



**UPR Submission
Nigeria
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I. Summary

The failure of Nigeria's government to address deeply entrenched human rights problems, such as widespread poverty, government corruption, police abuse, and longstanding impunity for a wide range of crimes has created fertile ground for violent militancy throughout the country.

In the north, a deadly campaign of violence carried out by a militant Islamist group, commonly known as Boko Haram, and abuses by government security forces have led to spiraling violence. More than 3,000 people have been killed since major clashes between the group and government security forces began in July 2009.

Human Rights Watch estimates that more than 18,000 people in Nigeria have died in inter-communal, political, and sectarian violence, since the end of military rule in 1999. In the restive "Middle Belt" region in central Nigeria, inter-communal violence has claimed the lives of several thousand people since 2008 alone.

In the southern Niger Delta, much of the nation's tremendous oil wealth continues to be siphoned off and mismanaged by the ruling elite. Many of the corruption cases against senior political figures have remained stalled for years in the courts, despite a measure of independence by Nigeria's judiciary and the country's active media and civil society sector. Nigeria's police continue to be implicated in corruption and abuses, but rarely has anyone been held accountable. The prevailing climate of impunity in Nigeria remains the biggest single obstacle to ending human rights violations in the country.

II. Human Rights Issues

A. Boko Haram Violence

Suspected Boko Haram members have carried out hundreds of attacks across northern Nigeria, including suicide bombings, killing more than 1,600 people between 2009 and 2012, according to media reports monitored by Human Rights Watch.

Five days of clashes in July 2009 between the group and security forces, and brazen execution-style killings by both sides, including the extrajudicial killing of the group's leader, Mohammed Yusuf, in police custody, left more than 800 people dead. Since Boko Haram reemerged in mid-2010 under the leadership of Abubakar Shekau, the group has primarily targeted police and other government security agents, Christians, and Muslims working for or suspected of cooperating with the government. From 2010 to 2012, suspected Boko Haram members killed more than 200 police officers, gunned down or bombed worshipers in at least 21 church services, assassinated more than a dozen Muslim clerics, bombed newspaper offices and the UN building in Abuja, and burned down schools. More people died in suspected attacks by the group in 2012 than in all of 2010 and 2011 combined.

The International Criminal Court's Office of the Prosecutor (OTP) began in 2010 a "preliminary examination" of the situation in Nigeria. In November 2012, the OTP reported that "there is a reasonable basis to believe that crimes against humanity have been committed in Nigeria, namely acts of murder and persecution attributed to Boko

Haram.” The OTP said it would therefore begin to assess whether the Nigerian authorities were conducting genuine criminal proceedings against those who “bear the greatest responsibility for those crimes.”

B. Inter-communal Violence

Inter-communal violence since 2008 has left several thousand people dead in Kaduna and Plateau states. The victims, including children, have been hacked to death, shot, dragged off buses and killed, or burned alive, in many cases simply based on their ethnic or religious identity. Smaller incidents in a dozen other states have also left several hundred dead and thousands more displaced.

Following a disputed local government election in November 2008 in Jos, the capital of Plateau State, more than 700 people were killed during two days of sectarian clashes, and extrajudicial killings by the security forces deployed to quell the violence. In January 2010, several hundred people were killed in sectarian clashes in and around Jos, including a massacre of more than 150 Muslims in the Kuru Karama settlement on January 19. On March 7, 2010, at least 109 Christians were killed in a massacre in Dogo Nahawa and other nearby villages. Hundreds of people in and around Jos have also been killed in communal violence in 2011 and 2012.

Following the April 2011 presidential election, protests by opposition supporters in 12 northern states degenerated into riots and sectarian violence that left more than 800 dead. Mobs of youth, who were supporters of the leading opposition candidate in the north, attacked the properties of ruling party leaders and destroyed hundreds of churches. In Kaduna State post-election riots and reprisal killings left at least 680 people dead, including at least 300 Muslims who were massacred in the town of Zonkwa.

The authorities have increased security in many of these communities but have failed to hold perpetrators accountable. With the exception of a series of successful prosecutions by the federal authorities, following the 2010 violence in Plateau State, those responsible for organizing or carrying out these killings have not been brought to justice.

Human Rights Watch has documented how state and local government policies that discriminate against “non-indigenes”—people who cannot trace their ancestry to what are said to be the original inhabitants of an area—have exacerbated inter-communal tensions and perpetuated ethnic-based divisions. During its 2009 UPR, Nigeria accepted to “address discrimination against minority and vulnerable groups including reviewing issues surrounding the terms ‘indigene/indigenous’ and taking action to discourage politicians from using religious, ethnic or settler indigene division for political ends,” but since then the government has taken no tangible steps to address these discriminatory policies.

C. Security Force Abuses

During its 2009 UPR, Nigeria accepted to take “all practical measures” to end “extrajudicial executions” and “step up its measures to halt torture.” Since then, however, government security forces have been implicated in numerous extrajudicial killings, torture, and other serious human rights abuses.

