

What Now Nigeria?  
A Follow Up on Human Rights in the Democratic Era

Islamic Human Rights Commission  
2013

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## **1. Executive Summary**

This report documents issues relating to social and human rights including freedom from torture, inhuman and degrading treatment, freedom of expression, movement, peaceful assembly, thought and religion. It documents violations by police and other detention centres in Nigeria. It contains sections on other human rights issues relating to children and young persons, health, communal conflicts and violence, corruption, access to justice, political killings, violence, and extrajudicial, summary and arbitrary executions.

The report covers series of bombings and numerous targeted killings by the so-called Boko Haram militant group in northern Nigeria. More than 600 people were killed last year in attacks blamed on the group across the country,

The report also documents human rights violations and abuses by state and non-state actors in the context of insecurity and violence in the north and Nigeria in general.

## **2. Background**

Nigeria is a [federal constitutional republic](#) comprising of [36 states](#) and the [Federal Capital Territory, Abuja](#).

Basic human rights freedoms are enshrined in the country's Constitution including the right to life, the right to personal liberty, the right to a fair trial, freedom of expression and of the press, freedom of religion and the right to dignity of the person.

What have been witnessed in Nigeria today are numerous human rights violations carried out by the security agencies. Human rights violations have increased in Nigeria because the majority of Nigerians are not yet aware of their rights.

## **3. CHILDREN AND YOUNG PERSONS' RIGHTS**

The violations of children's rights in the form of political violence, child labour and child trafficking are common in Nigeria. The rights guaranteed for the education, survival, protection and participation of children are contained in the Child Rights Act. However the incessant attacks on schools in Borno state and Yobe State by the so-called Boko Haram group threatened and undermined the rights of Nigerian children to life and education.

The detention of children in prisons often without trial thereby infringing on children's rights is widespread. Statistics show that about eight million children of school age are out of school in Nigeria and some are on the streets begging. Children are abused physically, mentally, sexually, and psychologically on daily basis. An increasing number of children in the Niger Delta are being forced to the streets and trafficked as a result of a deeply held belief in child 'witches' and also due to persistent violent conflicts, poverty, abuse, torture, etc.

## **4. HEALTH**

The 1999 Constitution of Nigeria provides that government shall direct its policy towards ensuring that adequate medical and health facilities are provided for all persons. However, most Nigerians do not have access to medical and health facilities.

Since 2011 records show that more than 400 children in the Zamfara State have died from lead poisoning according to official estimates. The Nigerian government's failure to produce promised funding has left thousands of children at risk.

In May 2012, the Nigerian government pledged close to US\$5 million to clean up areas in Zamfara state that had been contaminated with lead during artisanal gold mining operations.

The funds were also to be used to put safe mining practices into effect, such as introducing processing equipment that reduces the risks of lead exposure.

## **5. FREEDOM OF EXPRESSION AND THE MEDIA**

The right to hold opinions and to receive and impart ideas and information without interference as contained in Section 22 and 39 of the 1999 Constitution of the Federal Republic of Nigeria has been greatly violated since 1999. Journalists have been subjected to arrest and intimidation when reporting on issues implicating Nigeria's political and security elite.

On Friday, 21 December 2012, Al-Mizan, published in Kaduna, ran a story alleging that operatives of the Joint Task Force (JTF) had rounded up 86 youths in Potiskum, Yobe State. In a raid, 40 armed security agents arrested Aliyu Saleh, a reporter with Al-Mizan, a weekly Hausa-language newspaper; and Musa Muhammad Awwal, the paper's editor, at their homes in Rigasa in Kaduna. The agents also confiscated the journalists' phones and money, security agents raided the home of Al-Mizan Editor-in-Chief, Ibrahim Musa, who was not on the premises at the time. Mr. Musa has since fled.

## **6. COMMUNAL CONFLICTS AND OTHER RELATED VIOLENCE**

The Government has in a number of cases failed to protect lives and properties. Innocent civilians caught between the crossfire and used as human shields by warring factions.

This report records as an example, events that led to the political violence in Onitsha, Anambra state as a case study. In the past the fight often involved several armed groups and gangs. The federal government responded by instructing the police to restore order to the city. The clashes led to deaths and injuries- inter-communal, political, and sectarian violence has claimed more than 16,000 lives since the end of military rule in 1999.

It is documented that between 1999 and 2001, over ten thousand people died as a result of ethnic, religious and political clashes nationwide. As a result of this, there has been resurgence in the creation of armed militia groups to protect and project numerous agendas.

