



**NIGERIA
COUNTRY REPORT**

APRIL 2005

**COUNTRY INFORMATION AND POLICY UNIT
IMMIGRATION AND NATIONALITY DIRECTORATE
HOME OFFICE, UNITED KINGDOM**

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1. Scope of Document

1.1 This Country Report has been produced by Immigration and Nationality Directorate, Home Office, for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. It includes information available up to 1 March 2005.

1.2 The Country Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any Home Office opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.

1.3 The Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.

1.4 The structure and format of the Country Report reflects the way it is used by Home Office caseworkers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.

1.5 The information included in this Country Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented; rather that information regarding implementation has not been found.

1.6 As noted above, the Country Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties etc. Country Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text.

1.7 The Country Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.

1.8 This Country Report and the accompanying source material are public documents. All Country Reports are published on the IND section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the Home Office upon request.

1.9 Country Reports are published every six months on the top 20 asylum producing countries and on those countries for which there is deemed to be a specific operational need. Inevitably, information contained in Country Reports is sometimes overtaken by events that occur between publication dates. Home Office officials are informed of any significant changes in country conditions by means of Country Information Bulletins, which are also published on the IND website. They also have constant access to an

information request service for specific enquiries.

1.10 In producing this Country Report, the Home Office has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to the Home Office as below.

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Advisory Panel on Country Information

1.11 The independent Advisory Panel on Country Information was established under the Nationality, Immigration and Asylum Act 2002 to make recommendations to the Home Secretary about the content of the Home Office's country information material. The Advisory Panel welcomes all feedback on the Home Office's Country Reports and other country information material. Information about the Panel's work can be found on its website at www.apci.org.uk.

1.12 It is not the function of the Advisory Panel to endorse any Home Office material or procedures. In the course of its work, the Advisory Panel directly reviews the content of selected individual Home Office Country Reports, but neither the fact that such a review has been undertaken, nor any comments made, should be taken to imply endorsement of the material. Some of the material examined by the Panel relates to countries designated or proposed for designation for the Non-Suspensive Appeals (NSA) list. In such cases, the Panel's work should not be taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself.

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2. Geography

2.1 The 2005 edition of the Europa publication "Africa South of the Sahara" states that the Federal Republic of Nigeria covers an area of 923,768 square km on the shores of the Gulf of Guinea, with Benin to the west, Niger to the north, Chad to the north east and Cameroon to the east and south east. Nigeria has a climate that is characterised by relatively high temperatures throughout the year. Nigeria's ethnically diverse population is made up of over 250 ethnic groups and over 500 languages are spoken in the country

[1] (pages 839 - 840).

2.2 According to the US State Department Background Note on Nigeria, published in January 2005, the capital city is Abuja. Other major cities include Lagos, Ibadan and Kano. The national population in 2003 was estimated to be 133 million. English is the official language and Nigerians commonly communicate in English, although knowledge of two or more Nigerian languages is widespread. Hausa, Yoruba and Igbo are the most widely used Nigerian languages. Although less than 25 per cent of Nigerians live in urban areas, at least 24 cities have a population of more than 100,000. Nigeria is divided administratively into 36 states and a Federal Capital Territory. The states are further sub-divided into 774 local government areas. The country's main ports are at Lagos, Port Harcourt and Calabar. Most of the roads in Nigeria are in poor condition, but state governments have gradually been improving the road network, using central government funds. Nigeria has four international airports - Lagos, Kano, Port Harcourt and Abuja. There are several private Nigerian air carriers that operate internal flights [3c] (pages 1 - 2 and 9 - 10).

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3. The Economy

3.1 The UK Foreign and Commonwealth Office (FCO) Country Profile on Nigeria, dated December 2004, states that Nigeria's GDP is US\$35.1 billion. The annual GDP growth rate in 2003 was 3.7 per cent. The national currency is the Naira. The FCO Country Profile further states that, "As the most populous African nation and the leading sub-Saharan oil producer, (2.3 million barrels of oil per day), Nigeria has a vast but largely unfulfilled economic potential. As a result annual income per head in Nigeria is amongst the lowest in the world at \$314, and two thirds of the population live on less than a dollar per day." [2] (page 3).

3.2 The US State Department 2004 Human Rights Report on Nigeria, published in February 2005, states:

"The Central Bank reported that [the] country's market-based economy grew 10.2 percent in real terms in 2003. Inadequate infrastructure, endemic corruption, and general economic mismanagement hindered economic growth. Most of the population of approximately 137 million was rural and engaged in small-scale agriculture, which accounted for only 35.8 percent of gross domestic product. Increased unemployment was a problem. Much of the country's wealth remained concentrated in the hands of a small elite. Corruption, nontransparent government contracting practices, and other practices favored the wealthy and politically influential, including a banking system that impeded small and medium investor access to credit and regulatory and tax regimes that were not always enforced impartially. Wages and benefits have not kept pace with inflation. There were numerous work stoppages at different levels of government due to salary nonpayment. The International Labor Organization (ILO) estimated that 96 million citizens lived below the poverty line and were vulnerable to malnutrition and disease." [3a] (page 1).

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4. History

4.1 According to the 2005 edition of “Africa South of the Sahara”, Nigeria was under British rule during the second half of the nineteenth century and the first half of the twentieth century. In 1947, the United Kingdom introduced a new constitution, which established a federal system of government. In 1954, the Federation of Nigeria became self-governing. A bicameral federal parliament was formed in January 1960 and on 1 October 1960, Nigeria became an independent country. Tafawa Balewa became the country’s first Prime Minister. In October 1963, the country was renamed the Federal Republic of Nigeria [1] (page 840).

4.2 The UK Foreign and Commonwealth Office Nigeria Country Profile dated December 2004, states that when Nigeria was granted independence, it was a federation of three regions - northern, western and eastern. All of the regions were allowed to retain a substantial degree of autonomy after the country became independent. In May 1967, General Emeka Ojukwu, the military governor of the Eastern Region, declared the independence of the east as the “Republic of Biafra”. Civil war (the Biafran War) broke out, which eventually ended in January 1970, when Biafran troops surrendered. The end of the Biafran War did not lead to political stability. The military continued to rule Nigeria during the 1970s, 1980s and up until the late 1990s. In February 1999, legislative and presidential democratic elections were held. Olusegun Obasanjo won the presidential election and set up a civilian-run administration [2] (pages 2 - 3).

4.3 The 2005 edition of “Africa South of the Sahara”, states that in the transitional period before civilian rule was established, the outgoing government approved a new constitution, which was formally promulgated on 5 May 1999. The new constitution came into force on the same day as Obasanjo was formally inaugurated as President of Nigeria, on 29 May 1999. Four years later, presidential and legislative elections were held in April and May 2003. Obasanjo won the 2003 presidential election, and his party the PDP, won large majorities in the 2003 legislative elections. Following the elections held in April and May, Obasanjo was inaugurated as president on 29 May, and he set up a new federal government in July 2003 [1] (pages 848 and 850).

4.4 ElectionWorld.org published the results of the April 2003 presidential and legislative elections [16]. The results were as follows:

PRESIDENTIAL ELECTION - 19 April 2003* [16]		
Name of Candidate	Political Party	Percent
Matthew O.F.A Obasanjo	People’s Democratic Party (PDP)	61.9
Buhari Muhammadu	All Nigeria People’s Party (ANPP)	32.2
Ojukwu Chukwuemeka Odumegwu	All Progressives Grand Alliance (APGA)	3.3

* turnout of 69.1 per cent

LEGISLATIVE ELECTIONS - 12 April 2003* [16]
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Political Party	House of Representatives - /360	Percent	Senate - /109	Percent
People's Democratic Party (PDP)	223	54.5	76	53.7
All Nigeria People's Party (ANPP)	96	27.4	27	27.9
Alliance for Democracy (AD)	34	8.8	6	9.7
United Nigeria People's Party (UNPP)	2	2.8	-	2.7
National Democratic Party (NDP)	1	1.9	-	1.6
All Progressives Grand Alliance (APGA)	2	1.4	-	1.5
People's Redemption Party (PRP)	1	0.8	-	0.7
Vacant	1	-	-	-

* turnouts 50.0 per cent/49.3 per cent

4.5 There were incidents of political violence before and during the April 2003 elections. The Human Rights Watch (HRW) report, "Nigeria: Renewed Crackdown on Freedom of Expression", published in December 2003, states:

"In the preceding months [before April 2003], from mid-2002 onwards, several hundred people were killed in politically-motivated violence. The victims included high profile political figures, as well as rank-and-file party supporters. While much of this violence was carried out by supporters of the ruling PDP, especially in areas viewed as PDP strongholds, supporters of opposition parties, such as the All Nigeria People's Party (ANPP), also launched attacks on their rivals, resulting in death and injuries. Most of the major parties hired and armed groups of youths to terrorize their opponents, with the result that in some areas, especially in parts of the south and the southeast, no election took place at all." [22b] (pages 4 - 5)

"President Obasanjo's numerous pre-election promises to hold to account perpetrators of political violence have remained unfulfilled. Very few of those responsible for ordering or carrying out killings and other attacks on their opponents have been brought to justice, especially in cases of violence instigated by PDP supporters." [22b] (pages 5 - 6).

