

Submission by the Mutual Union of the Tiv in the United Kingdom to the OHCHR Universal Periodic Review

Executive Summary

The priority issue in this submission concerns the rights of the Tiv ethnic minority communities of Benue State, Nigeria. Since the last periodic review of Nigeria in 2013, there have been recurrent and unprovoked attacks on the Tiv communities in Benue State by Fulani nomadic herdsman. This problem is widespread beyond the borders of Benue state and affects other neighbouring states like Taraba and Nasarawa state. The problem is most acute in Benue state due to its proximity to the originating states of the Fulani herdsman. The attacks characterised by the brutal killings of thousands of innocent men, women and children in their own homes often under circumstances when they are at their most vulnerable, is a gross violation of human rights, such as the right to life and the right to liberty and security. The Fulani herdsman-Benue farmers' crisis spanning the period between 2009-2016 has resulted in the loss of thousands of lives, livelihoods, loss of property worth billions of Naira and in the displacement of people from their homes in predominantly 12 local governments in Benue State. These attacks have been perpetrated with impunity over the years with Nigeria failing to live up to its international treaty obligations to the beleaguered communities.

Implementation & Developments in the Human Rights Situations

The Human Rights Council Working Group on the Universal Periodic Review Seventeenth session 21 October– 1 November 2013 Compilation on Nigeria prepared by the Office of the High Commissioner for Human Rights indicates the following in paragraph 2,7 & 35:

The compilation states that in 2010, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment noted with satisfaction Nigeria's ratification of OP-CAT and encouraged the Government to promptly establish an independent and effective national preventive mechanism in full accordance with OP-CAT 2.

The Special Rapporteur on torture urged the Government to ensure that torture be criminalized as a matter of priority, in accordance with the CAT with penalties commensurate with the gravity of torture. Concerns were raised about the administration of justice, including impunity, and the rule of law. The Special Rapporteur on torture expressed worry over the lack of accountability for alleged perpetrators of torture.

The Nigerian constitution is in line with treaty obligations as Section 33 (1) & Section 34 (1) (a) ¹prohibit torture, inhuman and degrading treatment. Despite the fact that arbitrary deprivation of life is in violation of these provisions, no charges have been brought against the perpetrators of these crimes by the Nigerian State. The manner of the attacks and the killings, as evidenced by photographs contained in the Benue State Emergency Management Agency (SEMA)² report, indicate that the victims of the Tiv/Fulani herdsmen crisis have been subjected to torture, inhuman and degrading treatment. It is submitted that the State has an obligation and responsibility to take effective legislative, administrative, judicial and other measures to prevent acts of torture.

Articles 6&7 of United Nations Convention Against Torture, and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) places an obligation on the State to take effective legislative, administrative, judicial and other measures to prevent acts of torture. Notably **Articles 6&7** of UNCAT places an obligation on the State to take into custody alleged torturers and to extradite and/or try them. In this regard, not a single herdsman has been prosecuted, despite irrefutable evidence of torture, cruel, inhuman or degrading treatment inflicted on the affected Tiv communities.

Nigerian Federal Government has failed to take reasonable and appropriate measures to protect the farming communities in Benue State as well as farming populations in neighbouring Nassarawa and Taraba states, who are predominantly of Tiv extraction. These displaced communities often find refuge in the swelling IDP camps in Makurdi, Benue state now overwhelmed (see attached report).

The right to dignity of the human person and protection from torture are provided for by regional and international instruments to which Nigeria is signatory. In particular, Nigeria has ratified both the CAT and its optional protocol as well as the International Covenant on Civil and Political Rights (ICCPR).

The Report of the Working Group on the Universal Periodic Review on Nigeria published on the 13th of December 2013 recognises that Terrorism and violent insurgency had posed existential threats. Those threats, which were externally induced, had manifested themselves in activities by militant insurgents and organized crime groups who had committed atrocities, crimes against humanity and violations of human rights. It is noted that Fulani herdsmen have been identified as a

¹Constitution of the Federal Republic of Nigeria 1999

http://publicofficialsfinancialdisclosure.worldbank.org/sites/fdl/files/assets/law-library-files/Nigeria_Constitution_1999_en.pdf [accessed 15/10/17]

² ‘Report on Internally Displaced Persons As A Result Of The Fulani Herdsmen-Benue Farmers Crisis: Issues, Challenges, Prospects And Way Forward’ SEMA

terrorist group by the Global Terrorism Index³. Fulani herdsmen attacks have been on the increase since the last periodic review of Nigeria in 2013.