In South Western Nigeria there is the O'odua People's Congress (OPC) and in the Niger Delta there has been the proliferation of several militia groups; the most prominent among them- the Movement for the Emancipation of the Niger Delta (MEND).

Protests by the opposition party supporters in 12 northern states following the April 16, 2011 presidential election degenerated into three days of violent riots and later turned into sectarian killings between Christians and Muslims that left hundreds dead.

The resultant effects in which state and local government policies tend to discriminate against so-called "non-indigenes" continue to exacerbate inter-communal tensions and perpetuate ethnic-based divisions. There has been ongoing violence in Plateau State, but no criminal investigations as of yet. Suicide bombings at places of worship that were usually claimed by Boko Haram, used to spark reprisal violence by Christian mobs who killed dozens of their Muslim neighbours, burning some of their victims' bodies. The Boko Haram group blamed for most of these killings have killed more than 1,400 people in Nigeria since 2010.

## **7. FREEDOM OF MOVEMENT AND PEACEFUL ASSEMBLY**

Right to peaceful assembly also includes non use of force to compel associating with others. The right to hold rallies, protests and demonstrations, form and join a trade union of one's choice is an essential component of the right to peaceful assembly and association.

## **8. ACCESS TO JUSTICE AND INDEPENDENCE OF THE JUDICIARY**

The 1999 Constitution of the Federal Republic of Nigeria, the African Charter on Human and Peoples Rights and the International Covenant on Civil and Political Rights all recognize the importance and centrality of access to justice in the protection and defence of human rights. They also recognize and stress the need to secure the independence of the courts to make access to justice and the machineries of justice a reality.

Endemic corruption, poverty, poor governance, and unchecked police abuses have created an environment where militant groups thrive, finding recruits in Nigeria's unemployed youth.

Relating to security, the Nigerian judicial system has been in the decline since the years of the Military Junta from 1983 to 1999.

In 1996, the leader of the Islamic Movement was besieged in his house and what followed later was mass killing of his followers in the cities of Zaria and Kaduna. Many were injured when they took to the street to protest the arrest of their teacher.

The incident of ancient City of Sokoto caliphate is another example. The city was turned into a centre of sectarian killings in 2007. It was a combined team of the Nigerian military force, the Mobile police and "area boys" that went on to attack the Islamic centre (Markaz) of the Islamic Movement in Sokoto, Sokoto state. At the end of the act, aided and abetted by the Alu Magatakarda Wammako - led government; properties worth millions of naira were destroyed. Houses of residence, the Islamic centre, and a clinic owned by the members of the Islamic Movement were demolished.

Available statistics have so far indicated that over 180 houses of residence and 25 shops belonging to members of the Islamic Movement were demolished, thereby sending over 3000 men women and children across the country as refugees. Members of the Islamic Movement were also massacred. On 27 May 2008, a judge, named Mustapha Balle, convicted all the 112 members of the Islamic Movement standing trial to 1000 years in prison, despite only 49 of them were brought to court. The Muslims were not allowed to defend themselves either in person or through their counsels; and their request to cross-examine the witnesses brought by the prosecution was rejected.

The Judge said to have found the members of the Islamic Movement, guilty on eleven count charges of various "offences" to which they pleaded not guilty but were denied the opportunity to present their cases. Some of the accused persons sentenced were under-age.

## **9. POLITICAL KILLINGS AND VIOLENCE**

There has been a long list of unsolved political murders since Obasanjo's election to office in 1999. Former justice minister Bola Ige, murdered in December 2002 in his home in the south Western city of Ibadan. In 2012, gunmen stormed the house of Alhaji Muhammad Ali, a member of the Islamic Movement in Nigeria in Gadon Kaya, Kano state and murdered him.

In Potiskum, Yobe state, Nigeria, over two hundred of cattle traders were killed while scores of their cattle were burnt on a market day and the market was set ablaze by armed robbers. A few days later unknown gunmen opened fire killing three members of the Islamic Movement at the in Potiskum. The gunmen were found to be in possession of identity cards, gun magazine and bullets of the Nigerian Police Force.

## **10. ATTEMPTS TO KILL SHEIKH IBRAHEEM ZAKZAKY**

In 2009, there were attempts to bomb the residence of the Sheikh at Gyallesu, Zaria. The former commissioner in Kaduna state police command, by the name of Tambari Yabo initiated a plot through what he tagged “intelligent report” sent to the then Inspector General of the Nigerian Police Force thus: “Government should take drastic action with a view to dislodging his (Zakzaky) training centre at Dambo and Fadiyya Islamic Centre, in Zaria-city.”