4.6 The HRW report also states that the 2003 elections, although marred by violence, were described as generally peaceful by Nigerians and foreign observers. The report states:

"Despite these killings - and despite widespread rigging and fraud reported by national and international election observers deployed across the country - the 2003 elections were described as generally peaceful, both by Nigerian and non-Nigerians, and the mostly anonymous victims of this violence were quickly forgotten in the interests of encouraging Nigeria along its path to 'democracy'....Nigeria's key foreign partners, while recognizing that there had been fraud and rigging, played down the violence surrounding the elections and failed to denounce it in their public statements." [22b] (page 5).

4.7 A BBC News Online report dated 29 March 2004 stated the ruling PDP party won local elections in 25 out of 30 states. The local elections were marred with claims of massive rigging, violence and a very low voter turnout. The elections did not take place in three local authorities due to a lack of ballot papers and many voters could not vote as a result. About 250,000 police officers were deployed throughout Nigeria to prevent fighting [8a].

4.8 Details of some of the violent incidents that took place at the 2004 local elections were reported in the Human Rights Watch report “Nigeria’s 2003 Elections: The Unacknowledged Violence”, published in 2004. The reports states:

“The 2003 elections had already demonstrated that the fiercest battles for political control were played out at the local level, and local disputes were the motivation behind many of the most serious incidents of violence. The 2004 local government elections confirmed this pattern. Violence broke out in many locations before, during and after polling day on March 27, leading to dozens of deaths. In addition to battles between supporters of different political parties, the period of the local government elections saw an intensification of internal fighting, in particular within the PDP, with different factions vying for control of local government positions. From February 2004 onwards, there were several incidents of apparently politically-motivated killings and attacks in different parts of the country.” [22c] (page 9).

4.9 A United Nations IRIN report dated 2 April 2004 stated that Nigerian security agencies were investigating several military officers and civilians on suspicion of serious security breaches, following media reports of a coup against the Nigerian Government. According to a Vanguard (Nigeria) newspaper report, at least 28 military officers had been taken in for questioning by the authorities, on suspicion of recruiting soldiers for an insurrection. The Vanguard report stated that the military officers had sought the support of soldiers who felt disaffected with the present government over unpaid salaries, general insecurity, corruption and malpractice in the 2003 elections [21b]. A BBC News Online report about the alleged coup, dated 21 October 2004, stated that:

“Three military officers and a businessman have been charged with plotting to assassinate President Olusegun Obasanjo by shooting down his helicopter. Best known is Major Hamza al-Mustapha, the former security chief under late Nigerian dictator Sani Abacha. Despite being in custody over a murder case, the prosecution allege he held prison meetings to plot the coup....The charges are the first official confirmation of a coup plot after months of speculation in Nigeria about an incident described by the government in April as a ‘serious breach of national security’. All troops were recalled to barracks and all leave cancelled when the reports first emerged.” [8h].

4.10 In October 2004, a four-day general strike began over fuel price rises. A BBC News Online report dated 11 October 2004 states:

“Many Nigerian shops and offices are closed at the start of a four-day general strike over fuel prices in Africa’s largest oil producer.”

“The strike call has been followed in the main cities of Abuja and Lagos but oil production has not been affected.”

“...Despite Nigeria’s oil wealth, most of the population lives in poverty and many see cheap fuel as the only benefit they receive.”

“Fuel subsidies were removed last year, leading to large increases in the price of petrol.”

“...On Monday morning, most shops, offices and petrol stations in Nigeria’s largest city, Lagos, were closed, and there was much less traffic than usual.”

“...In a bid to take the steam out of the strike, President Olusegun Obasanjo has set up a task force to look at the effects of the fuel price rises, which includes the leader of Nigeria’s trade union umbrella group, Adam Oshiomhole.”

“...The unions are ignoring a court order issued last month, which banned them from striking for reasons other than working conditions.” [87].

4.11 A BBC News Online report dated 15 November 2004 stated that in November 2004, Nigeria’s main labour trade union, planned another strike over fuel prices. In the same month, President Obasanjo ordered the state oil firm to cut the cost of kerosene, in an attempt to prevent the general strike from taking place. As a result of the president’s actions, the strike was called off [89].

4.12 A BBC News Online report, dated 21 February 2005, stated that President Obasanjo opened a national political conference in Abuja in February 2005 to discuss constitutional reforms. Over three months, more than 400 delegates will discuss key issues facing the country such as resource control and federalism. The delegates’ recommendations should form the basis of any future constitutional reform. The BBC report adds that the vast majority of the delegates have been nominated by the presidency and state governments, which means there is a heavy bias towards the ruling party, and only 7 per cent of the delegates are women [81].

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5. State Structures

The Constitution

5.1 The 2005 edition of “Africa South of the Sahara” states that in the transitional period prior to the establishing of civilian rule in May 1999, the outgoing administration approved of a new constitutional framework based on the 1979 constitution. The new constitution was formally promulgated on 5 May 1999, and came into effect when President Obasanjo was inaugurated as president, on 29 May 1999 [1] (page 848). The constitution enshrines basic human rights freedoms 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 [7]. A BBC News Online report, dated 21 February 2005, stated that President Obasanjo opened a national political conference in

Abuja in February 2005 to discuss constitutional reforms. Over three months, the delegates will discuss constitutional issues facing the country, and the delegates' recommendations should form the basis of any future constitutional reform [81].

5.2 An article published by "The Economist" (UK) in February 2005 stated that:

"The new constitution has been a source of tension since its introduction in 1999. Critics of the new constitution claim that it concentrates too much power in the central government, defying the aspirations of many Nigerians for a looser federation. Other areas of contention include the dominance of the federal government in the control of state police and the appointment of judges. By stipulating that at least one cabinet minister must be appointed from each of Nigeria's 36 states, it is also argued that the constitution hampers the president and promotes mediocrity by emphasising origin rather than ability. The problem for the administration is that, while many of these claims are valid, the executive is fearful that changing the current constitution could prove more problematic than living with it."

"Another problem is that formulating a new constitution has proved difficult. In October 2003 the new National Assembly initiated a fresh review of the 1999 constitution, laying aside the draft review submitted by a National Assembly joint constitution committee a year earlier. The discarded report contained some major recommendations, including a single non-renewable five-year term for the president and state governors, rotation of the presidency among Nigeria's six geopolitical zones (north-west, north east, west-central, east-central, south-west and south-east) and the elections of two vice-presidents, which further reflected the obsession of politicians with power-sharing among the country's rival ethno-political blocs. Given the controversies surrounding the major issues involved in the review of the constitution, it is doubtful whether Nigeria will be able to produce a charter that is broadly accepted. Agitation for constitutional change is likely to remain a feature of national politics for some time to come." [32].

Citizenship and Nationality

5.3 Chapter 3 of the 1999 constitution sets out the requirements for Nigerian citizenship. Citizenship can be acquired by birth, descent, registration and naturalisation. There are legal provisions for voluntary and involuntary renunciation of Nigerian citizenship. Dual nationality is only legally recognised for persons who are Nigerian citizens by descent, and who have acquired citizenship of another country, by descent [7].