It is acknowledged that efforts to deal with the crisis have been made by the Benue State government, and various stakeholders and partners including BENGONET, UNICEF, Christian Aid, UNDP, UNHCR, Red Cross, IOM, the Roman Catholic Church, and numerous others listed in the SEMA report. Two government agencies involved are the state emergency management agency (SEMA) and National emergency management agency (NEMA), with the former not having the capacity to respond to the nature of this crisis and the latter not adequately responding to the short and long-term challenges of social welfare, sanitation, security and health dynamics of the displaced and traumatized IDPs especially women, children and the aged. However, to date, the problems of insecurity, hardship and displacement of the communities persist.

While no state can guarantee protection for all its citizens from random and arbitrary attacks, the attacks on the Tiv communities in Benue State have been perpetrated with consistency and impunity, mainly between February to April each year. Ranging from 2009 - Date. The nature, consistency and the pattern of attacks have become predictable and in this regard, the attacks can no longer be described as random. The right to life and physical existence represents the most fundamental right of all individuals and is protected in all human rights instruments.

The State has failed to live up to its responsibility to respect and implement human rights and fundamental freedoms of the affected Tiv communities in the area of **Civil and political rights**. In particular, the **Right to life, liberty and security of the person, Administration of justice, including impunity and the rule of law** and the right to **privacy and family life**.

Many civil and political rights have social and economic implications and the loss of lives and livelihoods has impacted on economic, social and cultural rights such as the **right to work, the right to an adequate standard of living** in particular access to food, water, sanitation and land. The right to health and education of the affected communities has been violated. There has been a failure to adequately address the suffering and hardship that is the direct consequence of these recurrent attacks. Women and children have been particularly affected and many are now internally displaced as evidenced by the SEMA report.

The SEMA report indicates that the conflict has resulted in hundreds of thousands of people including women and children being displaced. Many have been killed and wounded with some missing. The majority of the internally displaced persons (IDPs) are sheltering in different locations in Benue State, with Makurdi the state capital hosting the majority of the IDPs due to the presence of the many security formations there. Most survivors from the affected areas who fled their homes during the peak of the crisis have no homes to return to as homes, property, farmlands, and yam

³ Global Terrorism Index [2016] <http://economicsandpeace.org/wp-content/uploads/2016/11/Global-Terrorism-Index-2016.2.pdf> [accessed 15/10/17]

seedlings, the primary crop, have been destroyed. In addition to yam seedlings, farmlands and crops, essential basic belongings such as mattresses, clothes, and cooking utensils have either been destroyed or stolen.

Over 19, 502 IDPs were recorded by SEMA, BSPC, BENGONET and UNICEF as taking refuge in different locations in Makurdi town, the Benue State capital. This figure was just for locations where data was collected in the un-official camps and non-camp locations where the IDPs took refuge in 2014. For the large numbers of the IDPs that remain in these camps, the prospects of one day returning to their homes remain a mirage because there is nothing to return to-they lost everything.

The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its seventeenth session from 21 October to 1 November 2013. The review of Nigeria was held at the 4th meeting, on 22 October 2013 with recommendations from various countries.

There has been non-implementation of some of the recommendations following from that review. The recommendations relevant to this submission which Nigeria agreed to, are listed here below:

Rec Number	Country	Recommendation	Comment
135.73	Hungary	Criminalize torture and establish an independent monitoring system of detention places	Partial implementation
135.76	Azerbaijan	Continue its successful and productive measures to counter and eliminate threats of militant insurgents and organized crime groups.	Not implemented It is submitted with regard to this recommendation, that the increased attacks by Fulani herdsmen across the country detracts from any gains made in reducing the insurgency of Boko Haram in the North East.
135.77	Côte d'Ivoire	Strengthen measures aimed at improving security	Not implemented

		in the whole country notably in response to the activities of terrorist groups in the country.	
135.78	Norway	Intensify efforts against organized crime, including terrorism, and impunity of perpetrators.	Not implemented Fulani herdsmen continue their attacks on Tiv communities with impunity.
135.79	Ireland	Adopt a comprehensive approach to the security situation which ensures that the perpetrators of violence are brought to justice and that the security forces' rules of engagement take full account of due process and human right.	Not implemented Fulani herdsmen continue their attacks on Tiv communities with impunity.
135.80	Japan	Take further steps to restore security with due consideration to the rule of law and human rights.	Partial implementation.
135.83	Montenegro	Intensify its efforts, through legislation and practical measures, to promote and protect the rights of children against all forms of violence.	Partial implementation

Conclusion

It is evident from the SEMA report and the work of this group that the Nigerian State has failed to take reasonable and appropriate measures to protect the affected Tiv citizens from gross violation of their human rights. Key points of focus here are the provisions of the ICCPR: **Article 6:** The right to life, **Article 7:** Freedom from torture or cruel inhuman or degrading treatment or punishment **Article 9:** The right to liberty and security. Other relevant articles of the ICCPR are Articles **16,17** and **27**. The brutalisation of the Tiv communities by the Fulani herdsmen with impunity is in violation of Nigeria's treaty commitments. This has had a significant impact on the interference with the right to life and security of person. **Article 2** of the CAT places on the State the obligation to take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.