In response to the Boko Haram attacks in July 2009, police and soldiers in Maiduguri, Borno State, carried out scores of extrajudicial killings. After *Al Jazeera* aired video footage showing Mohammed Yusuf’s bullet-riddled corpse and police allegedly executing seven unarmed men or boys at the police headquarters in Maiduguri, federal authorities arrested some police officers. In a significant step forward, the authorities in July 2011 filed criminal charges against five police officers, including two assistant commissioners of police, for the killing of Yusuf and his followers. At this writing the case had not been concluded.

Human Rights Watch has documented several dozen cases of extrajudicial killings by soldiers during raids in communities following Boko Haram attacks. Soldiers have allegedly lined up and executed men in front of their

families, burned down homes, and rounded up and detained without charge for months or years, often incommunicado, hundreds of Boko Haram suspects or residents with no apparent link to the group. Some of the detainees, including at the Giwa military barracks in Maiduguri, have allegedly been tortured, forcibly disappeared, or killed in custody. As of July 2012, five soldiers were facing a general court martial for “acts of misconduct” in Maiduguri, but at this writing this was the only known case brought against military personnel for alleged abuses in relation to the Boko Haram violence. Despite evidence of serious human rights violations, senior military and civilian officials in Nigeria continue to deny that these abuses have occurred.

The Nigeria Police Force continues to be implicated in numerous human rights violations, including arbitrary arrests, torture, extrajudicial killings, and other extortion-related abuses. There are many documented cases where the police extort money from victims of crimes to investigate the matter and solicit bribes from suspects to drop investigations. Police funds have been embezzled or mismanaged by senior police officials, who also often demand monetary “returns” from their subordinates from money extorted from the public. Despite promising public statements by the inspector general of police, Mohammed Abubakar, corruption and abuse remain widespread in the police force, and those responsible are rarely brought to justice.

Nigeria had accepted recommendations to “ensure that all members of the security forces and the police operate within the law,” and to “fully investigate abuses by law enforcement officials.” However, the authorities have still not prosecuted members of the police and military for the extrajudicial killing of more than 130 people during the November 2008 communal violence in Jos. They have also failed to prosecute the soldiers who killed more than 200 people in Benue State in 2001 or those responsible for ordering and carrying out the military’s 1999 assault that completely destroyed the town of Odi, Bayelsa State. A federal High Court in February 2013 ordered the government to pay US\$239 million in compensation to the Odi community, but at this writing no one had been prosecuted for these crimes.

D. Government Corruption

Nigeria’s political elite have squandered and siphoned off the country’s tremendous oil wealth, leaving poverty, malnutrition, and mortality rates among the world’s highest. In May 2011, the National Assembly passed, and President Goodluck Jonathan signed into law, the Freedom of Information Act, which guarantees the public the right to access public records. Since then, however, the Nigerian authorities have routinely refused to release information sought through the provisions of this law.

Nigeria’s leading anti-corruption agency, the Economic and Financial Crimes Commission (EFCC), has filed corruption charges against at least 35 nationally prominent political figures since 2005, including 20 former state governors. As of February 2013, however, the EFCC had secured only four convictions in these cases, and they faced relatively little or no prison time. The agency has also failed to prosecute other senior politicians who are widely implicated in corruption, including former Rivers State Governor Peter Odili. Executive interference with the EFCC, a weak and overburdened judiciary, and the agency’s own failings have continued to undermine its effectiveness. At this writing not a single senior political figure in Nigeria was serving prison time for corruption.

The other prominent anti-corruption agency, the Independent Corrupt Practices and Other Related Offences Commission, has also filed corruption charges against at least four nationally prominent political figures, including a former inspector general of police, a former deputy minister, a former Senate president, and a serving senator. But at this writing none of those cases had been completed.

E. Violence and Poverty in the Niger Delta

The government announced an amnesty program in 2009 that saw some 26,000 militants, youth, and gang members in the oil-rich Niger Delta surrender weapons in exchange for amnesty from prosecution and monthly cash stipends. The amnesty led to a reduction in attacks on oil facilities and increased oil production. The

government continues to dole out financial incentives—some US\$400 million annually—to the amnesty beneficiaries, but it has still not addressed the underlying causes of violence and discontent, such as poverty, state and local government corruption, environmental degradation from oil spills, and impunity for politically sponsored violence. Meanwhile, others have demanded to be part of the lucrative amnesty. In September 2012 the government announced that an additional 3,642 “ex-militants” would be added to the program.

Decades of oil spills and widespread gas flaring have left the Niger Delta heavily polluted. A United Nations Environment Programme report in 2011 found that oil pollution in the Ogoniland region of Rivers State may require the world’s largest clean up ever, at an initial cost of US\$1 billion, and take up to 30 years. The UN team found that oil contamination had migrated into the groundwater in at least eight spill sites that Shell—the largest oil company in Nigeria—had claimed it had remediated.