5.4 According to the constitution, Nigerian citizenship can be acquired by any person:

- born in Nigeria before 1 October 1960, provided one parent or one grandparent was born in Nigeria and belongs or belonged to a community indigenous to Nigeria

- born in Nigeria after 1 October 1960, provided one parent or one grandparent is a Nigerian citizen

- born outside Nigeria provided one parent is a Nigerian citizen [7].

5.5 According to the constitution, Nigerian citizenship can be obtained by registration by any person provided:

- he is of good character

- he has shown a clear intention of his desire to be domiciled in Nigeria

- he has taken the oath of allegiance as prescribed in the constitution

These provisions also apply to any woman who is or has been married to a Nigerian citizen and any person of full age (over 18) and capacity born outside Nigeria, with any grandparent who is a Nigerian citizen [7].

5.6 According to the constitution, Nigerian citizenship can be obtained by naturalisation by any person provided:

- he is of full age (over 18)

- he has resided in Nigeria for at least 15 years and plans to remain in Nigeria

- he is of good character

- he is familiar with Nigerian culture and customs and can support himself

- he has renounced any previous citizenship and has taken an oath of allegiance as prescribed in the constitution [7].

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The Political System

5.7 The 2005 edition of "Africa South of the Sahara", states that Nigeria is a democratic federal republic with a multi-party political system, comprising the Federal Capital Territory and 36 states. Executive powers of the federation are vested in the president, who is the Head of State, the Chief Executive of the Federation and Commander-in-Chief of the Armed Forces. The president is elected by popular vote for a term of four years. The legislative powers of the country are vested in the National Assembly, comprising a Senate and a House of Representatives. The 109-member Senate consists of three senators from each state and one from the Federal Capital Territory, who are elected by popular vote for four years. The House of Representatives comprises 360 members, who are also elected by popular vote for four years. The ministers of the government are nominated by the president, subject to confirmation by the Senate. The current president is Olusegun Obasanjo of the People's Democratic Party [1] (pages 867 - 868). According to the Economist Intelligence Unit's 2004 Country Profile on Nigeria, although Nigerian politics is dominated by three large parties, around 30 political parties participated in the general election following the registration of 27 new parties in 2002. According to the Country Profile, none of the new parties, however, made a significant impact in the elections and only a few won seats [10] (page 12).

5.8 An article published by “The Economist” (UK) in February 2005 states:

“Politics in Nigeria looks set to remain highly confrontational: the executive and the National Assembly frequently clash over policy direction and priorities. This has led, for example, to long delays in the implementation of the annual budgets since 1999. Since the return to civilian rule there have been several corruption scandals in the National Assembly that have forced leading members, and even the speaker, to resign. In mid-2000 an internal investigation of the Senate leadership highlighted numerous abuses of power, disregard for the rules and cases of unacceptable personal enrichment. In addition, many politicians are beholden to vested interests, and this can slow the passage of bills. The president has come into conflict with strong and independent-minded state governments, particularly over the allocation of federal income. Mr Obasanjo has also clashed with some members of his own party, who have questioned his independent style of leadership and during his first term in office backed politically motivated moves to impeach him for alleged financial mismanagement. Neither the judiciary nor the civil service is powerful or impartial enough to act as an effective constraint on the power of politicians in Nigeria.” [32].

5.9 The ethnic composition of the Government reflects the ethnic diversity of Nigeria. The USSD 2004 Report states:

“The Constitution mandates that the composition of the federal, state, and local governments and their agencies, as well as the conduct of their affairs, reflect the diverse character of the country to promote national unity and loyalty. The Government was an example of this diversity: President Obasanjo is a Yoruba from the southwest, the Vice President is a Fulani from the northeast, and the Senate President is an Igbo from the southeast. The Government also attempted to balance other key positions among the different regions and ethnic groups. ...Despite this effort, with more than 250 ethnic groups, it was difficult to ensure presentation of every group in the Government.” [3a] (Section 3).

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The Judiciary

5.10 An article published by “The Economist” (UK) in February 2005 states:

“Successive Nigerian constitutions have enshrined the independence of the judiciary. However the judiciary’s authority and freedom were considerably impaired during military rule, especially in the Abacha era, by the regime’s curtailment of judicial power and flouting of court rulings. The judiciary has regained some of its powers under the present civilian administration. It has also been required to adjudicate in political disputes, particularly those related to elections and the division of power and resources between the different tiers of government, which have proved controversial. However, the judicial system is still deeply undermined by corruption and hugely underfunded. This has resulted in poor administration of justice, including long delays in the hearing of cases, and is one of the main reasons why, for many northerners, the introduction of Sharia is attractive.” [32].

5.11 With regard to the judiciary, the USSD 2004 Report states that:

“The Constitution provides for an independent judiciary; however, the judicial branch remained susceptible to executive and legislative branch pressure. Decisions at the federal level exhibited greater independence. Political leaders influenced the judiciary, particularly at the state and local levels. Understaffing, underfunding, inefficiency, and corruption continued to prevent the judiciary from functioning adequately. Citizens encountered long delays and frequent requests from judicial officials for small bribes to expedite cases.” [3a] (Section 1e).

5.12 As regards the regular courts, the USSD 2004 Report states that:

“The regular court system is composed of federal and state trial courts, state appeals courts, the Federal Court of Appeal and the Federal Supreme Court. There are Shar’ia (Islamic) and customary (traditional) courts of appeal in states that use those bases for civil or criminal law, including in the Federal Capital Territory (Abuja). Courts of the first instance include magistrate or district courts, customary or traditional courts, Shar’ia courts, and for some specified cases, the state high courts. The Constitution also provides that the Government establish a Federal Shar’ia Court of Appeal and Final Court of Appeal; however, the Government had not yet established such courts by year’s end.”

“Trials in the regular court system were public and generally respected constitutionally protected individual rights in criminal cases, including a presumption of innocence, and the right to be present, to confront witnesses, to present evidence, and to be represented by legal counsel. However, there was a widespread perception that judges were easily bribed or ‘settled,’ and that litigants could not rely on the courts to render impartial judgments. Many courts were understaffed, and personnel were paid poorly. Judges frequently failed to appear for trials, often because they were pursuing other means of income, and sometimes because of threats against them. In addition, court officials often lacked the proper equipment, training, and motivation to perform their duties, again primarily due to inadequate compensation.” [3a] (Section 1e).

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Legal Rights/Detention

5.13 The Amnesty International report “The Death Penalty and Women under the Nigeria Penal Systems”, published in February 2004, states that Nigeria has three major co-existing penal codes. They consist of the Penal Code, the Criminal Code, and the Shari’a penal codes. The three systems establish different offences, punishments and criminal procedures, depending on the state in which the law is applied and the religion of the accused. The Shar’ia penal codes are applicable to Muslims in the 12 states that have introduced the codes as well as non-Muslims who agree to be subject to them [12c] (page 6).

5.14 With regard to police powers of arrest and detention, the USSD 2004 Report states that:

“Police and security forces were empowered to make arrests without warrants based on a reasonable suspicion that a person had committed an offense; they often abused this power. Under the law, police may detain persons for 24 hours before charging them with an offense. The law requires an arresting officer to inform the accused of charges at the time of arrest and to take the accused to a police station for processing within a reasonable amount of time. By law, [the] police must provide suspects with the opportunity to engage counsel and post bail.”

“However, [the] police generally did not adhere to these procedures in practice. Suspects routinely were detained without being informed of the charges, denied access to counsel and family members, and denied the opportunity to post bail for bailable offenses. Detainees often were kept incommunicado for long periods of time. The provision for bail often was arbitrary or subject to extrajudicial influence. In many parts of the country, there was no functioning system of bail, so suspects were held in investigative detention for prolonged periods of time.” [3a] (Section 1d).

5.15 The USSD 2004 Report also states that:

“Persons who happened to be in the vicinity of a crime when it was committed normally were held for interrogation for periods ranging from a few hours to several months. After their release, those detained frequently were asked to return repeatedly for further questioning.” [3a] (Section 1d).

