deeply entrenched patterns of extortion, torture, and other forms of ill treatment, directed against both criminal suspects and ordinary citizens. The government has failed to provide adequate resources and training to police officers and has made no significant effort to hold members of the security forces accountable for these crimes. Impunity from prosecution remains the biggest single obstacle to ending abuses such as these. Meanwhile thousands of people accused of common crimes are detained without trial for months or even years in substandard conditions.

Since the January 7, 2006 Report of the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, the police continue to be implicated in numerous extrajudicial killings in the course of police operations. On November 14, 2007, Inspector General of Police Mike Okiro announced that 785 suspected "armed robbers" were shot and killed in gunfire exchanges with the police between June and the beginning of September 2007. According to the same set of statistics 1,628 armed robbers were arrested during this period. In all, official sources indicate that some 10,000 Nigerians have been shot and killed by Nigeria's police since 2000.

The government has also failed to take any action to ensure accountability for past atrocities committed by military personnel, including the military's complete destruction of the town of Odi in Bayelsa State in 1999 and the massacre of several hundred civilians in Benue State in 2001.

E. Human Rights Concerns in the Context of Sharia

Since 2000, Sharia (Islamic law) courts have had jurisdiction over criminal cases, including capital offenses, in 12 of Nigeria's 36 states. Sharia has provisions for sentences that amount to cruel, inhuman, and degrading treatment, including floggings, amputations, and death sentences. Although capital sentences have been thrown out on appeal or simply not carried out, Sharia courts continue to hand down death sentences.

Many trials in Sharia courts fail to conform to international standards of fairness and do not respect due process even as defined by Sharia legislation. Defendants rarely have access to a lawyer, while poorly trained judges often fail to inform defendants of their basic rights. The manner in which Sharia is applied discriminates against women, particularly in adultery cases where standards of evidence differ based on the sex of the accused.

III. Recommendations

The government of Nigeria should:

A. *Intercommunal and Political Violence*

- Launch a transparent, comprehensive, and impartial inquiry into allegations of corruption, vote-rigging, and sponsorship of political violence during the April 2007 elections. The inquiry should aim to uncover the architects and sponsors of such crimes, focusing especially on the role of elected officials and the leadership of federal institutions, including the police force and Independent National Electoral Commission.
- Respect the independence of Nigeria's Electoral Reform Committee, ensure the transparency of its deliberations and conclusions, and publicly explain in detail the reasons for enacting each of the Committee's recommendations, or for not doing so.

- Sponsor federal legislation that bars federal, state, or local government institutions from discriminating against non-indigenes with respect to matters not directly related to traditional leadership institutions or other purely cultural matters.

B. Violence and Poverty in the Niger Delta

- Launch an independent public inquiry that includes credible and prominent civil society participation into the root causes of violence in the Niger Delta. The inquiry should seek to establish the links between elected officials and criminal activity, including sponsorship of criminal gangs and organized criminal activities such as oil bunkering.

C. Government Corruption

- Request the Economic and Financial Crimes Commission to provide a public report on the status of the state governors under investigation for corrupt practices.
- Enact a law requiring the president, all members of the National Assembly and all ministers in the federal cabinet to follow and sustain President Yar'Adua's example by issuing and publicizing annual declarations of the total value of all personal assets. Require senior state and local government officials to do the same.
- Enact and aggressively implement the Freedom of Information Bill, which would provide Nigerians a tool to compel government institutions to make public important information including basic data concerning expenditures and government policy.

D. Human Rights Abuses by Security Forces

- Establish an independent commission to promptly investigate allegations of extrajudicial killing, torture, and ill-treatment by police officers or other law enforcement agencies. Introduce a compulsory regular reporting mechanism from divisional police stations to the force headquarters, on complaints lodged about abuses, including torture, killing or extortion. This should include details of how they are being followed up and the status of investigation. The information should be made public.
- Ensure that legally required autopsies are carried out for every person who dies while in custody of any agency of the state, and make autopsy reports publicly available.
- Launch an independent inquiry to investigate credible allegations of abuses by military personnel, including the destruction of the town of Odi in Bayelsa State in 1999 and the killing of several hundred people in Benue State in 2001.

E. Human Rights Concerns in the Context of Sharia:

- Conduct a review of Sharia state legislation introduced since 2000 and remove those sections of the laws which violate fundamental human rights and breach Nigeria's obligations under the Nigerian constitution. In particular, eliminate provisions for cruel, inhuman, and degrading punishments, including death sentences, amputations, and floggings; and provisions which discriminate against women; and decriminalize consensual sexual relations between adults.

IV. Attachments

[Politics as War: The Human Rights Impact and Causes of Post-Election Violence in Rivers, Nigeria](http://hrw.org/reports/2008/nigeria0308/) (<http://hrw.org/reports/2008/nigeria0308/>)

[Nigeria: Investigate Widespread Killings by Police](http://hrw.org/english/docs/2007/11/16/nigeri17361.htm)
(<http://hrw.org/english/docs/2007/11/16/nigeri17361.htm>)

[Criminal Politics: Violence, “Godfathers” and Corruption in Nigeria](http://hrw.org/reports/2007/nigeria1007/)
(<http://hrw.org/reports/2007/nigeria1007/>)

[Chop Fine: The Human Rights Impact of Local Government Corruption and Mismanagement in Rivers State, Nigeria](http://hrw.org/reports/2007/nigeria0107/) (<http://hrw.org/reports/2007/nigeria0107/>)

[“They Do Not Own This Place”: Government Discrimination Against “Non-Indigenes” in Nigeria](http://hrw.org/reports/2006/nigeria0406/) (<http://hrw.org/reports/2006/nigeria0406/>)

[“Rest in Pieces”: Police Torture and Death in Nigeria](http://hrw.org/reports/2005/nigeria0705/) (<http://hrw.org/reports/2005/nigeria0705/>)

[Revenge in the Name of Religion: The Cycle of Violence in Plateau and Kano States](http://hrw.org/reports/2005/nigeria0505/)
(<http://hrw.org/reports/2005/nigeria0505/>)

[“Political Shari’a”?: Human Rights and Islamic Law in Northern Nigeria](http://www.hrw.org/reports/2004/nigeria0904/)
(<http://www.hrw.org/reports/2004/nigeria0904/>)

[Military Revenge in Benue: A Population Under Attack](http://hrw.org/reports/2002/nigeria/) (<http://hrw.org/reports/2002/nigeria/>)

[The Destruction of Odi and Rape in Choba](http://www.hrw.org/press/1999/dec/nibg1299.htm) (<http://www.hrw.org/press/1999/dec/nibg1299.htm>)