F. Sexual Orientation and Gender Identity

Nigeria’s criminal and penal codes punish consensual homosexual conduct with up to 14 years in prison. Sharia penal codes, which apply to Muslims in many northern states, criminalize consensual homosexual conduct with caning, imprisonment, or death by stoning. The government noted during its 2009 UPR that Nigeria does not recognize same-sex marriages but insisted that “like every democracy, those who want a change in the existing laws have to come out and lobby for the change they desire.” However, new legislation, which was passed by the Senate in November 2011 and passed its second reading in the House of Representatives in November 2012, would criminalize anyone who supports, meets with, or forms a group advocating for, lesbian, gay, bisexual or transgender rights.

The discriminatory “Same Sex Marriage (Prohibition) Bill” would impose a 14-year prison sentence on anyone who “[enters] into a same sex marriage contract or civil union,” while any persons who “witness, abet and aid the solemnization of a same sex marriage or union” would face a 10-year prison sentence. Under the loosely defined terms of the bill, any persons who “directly or indirectly make public show of same sex amorous relationship” would also be subject to a 10-year prison sentence. The bill would impose the same sentence on anyone who “supports the registration, operation, and sustenance of gay clubs, societies, organisations, processions or meetings.”

This legislation, if passed, would violate Nigerians’ right to freedom of expression, association, and assembly. The law would also contravene other internationally recognized human rights, such as the right to equality, freedom from discrimination, and privacy.

III. Recommendations

The government of Nigeria should:

A. Boko Haram Violence

- Provide additional protection to vulnerable communities in the north, including Christian minorities, Muslims, among them clerics and traditional rulers, who oppose Boko Haram, and schools and churches at risk of attack.
- Enact legislation to domesticate the International Criminal Court’s Rome Statute, which Nigeria ratified in 2001, including criminalizing under Nigerian law genocide, war crimes, and crimes against humanity, consistent with Rome Statute definitions.
- Ensure that all detained Boko Haram suspects are promptly brought to a public civilian court and either charged with a recognizable crime or released.
- Ensure that the relevant authorities prosecute without delay, and according to international fair trial standards, all Boko Haram suspects implicated in serious crimes, including crimes against humanity.

- Order a prompt and thorough investigation into allegations of arbitrary detention, use of torture, enforced disappearances, extrajudicial killings, and other abuses by military personnel. Ensure that the relevant authorities prosecute without delay, and according to international fair trial standards, all security personnel implicated in these abuses.
- Take tangible steps to address factors that give rise to militancy in northern Nigeria, including poverty, corruption, security force abuses, and impunity for sectarian violence.

B. Inter-communal Violence

- Take tangible steps to end the cycle of violence by ensuring that the relevant authorities investigate and prosecute without delay, and according to international fair trial standards, those responsible for organizing or carrying out inter-communal violence.
- Sponsor 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.

C. Security Force Abuses

- Sponsor legislation that criminalizes torture under Nigerian law, consistent with international standards, including the Convention against Torture.
- Ensure that the relevant authorities investigate and prosecute without delay, according to international fair trial standards, all security force personnel implicated in torture, extrajudicial killings, and other abuses.
- Establish an independent commission of inquiry with subpoena power to conduct a transparent, comprehensive, and impartial investigation into systemic corruption in the Nigeria Police Force, including the embezzlement and misappropriation of public funds, the payment of monetary “returns” up the chain of command, and the extortion of money, or the collection of bribes, from members of the public.

D. Government Corruption

- Order government agencies to fully comply with all provisions of the Freedom of Information Act, and take appropriate disciplinary action against public officials who refuse to comply with the law.
- Order an investigation into the reasons for delays in corruption cases against senior political figures, including former Rivers State Governor Peter Odili.
- Sponsor legislation to increase the independence of the Economic and Financial Crimes Commission by ensuring greater security of tenure for its chairperson.
- Sponsor legislation to guarantee the public the right to access the asset declaration forms of public officials, as envisioned under Schedule 3, Part I, Section 3(c) of the Nigerian Constitution.
- Take tangible steps to strengthen the capacity and integrity of the judiciary, including improving the basic infrastructure of the court system.

E. Violence and Poverty in the Niger Delta

- Take tangible steps to address factors that give rise to militancy in the Niger Delta, including poverty, corruption, environmental degradation from oil spills, and impunity for politically sponsored violence.
- Ensure that the relevant authorities investigate and prosecute without delay, and according to international fair trial standards, government officials or politicians implicated in the theft of public funds or sponsoring criminal gangs or organized criminal activity in the Niger Delta.

F. Sexual Orientation and Gender Identity

- Publicly oppose the sweepingly discriminatory anti-gay legislation in the National Assembly and veto the bill if it is passed.
- Reaffirm the government of Nigeria’s commitment to uphold freedom of expression, association, and assembly for all people, even those who hold views on homosexuality that differ from the government’s views.

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