The Death Penalty

5.16 The Amnesty International (AI) report "The Death Penalty: List of Abolitionist and Retentionist Countries", published in January 2005, states that Nigeria is a country which has the death penalty in force as a punishment for ordinary crimes [12b] (page 2). The Nigerian Legal Defence and Assistance Project (LEDAP) report “Who has the Right to Kill” states:

“The Supreme Court confirmed in 1998 that section 30(1) of the 1979 Constitution (now Section 33 (1) of the 1999 Constitution) was the legal basis for the validity of [the] death penalty in Nigeria. The Court held that under section 30(1) of the Constitution, the right to life, although fully guaranteed, is nevertheless subject to the execution of a death sentence of a court of law in respect of a criminal offence of which one has been found guilty in Nigeria.”

“Capital sentences are provided in penal laws, namely

- Criminal Code applicable to states in [the] southern part of the country
- Penal Code applicable in the northern states,
- Robbery and Firearm (Special Provisions) Act,
- Sharia Penal Laws in 12 states in [the] northern part of the country that operate Sharia.”

“The offences of intentional homicide (murder), treason, conspiracy for treason and armed robbery are capital offences under the common criminal laws. Under Sharia Penal laws, adultery, sodomy, lesbianism and rape are in addition capital offences.” [18] (page 3).

5.17 The Amnesty International report “The Death Penalty in Nigeria”, published in May 2004, states that:

“Amnesty International is aware of the Nigerian courts having passed at least 33 death sentences since 1999. Of these, at least 22 were handed down under the Criminal Code or the Penal Code. As of July 2003, according to the Prison Rehabilitation and Welfare Action (PRAWA), a Nigerian human rights organization, there are in total 487 people awaiting the execution of their death sentence in Nigeria, 11 out of these are women. Official statistics from the headquarters of the Nigerian Prison Service, states that the figure is 448 as of 20 January 2004....The last person to be executed was Sani Yakubu Rodi who was hanged on 3 January 2002.” [12d] (page 1).

5.18 The Amnesty International 2003 Country Report on Nigeria reports that:

“No executions were carried out during the year [2003]. Death sentences were passed both by the high courts and by Sharia [italics] courts in northern Nigeria. The new Sharia [italics] penal laws have changed the punishment for Muslims convicted of zina [italics] crimes from flogging to a mandatory death penalty, and have extended jurisdiction in capital cases to the lowest courts in the Sharia [italics] judicial system.” [12a] (page 1).

5.19 The death penalty is an issue that the Government is concerned about, and is also a subject of debate within Nigeria. The Amnesty International report “The Death Penalty in Nigeria” states:

“As a result of the increased interest in and debate on the propriety or otherwise of the death penalty in Nigeria, President Chief Olusegun Obasanjo initiated a parliamentary debate on the issue which commenced on 13 November 2003. In furtherance of this process the Attorney General of the Federation Minister of Justice inaugurated a panel of experts which will serve as the National Study Group on the Death Penalty with 12 members representing different aspects of the Nigerian society.” [12d] (page 2).

5.20 The LEDAP report “Who has the Right to Kill” states:

“The Study Group, made up of experts and other relevant stakeholders, was constituted by the Nigerian government to collate public views on the death penalty and make recommendations to the government. The Group was mandated to hold public consultations and meet as wide [a] range of opinions as possible to ensure that diverse cross sections of the population are reached with the discussions. Historically, the problem of [the] death penalty is not effectively dealt with through public opinion, as the increasing crime rate would naturally irate public opinion against abolition. On the other hand, statistical and other legitimate information on the non-deterrence effect of the death penalty is an important tool in dealing with the challenge.” [18] (page 22).

5.21 The LEDAP report states:

“Capital offences are tried by the High Courts or the Tribunals [abolished in 1999], and Sharia Courts under the Sharia Penal Laws. Capital sentences are mandatory in all cases. Judgments of the High Court can be appealed to the Court of Appeal and further and final appeals lie to the Supreme Court. In Capital cases, the convicts have automatic legal rights of appeal, and executions are not carried out until all appeal processes are exhausted or voluntarily abandoned.”

[18] (page 11).

5.22 Many persons who have been given the death sentence are currently in prisons. The LEDAP report states:

“On Monday 1st of March 2004, the President Olusegun Obasanjo in Abuja held a meeting with state governors and other stakeholders on prison conditions and the death row phenomenon in the country. An outcome of the meeting was the setting up of a Presidential Committee on death row prisoners, headed by the Attorney General of the Federation and Minister of Justice, Mr Akin Olujimi San. The committee is to ascertain the actual number of prisoners on death row who have exhausted the appeal process and make necessary recommendations.”

“The problem of death row is enormous....Some of the prisoners have been waiting for their execution for more than 20 years under very bad conditions. According to the Federation Minister of Internal Affairs, ‘the meeting was about condemned prisoners and there are just too many of them in our prisons. We have a total of 458 of them and some of them have stayed for more than 20 years waiting to be executed. So we deliberated on it extensively.’ ” [18] (page 22).

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Convicted Drug Criminals and Decree 33 of 1990

5.23 The British-Danish Fact-Finding Mission (October 2004 - November 2004) Report, dated January 2005, states that:

“Section 12 (2) of Decree 33 of 1990 states that ‘Any Nigerian citizen found guilty in any foreign country of an offence [in] involving narcotic drugs and psychotropic substances and who thereby bring the name Nigeria into disrepute shall be guilty of an offence under this subsection.’ The punishment is laid down in Section 12 (3) of the Decree: ‘Any person convicted of an offence under subsection [...] (2) of this section shall be liable to imprisonment for a term of five years without an option of [a] fine and his assets and properties shall be liable forfeiture as provided by this Decree.’ ” [15] (pages 55 - 56).

5.24 The same FFM Report states that:

“Odugbesan [Federal Ministry of Justice] explained that those convicted overseas on drug charges could face being tried and sentenced again on return to Nigeria. However, Odugbesan was not aware of anyone being convicted a second time when a ‘full sentence’ had already been served overseas. However, Odugbesan stated that drug offences are being punished sternly in Nigeria and he added: ‘if Nigerian law provides for an additional sentence it will take place.’ ”

“...Obiagwu [Legal Defence and Assistance Project], confirmed that persons, who have served their sentences abroad for drug trafficking, upon return to Nigeria have been prosecuted and convicted again. The legal argument is that ‘bringing the name Nigeria into disrepute’ as stated in the drug trafficking law is another crime and isolated from drug trafficking as such. The principle of double jeopardy is not violated according to this interpretation.”

“...Obi [PRAWA] confirmed that double jeopardy takes place in Nigeria. He explained that not only drug traffickers may be punished upon their return to Nigeria but also persons convicted of money laundering, advance fee fraud, armed robbery, rape and many other offences. The Nigerian authorities do not believe that imprisonment in Europe is ‘real punishment’ and therefore ‘proper disciplining’ in a Nigerian prison is needed. Depending on the investigations the courts may add another two to three years and in extreme cases up to seven years in Nigerian prisons to the term a person may already have served overseas. Such persons will often be put into a maximum-security person.” [15] (pages 55 - 56).

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Shari'a Penal Codes

5.25 An article by the “The Economist” (UK) published in February 2005, states that:

“In January 2000 the north-western state of Zamfara became the first state in the federation to introduce Sharia, triggering a bitter national row over the constitutional validity of the action in the multi-faith nation that is unlikely to be resolved quickly. By the end of 2001 a dozen northern states had introduced Sharia, which remained in force at the end of 2004. However, its imposition is opposed by many groups within Nigeria and has been a major source of religious and ethnic conflict within the country. In the past year there have been tentative signs that support for Sharia among Muslims is waning, as the hoped-for equality for all before the law has not materialised. However, no state is likely to abolish it.” [32].

5.26 The USSD 2004 Report on Religious Freedom, published in September 2004, reports that the 12 northern states that have adopted parts of Shari’a Law into their state penal codes are Zamfara, Sokoto, Kebbi, Niger, Kano, Katsina, Kaduna, Jigawa, Yobe, Bauchi, Borno, and Gombe. Adherence to the new Shari'a provisions is compulsory for Muslims in some states and optional in others. Non-Muslims are not required to submit to Shari’a Law provisions in any state, although in some states they are allowed the option to do so [3b] (Section 2).