Notably, challenges have been identified and recommendations made on how to address the human cost of the crisis and the possible ways of preventing reoccurrence.

Recommendations

MUTUK recommends that the Federal Government as a matter of national security, take the necessary steps to identify and disarm the Fulani herdsmen and their accomplices. In the short term, deploy appropriate and adequate security personnel to the affected communities with clear mandates to secure and protect the lives and livelihoods of the affected communities.

MUTUK recommends that the Federal Government address with urgency, the humanitarian crisis that has been created by the invasion and destruction of communities in the Benue valley, including the people in Taraba, Nasarawa and Benue States, who have been the greatest victims of herdsmen violence. Some challenges that have been identified by the SEMA report include the mobilization of relief materials across the affected population of the Tiv communities of Benue State.

MUTUK recommends that the Federal Government provide financial compensation to victims of the Fulani herdsmen's gruesome campaigns. There are thousands of orphans and widows in affected communities whose futures have become uncertain because their providers have been killed and their means of livelihoods have been uprooted. Most of the victims are farmers, whose crops and seedlings have been destroyed and whose ancestral homes have been invaded by Fulani herdsmen.

MUTUK recommends that the Federal Government convene a Council of State meeting to identify and implement lasting solutions to the conflict between farmers and the Fulani nomads.

MUTUK recommends that the Federal Government promotes alternative methods of raising cattle, recognizing that pastoral nomadism is no longer practicable in this era of rapid population growth

and climate change. In fact, with a rapidly growing population, and a changing climate, and recent Boko Haram activities in the North Eastern part of the country, Nigeria already faces a food security threat in the near future.

ABOUT MUTUK

The Mutual Union of Tiv in the UK (**MUTUK**) was formed in 1990 with the aim of helping and ensuring furtherance and continuity of Tiv culture and heritage, and to promote unity and cooperation amongst its members who are of Tiv origin. By promoting and developing the social, moral and cultural life of the Tiv community in the United Kingdom. Emphasis is also placed on supporting our less privileged brothers and sisters back home in Nigeria through charitable acts and donations.

Earlier this year, we launched a campaign in response to the indiscriminate killing of our Tiv brothers and sisters back home. The campaign activities to date are as follows:

Action	Date	Comment	Supporting Document
Launched campaign page on Facebook	April 2017	This page has gathered over 500 'likes'	https://www.facebook.com/saynotolivinginfear/
Launched petition on Change.org	09.04.17	This petition has gained the support of over 1,480 signatories	Change.org screen shot pdf. https://www.change.org/p/state-house-office-of-the-nigerian-president-save-benue-from-fulani-herdsmen-terrorists
Lobbied Member of UK parliament to take action on this matter	13.04.17	Claire Perry (MP) responded with a letter and referred the matter to the Foreign and Commonwealth Office who responded via letter (2 nd May 2017)	Letter from Claire Perry MP. Letter from FCO.
E-mail to charitable organisations and human rights' groups, to request their support in raising awareness.	29.04.17	Organisations included: Barnabas fund Amnesty International Christian Aid Open doors UK OHCHR Unicef Church of England	Copy of the e-mail attached
Facebook message to	29.04.17	Organisations included: Oxfam	

charitable organisations and human rights' groups, to request their support in raising awareness.		Human Rights Watch	
Supported outreach programme to support internally displaced people.	May 2017	We made a financial contribution to support this. And were duly acknowledged in the write up.	https://www.facebook.com/groups/1627369514214436/permalink/1951496988468352/

Publications in Nigeria, urging the Government to act:

<http://dailypost.ng/2017/04/06/remove-fulani-herdsmen-tiv-land-group-warns-fg/>

<http://duisaf.com/2017/04/05/benue-tivs-in-uk-demand-end-to-killings-by-herdsmen/>

http://scientific-programs.org/index.php?title=Take_away_Fulani_herdsman_from_Tiv_land