## **11. EXTRAJUDICIAL, SUMMARY AND ARBITRARY EXECUTIONS**

The frequent issuance of ‘shoot at sight’, orders by government authorities during or upon breakdown of law and order has worsened.

The following cases are presented as part of the report:

The Ambassador Galtimari-led committee blamed poor intelligence, the judiciary, poverty, poor federal government presence in the North-East geopolitical zone. The moves by politicians to win elections for the emergence of groups that became available for recruitment into a sect like Boko Haram and called for the prosecution of such politicians found involved in this act.

## **12. Boko Haram**

Questions have arisen as to the financial and operational backers of the group. The sophistication of bombs and tactics used by the organisation seem to indicate that there may be foreign influence and aid to the organisation.

On August 26, 2011 a bomb blast at the UN office in Abuja claimed 23 lives made up of 13 UN staff and 10 non-UN staff, while at least 37 people died and 57 others were injured in an attack at St. Theresa Catholic Church in Madalla. The attacks were claimed to have been carried out by the group Boko Haram. Nigerian security forces in response to the violence carried out serious human rights abuses in their campaign against the group. On 19/01/2013, the Anambra State Commissioner for Local Government confirmed that 40 dead bodies were sighted inside Ezu River in the state. But residents of nearby communities said the corpses were above 50, indicating possible executions.

## **13. THE NIGERIAN SECURITY FORCES AND HUMAN RIGHTS**

The Joint Task Force (JTF) is formed with a primary responsibility to protect and defend the Nigerian citizens against the current insecurity in the country. However, the Nigerian armed forces being part of a country notorious for its political, ethnic, communal and religious conflicts has found itself performing roles that in most parts of the world might be seen as unconventional. For instance, it is now normal in Nigeria to see men of the armed forces mounting and manning road blocks in towns, cities and on major high ways.

Despite repeated promises of reform by senior government and police officials abuses have continued. In May 2004, riots between Muslims and Christians in Kano left more than two hundred people dead, dozens of whom had been shot dead by the police.

## **14. THE NIGERIAN CONFLICT SITUATION**

With at least 250 persons reported dead in the January 20, 2012 bomb attacks in Kano state, indications are that the attempts to rein in the terror group are inadequate or ineffectual, or both.

On the Independence Day Celebration on October 1, bombs were detonated in Abuja, claiming lives and destroying properties. The Nigerian security agencies had been forewarned of the bomb blasts the movement for the Emancipation of the Niger Delta (MEND), which later claimed responsibility for the act. On August 26, 2011 the suicide bombing of the United Nations secretariat in Abuja, came not long after a similar attack on the Nigeria police force headquarters on June 16, both claimed by Boko Haram.

In the City of Kano at least six people were killed on 19/01/2013 when gunmen attacked the convoy of the Emir of Kano, Alhaji Dr. Ado Bayero. The gunmen attacked the convoy of the Emir, killing his driver, guard and wounding two of his sons. In July 2012, a bomber attempted to kill the Shehu of Borno, Alhaji Umar Garbail el-Kanemi, outside his mosque after Friday prayers. The bomber and security agents were killed in the attack.

Reports that a truck had dumped dozens of bodies at the hospital in Maiduguri - a stronghold of Boko Haram - after a military crackdown spread across the country. "There is a place called Guantanamo in Damaturu, Yobe state, where the military keep people to punish them," says a student, speaking on the condition of anonymity, who fled to Kano from Damaturu after seeing young men rounded up by the army.

### **14. Recommendations**

- 1) Nigeria should, consistent with the requisite constitutional prescriptions, domesticate the UN Convention Against Torture and ensure its optimal application in its entire territory; there should be a clear offence of torture in Nigeria.
- 2) Nigeria should sign and ratify the optional protocol to the UN CAT, which establishes a system of regular visits to be undertaken by independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment.
- 3) Efforts should be made to address the root causes of poverty and the degradation of societal values rather than only the symptoms.
- 4) It is important to state here that these conflicts are non-international in nature and a lot of restraint and careful parameters must be drawn in trying to pre-empt and prevent such occurrences and reducing catastrophes that result in the conflict resolution process.
- 5) The Nigerian justice system should be made accessible especially to the poor and vulnerable groups.
- 6) The possibility of actually seeking remedies or enforcement of socio-economic rights under the African Charter should be explored.