Legal Framework

5.27 The Amnesty International report “The Death Penalty and Women under the Nigeria Penal Systems”, states that the Shari’a penal codes comprises three parts - penal codes laying down the criminal offences and sentences, criminal procedure codes regulating the procedures in criminal cases, and a law which relates to the establishment of the courts and the competence of the respective judicial authorities. As a result, the jurisdiction of the Shari’a courts has been widened to cover criminal cases.

The main difference between the Shari'a penal codes and the secular Penal Code is that Shari'a offences, such as zina (sex outside marriage), and drinking alcohol, have been added to the Shar'ia penal codes. These are sanctioned with specific Shari'a punishments [12c] (pages 6 - 7).

5.28 The Human Rights Watch (HRW) report "Political Shar'ia? Human Rights and Islamic Law in Northern Nigeria", published in September 2004, states that:

"Shar'ia has been applied inconsistently across the twelve states. The enthusiasm with which it has been enforced, both by the courts and by the hisbah and other implementation groups, has also varied greatly, depending on the religious make-up of the state and, to some extent, on the political whims of state governors. At the one end of the spectrum, Zamfara State has applied it the most strictly, although even there, the fervor has eased off since it was first introduced. At the other end of the spectrum, Kaduna State, where about half the population of the state are Christian and where the prospect of the introduction of Sha'ria led to massive riots and killings in 2000, few criminal cases have been brought before the Sha'ria courts, and with one or two exceptions, harsh corporal sentences have not been passed. A human rights activist and academic in Kaduna told Human Rights Watch in mid-2003: 'In Kaduna, the Sha'ria courts are there but they are as good as not there. There has been no serious case since the [2000 and 2002] riots. They deal more with domestic cases.' A lawyer in Kaduna also said: 'Generally, it is as if there is no Shar'ia in Kaduna'. Kaduna is divided into 'Shar'ia-compliant' and 'non Shar'ia-compliant' areas; residents of the former, predominantly Muslim areas, are expected to comply with the requirements of Sha'ria, whereas those of the predominantly non-Muslim or mixed areas are not." [22d] (pages 16 - 17).

5.29 The HRW "Essential Background: Overview of Human Rights Issues in Nigeria" report, published in January 2005, reports that:

"Shar'ia has provisions for sentences amounting to cruel inhuman and degrading treatment, including death sentences, amputations and floggings. However, the number of sentences that have been handed down by Shar'ia courts has decreased and there appears to be a reluctance on the part of the authorities to carry them out. No executions or amputations have taken place since early 2002 though a number of defendants remain under sentence of death....Many Shar'ia courts failed to conform to international standards and do not respect due process even as defined by Sha'ria legislation; defendants rarely have access to a lawyer, are not informed about their rights, and judges are poorly trained." [22e] (page 2).

Enforcement of the Shar'ia Penal Codes

5.30 The HRW report "Political Shari'a? Human Rights and Islamic Law in Northern Nigeria" states that:

"In most northern states, hisbah and Shari'a implementation committees have been given the task of enforcing Shari'a and ensuring that the population observe it in their day to day activities."

“The Arabic term *hisbah* [italics] means an act which is performed for the common good, or with the intention of seeking a reward from God. The concept of *hisbah* [italics] in Islam originates from a set of Qur’anic verse and Hadith. It is an obligation on every Muslim to call for what is good or right and to prevent or denounce what is bad or wrong.”

“In the Nigerian context, some observers have compared the role of the *hisbah* to that of vigilante groups operating in other parts of the country...The *hisbah* share some characteristics with these groups but there are also significant differences. Like other vigilante groups, the *hisbah* are made up mostly of locally-recruited young men who usually patrol their own neighborhoods and sometimes instantly administer punishments on people suspected of carrying out an offense, without, or before handing them over to the police. *Hisbah* members have been responsible for flogging and beating suspected criminals, but Human Rights Watch is not aware of reports of killings by *hisbah* members, in contrast with the Bakassi Boys or the OPC. *Hisbah* members may carry sticks or whips but unlike some vigilante groups in other parts of Nigeria, they do not usually carry firearms.” [22d] (pages 73 - 74).

5.31 The relationship between the *hisbah* groups in the states where they are active and the police is complex as the police is a federal institution and the *hisbah* have been set up by state governments. The HRW report “Political Shari’a? Human Rights and Islamic Law in Northern Nigeria” states that:

“The relationship between the *hisbah* and the police has been complicated. While the *hisbah* were set up by state governments, the police across Nigeria remains a federal institution, answerable to federal and not state structures. The existence of these two parallel structures, both of which have responsibilities for enforcing law and order, has resulted in conflicts of interest. The police is seen as a secular institution, and includes both Muslims and non-Muslims. Unlike the *hisbah*, the police do not have the specific mandate to ensure enforcement and implementation of Shari’a; yet in twelve states, they are operating in a context where Shar’ia is legally in force (under state legislation, even if there are doubts as to its status under federal law), and where they should therefore logically be trying to enforce. In practice, the police in the northern states have not taken on an active role as ‘Shari’a enforcers,’ nor have they actively sought to enforce new codes of behavior which were introduced alongside Shari’a, such as dress codes for women, segregation of sexes in public transport, and strict prohibition of alcohol.” [22d] (page 79).

5.32 A Norwegian Fact-Finding Mission Report on Nigeria, published by the Norwegian Directorate of Immigration in October 2004, states that:

“It is important to stress that although the shar’ia legislation to a large extent is identical between the 12 states where it has been implemented since 1999, there is no cooperation to speak of among the shar’ia court systems in the different states - i.e. breaking shar’ia law in Kano state will not mean legal persecution under shar’ia law in Sokoto. If someone on shar’ia-related charges in a Northern state leaves that state, the police will not arrest and bring him/her back to the state - this [is] because the police is a federal institution with no responsibilities

for a court system not following federal law. Hisba vigilante groups do generally not have the resources to follow people across state borders.” [37] (page 9).

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Internal Security

5.33 With regard to internal security, the USSD 2004 Report states that:

“The Federal Nigeria Police Force (NPF) is tasked with law enforcement and the Inspector-General of Police (IGP) officially reports directly to the President. Internal security is the duty of the State Security Service (SSS), which reports to the President through the National Security Advisor. Police were unable to control ethno-religious violence on numerous occasions during the year [2004], and the Government continued its reliance on the army in some cases. While civilian authorities generally maintained effective control of the security forces, there were some instances in which elements of the security forces acted outside the law. Security forces committed several serious human rights abuses.”

[3a] (page 1).

5.34 Regarding the actions of the police, the USSD 2004 Report states:

“The NPF is tasked with law enforcement. Each state unit was commanded by an Assistant Inspector General. The Constitution prohibits local and state police forces. The NPF continued its aggressive anticrime campaign dubbed ‘Operation Fire for Fire,’ which was responsible for human rights abuses and did not noticeably decrease the incidents of violent crime nationwide. Corruption was rampant, usually taking the form of bribes at highway checkpoints, and in 2003, more than 250 police were arrested during the year and another 3000 dismissed from service for corruption. In addition, in 2003 more than 30 officers around the country were arrested in connection with armed robbery. Police generally operated with impunity in the apprehension, illegal detention, and sometime execution of criminal suspects.” [3a] (Section 1d).

5.35 Information obtained from “The Nigerian Immigration Service - A Profile”, published by NigeriaBusinessInfo.com (last reviewed in July 2003), immigration controls in Nigeria are the responsibility of the Nigeria Immigration Service (NIS). The functions of the NIS are to issue Nigerian passports and other travel documents, endorse all categories of travel documents of persons arriving and departing Nigeria, issue visa renewals and issue residence permits to foreign nationals [6] (pages 3 and 4).

5.36 Information obtained from the “Intelligence Profile: Nigeria” report dated August 2003, the National Intelligence Agency (NIA) was formed in June 1986 as one of the successors of the now defunct National Security Organisation. The NIA is responsible for foreign intelligence and counter intelligence. The Directorate of Military Intelligence is responsible for military intelligence both within and outside Nigeria’s borders. The State Security Service (SSS) was formed in June 1986 and is responsible for intelligence gathering within Nigeria. The Nigerian Police Force (NPF) has jurisdiction throughout the country. Special sections of the NPF are responsible for the protection of harbours and waterways, railways and airfields. The Nigerian Drug Law Enforcement Agency

(NDLEA) was set up in January 1990 to tackle the processing, manufacturing, selling, exporting and trafficking of illegal drugs [34].

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Prisons and Prison Conditions

5.37 With regard to prison conditions, the USSD 2004 Report states that:

“Prison and detention conditions remained harsh and life threatening. Most prisons were built 70 to 80 years ago and lack functioning basic facilities. Lack of potable water, inadequate sewage facilities, and severe overcrowding resulted in unhealthy and dangerous sanitary conditions. Some prisons held 200 to 300 percent more persons than their designed capacity. The Government acknowledged overcrowding as the main cause of the harsh conditions common in the prison system. Prolonged pretrial detention contributed to the overcrowding.”

“Disease was pervasive in the cramped, poorly ventilated facilities, and chronic shortages of medical supplies were reported. Prison inmates had to provide their own food. Only those with money or whose relatives brought food regularly had sufficient food; petty corruption among prison officials made it difficult for money provided for food to reach prisoners. Poor inmates often relied on handouts from others to survive. Beds or mattresses were not provided to many inmates, forcing them to sleep on concrete floors, often without a blanket. Prison officials, police, and security forces often denied inmates food and medical treatment as a form of punishment or to extort money from them. Harsh conditions and denial of proper medical treatment contributed to the deaths of numerous prisoners. According to the NGO Prisoners Rehabilitation and Welfare Action (PRAWA), dead inmates promptly were buried on the prison compounds, usually without notifying their families.” [3a] (Section 1c).

5.38 During 2004, the Government allowed NGOs access to prisons to report on conditions. The USSD 2004 report states that:

“The Government allowed international and domestic NGOs, including PRAWA and the International Committee of the Red Cross (ICRC), regular access to prisons. PRAWA and the ICRC published newsletters on their work. The Government admitted that there were problems with its incarceration and rehabilitation programs and worked with groups such as these to address those problems.” [3a] (Section 1c).

5.39 The report “The Rope: Country Report on Death Penalty Application in Nigeria” by Udo Jude Ilo, published in July 2004, also notes that conditions in Nigeria’s prisons are very poor. This report states:

“The state of Nigerian prisons is deplorable and falls below every standard required by law and international instruments.”

“One of the greatest problems with the Nigerian prison is the problem of

overcrowding. The practice of holding charge, which accounts for more than 70 percent of awaiting trial inmates in Nigerian prison[s]; delays in [the] trial process; and insensitivity on the part of government account for the unhealthy overcrowding in Nigerian prisons. The Nigerian Special Rapporteur on Children to the Nigerian National Human Rights Commission reports that the prison facility in Ikoyi Prison is for 800 inmates; today a population of 1804 inhabits the place. This condition heightens the state of infections and epidemic[s] in the prisons. The situation in Ikoyi prisons is identical to what is obtainable in other prisons in the country.”

“Of very great concern is the absence of adequate health facilities in our prisons. Prison inmates complain that in some cases it is hard to find first aid kits to address primary health cases. In spite of the absence of health facilities, it still takes a while before serious cases are referred to hospitals. In some cases, [a] simple health situation escalate[s] into terminal cases due to lack of primary care. The basic health requirements of prisoners and ‘innocent’ men in the prison are not taken care of.” [20] (pages 35-36).

5.40 The British-Danish Fact-Finding Mission (FFM) Report on Nigeria reports that prison conditions in Nigeria are very poor but the Government is concerned about this problem and has made some efforts to improve prison conditions. The report states:

“Deputy Comptroller General of Prisons, Paschel Nzerem was of the opinion that the current tempo of reforms in the Nigerian Prisons Service (NPS) has picked up and that there have been big improvements in standards, which, if sustained, will allow international standards to be met. Nzerem did not consider that prison conditions in Nigeria could now be considered as ‘life threatening’.” [15] (page 58)

“Ogboxor [Country Director, PRAWA], stated that whilst prison conditions in general remain ‘inhumane, degrading and life-threatening’, he did not doubt the government’s commitment to address the problems. There has been increased funding to improve conditions and more prisons have been built of a high standard including those for specific categories of prisoner (e.g. drug offenders), and both health provision and conflict resolution have improved. The biggest problem does however remain that of overcrowding and in that regard the Presidential Task Force on Prison Congestion has been reconstituted in 2004 to address the issue. Ogboxor also pointed to two Bills currently before the National Assembly - one reforming the Prison Act of 1972 and the organisation of the NPS, and another to establish a Prison Service Commission with the power to recruit, set standards and discipline staff.” [15] (page 58)

“...Nzerem pointed to the improvements regarding the availability of medical treatment in prisons. All prisons now have medical clinics with nurses or paramedics working there. Four large prisons have actual hospitals inside the prison (Lagos, Bauchi, Kaduna and Ilesha). Medical doctors are employed in almost all prisons, and where they are not, there is ready access to them. The situation regarding sanitation problems are being addressed and are improving with the introduction of public health officers in most of the prisons. Whilst access to safe drinking water remains a problem in some areas, due to the inability to connect the prison to any public water supplies, bore holes are being drilled to

overcome this.” [15] (page 59).

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Military Service

5.41 The "Refusing to Bear Arms" publication, published by War Resisters' International in 1998, states that there is no military conscription in Nigeria, and this has been the case since Nigeria became an independent country. Recruitment into the armed forces is on a voluntary basis. The minimum legal recruitment age is 18. Information concerning the legal provisions for conscientious objection and the penalty for army desertion was not available to War Resisters' International when "Refusing to Bear Arms" was published [13].

Medical Services

5.42 The Economist Intelligence Unit's 2004 Country Profile on Nigeria states that the provision of health care in Nigeria is poor and official data indicates that health care has become poorer in recent years. The health care system's limited resources are being used to pay for personnel rather than improve buildings or pay for equipment. It has been estimated that there was only one hospital bed per 2,230 people in 2002, compared with one bed per 1,000 people in 1991. During the same period, the person/doctor and person/nurse ratio also deteriorated. A national health insurance scheme was officially launched in February 2003. Under the scheme, workers and their families will qualify for free health services for a financial contribution. The scheme, however, does not cover diseases requiring costly treatment such as cancer and HIV/AIDS [10] (page 18).

5.43 The Norwegian 2004 Fact-Finding Mission Report on Nigeria states that:

“The difficult situation in the public health service has resulted in the elite going abroad for treatment when able to do so - especially surgery (that is, when suffering from conditions not in need of immediate treatment), the middle class mainly use private clinics and hospitals, whereas those who cannot afford private treatment can only resort to the substandard services of the public health system.” [37] (page 16).

5.44 The US Embassy in Nigeria produced information, in August 2004, about Nigerian hospital services. The US Embassy notes that public sector hospitals generally have poor medical facilities, as compared with similar facilities available in American hospitals, but also notes that some private sector hospitals have medical facilities which are of the same standard as those available in American hospitals. The government-run National Hospital in Abuja has facilities for ENT, general and internal medicine, general surgery, paediatric surgery, obstetrics and gynaecology. Ancillary services include a 7-bed paediatric intensive care unit (ICU), operating room, computerised tomography (CT), a laboratory, ultrasound, x-ray and magnetic resonance imaging. The Lagos University Hospital, also government-run, has facilities for general and internal medicine, cardiology, physiotherapy, nuclear medicine, general surgery, ophthalmology and plastic surgery. Ancillary services include an emergency room, a 4-bed ICU, a

burns unit, CT scanner, a laboratory and x-ray imaging. The Cardiac Centre in Lagos has facilities for non-invasive diagnostic cardiac testing, 10 beds with ICU capability, 2 ICU ward beds and an emergency room [30].

5.45 The British-Danish FFM Report on Nigeria states:

“According to Dr. Abengoaë, who is Professor of Cardiology at the National Hospital in Abuja and one of the panel of doctors at the BHC [British High Commission] Clinic, hospitals throughout Nigeria are now generally able to cope with bacterial infections (including HIV, tuberculosis, malaria, typhoid and yellow fever). Non-communicable illnesses such as diabetes and high blood pressure - both very common in Nigeria - can also be treated but the costs of medication (drugs) is very high and many patients do not take the drugs because the cost is prohibitive.”

“Dr. Abengoaë’s experience is that all hospitals either stock, or can readily obtain, all drugs on the World Health Organisation’s (WHO) Model List of Essential Medicines. Some pharmacies do not store the drugs in the proper conditions. The better quality, more reputable pharmacies do however have proper storage facilities.”

“In Dr Abengoaë’s opinion Nigerian hospitals are not well equipped to perform kidney transplants - only two or three hospitals in the country have the facilities for this operation. Kidney dialysis however is widely available.”

“...Dr. Anengoaë considered that hospitals in Nigeria do not have adequate facilities to deal fully with complications in pregnancies. Caesarean section can be done but there are otherwise no intensive care facilities or specialised maternity nurses. There is no provision for the care of the elderly who are normally cared for by family members.” [15] (pages 63 - 64).

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Sickle Cell Anaemia

5.46 An article published by “This Day” (Nigerian newspaper), dated 31 May 2004, states that sickle cell anaemia is a very common condition in Nigeria. Some 28 million Nigerians are carriers of the sickle cell trait and over 100,000 babies are born annually with sickle cell anaemia. People with the disease can suffer from strokes, severe bone pain, severe haemolysis leading to anaemia and jaundice, possible hepatic dysfunction due to generalised liver damage, susceptibility to infections leading to ulcerations, and nutritional and enzyme defects leading to increased membrane lipid peroxidation. Current treatment is primarily supportive and includes the maintenance of optimal health, education, prompt treatment of associated symptoms, sound nutrition and adequate hydration. According to the newspaper article, a national sickle cell centre is being planned, and when built, will co-ordinate all efforts to deal with sickle cell disease in Nigeria [17].

Malaria

5.47 Medical treatment for people suffering with malaria is available in Nigeria. A United Nations IRIN report, dated 25 January 2005, reported that there was evidence of

widespread resistance to the drugs which are used to treat malaria sufferers. The Health Minister, Eytayo Lambo announced that the use of malaria-resistant drugs such as chloroquine and sulfadoxine-pyrimethamine would be phased out and more effective artemisinin-based drugs would be used. According to the Health Ministry, artemisinin-based drugs currently in use in Nigeria are imported but the ministry stated that it had approached pharmaceutical firms about producing the drugs in Nigeria [219].

HIV/AIDS

5.48 An Associated Press report dated 18 August 2004, states that the Nigerian Health Minister, Eytayo Lambo, had announced that the Government plans to spend US\$248 million on AIDS drugs for 200,000 HIV-infected Nigerians by the end of 2005. The money will also be spent on diagnosing and monitoring the 200,000 HIV sufferers who will receive the drugs. The Government claims to be providing subsidised treatment to about 14,000 HIV sufferers in Nigeria but activists and patients have complained that this programme often dispenses expired medication or runs out of the drugs entirely [19].

5.49 The Norwegian 2004 Fact-Finding Mission Report on Nigeria states that:

“According to the Nigerian Red Cross, there are some 25 centres for hiv-treatment in Nigeria. These centres have the capacity to treat around 10,000 patients annually, far from covering the need. Between 3 and 5 million Nigerians are estimated to be hiv-infected, and some 30% of these - i.e. 1-1.5 million people - need treatment. The government has plans for importing generic hiv medication at more reasonable prices from Indian pharmaceutical companies - the Nigerian Red Cross stated that they hoped these plans will turn into specific projects, and not remain just talk.” [37] (page 17) .

5.50 A United Nations IRIN report dated 24 January 2005 reported that Mediciens San Frontiere (MSF)-Netherlands launched a HIV/AIDS care and support project at Lagos General Hospital in August 2004 to offer a comprehensive AIDS treatment programme for people with HIV/AIDS. The project, implemented in partnership with the Lagos state department of health, offers a comprehensive range of services, including testing, counselling, medical care, nutritional support and free anti-retroviral (ARV) treatment. MSF stated that it planned to provide free treatment and counselling for more people with HIV/AIDS living in Lagos. The IRIN report also reported that the National Action Committee on AIDS (NACA) stated that 100,000 people will be enrolled in the government-run ARV treatment scheme in 2005, and the number of government-run HIV/AIDS counselling, testing and treatment centres will increase from 50 to 100 [217].

Coronary Heart Disease

5.51 The British-Danish FFM Report on Nigeria states:

“Dr. Aabengoae explained that Nigeria does not have any heart institute and its ability to deal with coronary illness is very limited. Whilst electrocardiogram (ECG) is available in teaching hospitals, there are no facilities available to perform heart by-pass operations or other coronary surgical procedures. Nor are there any intensive care units for those suffering from coronary illness. Those who need these procedures have them undertaken overseas most commonly in Ghana or Israel”. [15] (pages 63 - 64).

Cancer

5.52 The British-Danish FFM Report on Nigeria states:

“According to Dr. Abengoe treatment for cancer (breast, prostate, stomach, bone and liver are the most common in Nigeria with very little lung cancer) can be treated but availability of irradiation therapy is very limited, and restricted to a few teaching hospitals. Again the majority of people in need of cancer treatment travel overseas to receive it. Heavy reliance is placed on early detection of cancers available at teaching hospitals.” [15] (pages 63 - 64).

5.53 An article about the Obafemi Awolowo University Teaching Hospitals Complex (OAUTHC), published in the Volume 4, No 3 (winter 2003-04) International Network for Cancer Treatment and Research Newsletter states:

“The OAUTHC is one of the first-generation teaching hospitals established by the Nigerian government to deliver quality health care to its people, and until very recently was the only teaching hospital in Osun State, drawing patients from the whole of Ondo, Ekiti and parts of Oyo and Kwara states, a predominantly Yoruba ethnic population of about 20 million.”

“Between January 2001 and December 2002, 860 cancer cases (all ages and sexes) were seen at OAUTHC. The most prevalent cancers seen there are breast, prostate and cervical cancers, followed non-Hodgkin’s, non-Burkitt’s lymphoma, and Burkitt’s lymphoma, respectively. Other cancers include colorectal cancer, stomach, sarcomas, liver and skin cancers other than melanomas. In recent months, the hospital has been coordinating the free Glivec treatment for chronic myelocytic leukemia and gastrointestinal stromal tumors, under the Glivec myelocytic leukemia and gastrointestinal stromal tumors, under the Glivec International Patient Assistance Program sponsored by the Max Foundation.”

“Dr Muheez Durosini is the sole hemato-oncologist on staff at OAUTHC. Other cancer professionals on staff include pathologists, radiologists, gynecologists, general surgeons, and pediatricians.” [39].

5.54 An article published in the Volume 5, No 1 (summer 2004) International Network for Cancer Treatment and Research Newsletter states:

“In Nigeria with a population of 120 million people in 2002, there are fewer than 100 practicing oncologists and no center exclusively focused on cancer research. There are only four active radiotherapy centers giving a ratio of one machine to about 30 million people, as against the recommended one per quarter million. The available spectrum of anti-cancer drugs is very limited and such drugs are not readily available. Imaging facilities for staging patients with cancer, such as computerized tomography (CT) and magnetic resonance imaging (MRI), are difficult to come by, and when available the cost of such studies puts them out of reach of the average citizen. The inability to properly classify the various types of hematological cancers owing to lack of immunophenotypic, immunocytochemical and cytogenetic diagnostic facilities is of great concern to hemato-oncologists practicing in this part of the world.”

“There is no doubt that cancer is a serious public health problem in Nigeria, but regrettably, its management has not been satisfactory due largely to the adverse effects of unfavourable economic factors. This experience is similar to that in other African countries which have similar economic problems.” [40].

Mental Health Care

5.55 Nigeria has mental health care facilities for persons with mental illnesses. The Norwegian 2004 Fact-Finding Mission Report on Nigeria states that:

“The Nigerian Red Cross stated there was at least one psychiatric hospital in all of Nigeria’s states, but that the federal government cannot be said to have a state policy regarding psychiatric care. Some private services exist, but they are expensive, and psychotherapy almost non-existent. An additional problem is that psychiatric patients are generally in a very advanced condition when they are brought to psychiatric institutions, and accordingly very difficult to treat. The Nigerian Red Cross considered that the treatment of psychiatric patients often violated their integrity.” [37] (page 17).

5.56 The British-Danish FFM Report on Nigeria states:

“Dr. Abengoe explained that there are four institutes of psychiatry in Nigeria that are able to deal with general mental health care. Those suffering from Post Traumatic Stress Disorder (PTSD) do not normally seek medical assistance - PTSD carries a stigma for the individual and nor is it recognised as a condition that requires treatment. There are as a consequence no facilities or experts within this area in Nigeria.” [15] (page 63).

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People with Disabilities

5.57 The USSD 2004 Report states that:

“There were no laws that require accessibility to buildings or public transportation for persons with disabilities, and the Government did not formulate any policy specifically ensuring the right of persons with disabilities to work. Children and women with disabilities faced social stigma, exploitation, and discrimination, and were often regarded as a source of shame to their own families. Children with disabilities who could not contribute to the family economy were seen as a liability, and in some cases were severely neglected. Literacy rates among various categories of persons with disabilities were significantly lower than among the general population, for both men and women. The Federal Government ran vocational training centers in Abuja to provide training to indigent persons with disabilities. The individual states also provided facilities to assist blind and physically incapacitated individuals to become self-supporting, and persons with disabilities established a growing number of self-help NGOs.”

[3a] (Section 5).

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The Education System

5.58 The 2005 edition of “Africa South of the Sahara” states that primary education begins at 6 years of age and lasts for 6 years. Secondary education begins at 12 years of age and lasts for a further 6 years. Education to junior secondary level (from 6 to 15 years of age) is free and compulsory [1] (page 880). The USSD 2004 Report states “Public schools continued to be inadequate, and limited facilities precluded access to education for many children. The Constitution calls for the Government, ‘when practical,’ to provide free, compulsory, and universal primary education; however, compulsory primary education rarely was provided.” [3a] (Section 5).

5.59 The Economist Intelligence Unit’s 2004 Country Profile on Nigeria states:

“Over the past decade, standards of education in the public sector have plummeted, largely because of poor funding. Little or no progress has been made in achieving the government aim of total adult literacy: in 2002 the literacy rate was still only 57%, no change from the level in 1995. The university system, once highly rated, is in poor shape, struggling with dilapidated facilities and the loss of its best teachers to the private sector or abroad. There has been a significant growth in private secondary schools, which, because of their high fees, are accessible only to the elite. Official statistics show that there were 158 tertiary institutions in 2002.” [10] (page 18).

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6. Human Rights

6A. Human Rights Issues

General

6.1 The report “The Rope: Country Report on Death Penalty Application in Nigeria” by Udo Jude Ilo, notes that there has been an improvement in the human rights situation in Nigeria since 1999. It states:

“The constitution of 1999 has more provisions on human rights than the 1979 constitution. The establishment of a National Human Rights Commission was for the first time guaranteed by the constitution. This portrays a positive growth in human rights practices. This growth is influenced by various international conventions on human rights, which are models for every nation. The activities of non-governmental organisations in promoting and protecting human rights are some of the reasons for improved human rights orientation. The truth of the matter is that [the] human rights situation in Nigeria is better then what it used to be.” [20] (page 44).

6.2 The British-Danish FFM Report states:

“The BHC [British High Commission] emphasized that the government of Obasanjo has a professed commitment to improve the human rights situation in Nigeria. Many of the serious abuses that have occurred since the restoration of democracy are a result of the security forces’ use of excessive force and their poor treatment of protesters, criminal suspects, detainees and convicted

prisoners. This reflects the scale of the problems Obasanjo inherited from his military predecessors, particularly rebuilding the police force from scratch in a country facing so many other urgent and complex issues, such as inadequate infrastructure, endemic corruption and severe levels of poverty. The law enforcement agencies suffer from a lack of resources, particularly inadequate training. But Obasanjo has ended the pattern of systematic state-sponsored human rights abuses that were prevalent under military rule.” [15] (page 4).

6.3 Despite the improvement in the human rights situation since 1999, the USSD 2004 Report states that, in 2004:

“The Government’s human rights record remained poor, and the Government continued to commit serious abuses. Nationwide local government elections held during the year were not generally judged free and fair and therefore abridged citizens’ right to change their government. Security forces committed extrajudicial killings and used excessive force. There were several politically motivated killings by unknown persons during the year. Security forces regularly beat prisoners, criminal suspects, detainees, and convicted prisoners. There were fewer reported incidents of torture by security agents than in previous years. Impunity was a problem. Shari’a courts sentenced persons to harsh punishments including amputations and death by stoning; however, there were no reports of amputation or stoning sentences carried out during the year. Prison conditions were harsh and life-threatening, and conditions contributed to the death of numerous inmates. Security forces continued to arrest and detain persons arbitrarily, including for political reasons. Prolonged pretrial detention remained a serious problem. The judicial system often was incapable of providing criminal suspects with speedy trials. Government authorities occasionally infringed on citizens’ privacy rights.” [3a] (page 1).

6.4 The HRW “Essential Background: Overview of Human Rights Issues in Nigeria” report, published in January 2005, also reports that Nigeria has a poor human rights record. The report states that:

“The persistent failure of the Nigerian government to prosecute the perpetrators of serious human rights violations has contributed to a devastating cycle of inter-communal conflict. The violence is exacerbated by the inadequate protection of civilians by the security forces. In 2004, violence between Christians and Muslims in Plateau state and the city of Kano, claimed hundreds of lives and led President Obasanjo to impose a state of emergency in Plateau in May. Ongoing conflict over control of oil wealth in the Niger delta remains a cause of serious violence. However, the willingness of the federal government to use dialogue to respond to problems in the Niger delta and Plateau state, may signal a softening of the heavy handed approach of the past.”

“Tackling impunity remains a key challenge for the government. No-one has yet been brought to justice for the massacre of hundreds of people by the military in Odi, Bayelsa state, in 1999, and in Benue state, in 2001. The police continue to commit numerous extra-judicial killings, acts of torture and arbitrary arrests. Several opponents or critics of the government have been arrested, harassed,

and intimidated. Scores of people were killed in violence related to the local government elections in March. Shar'ia (Islamic law) courts in the north continue to hand down death sentences; however, such sentences have not been implemented since early 2002. While the federal government has made some efforts to tackle corruption, it remains pervasive within both the public and private sectors, leading directly to violations of social and economic rights; the political elite continued to amass wealth at the expense of the vast majority of Nigerians who live in extreme poverty." [22e] (page 1).

The National Human Rights Commission

6.5 The Government has set up a human rights organisation called the National Human Rights Commission (NHRC), which is the only human rights organisation in Nigeria run by the Government. Regarding the NHRC, the British-Danish FFM Report states that:

"Tony Ojukwu, Assistant Director and Legal/Special Assistant to the Executive Director, NHRC, explained that NHRC is the only governmental human rights body in Nigeria. There are no government human rights institutions at state level but a number of regional NHRC-offices have been established. These are located in Lagos (Lagos State), Maiduguri (Borno State), Port Harcourt (Rivers State), Kano (Kano State) and Enugu (Enugu State). An additional office will soon be established in Jos (Plateau State)."

"Ojukwu explained that NHRC records human rights violations, receives complaints from individuals and advises the government and the authorities regarding human rights. Within the last twelve months NHRC received approximately 800 complaints regarding extra-judicial killings, domestic violence, authorities misuse of power, illegal arrests and detention, police violence, pension and co-operative matters and environmental complaints. Only two such complaints were brought to the courts within the same period." [15] (page 36).

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Persecution from Non-State Agents

6.6 The British-Danish FFM Report states that individuals who fear persecution from non-state agents can seek police protection, but also states that:

"The NPF is however reluctant to challenge groups or individuals who may be better armed than the police and as a consequence the police do not take any action. The NPF is also sometimes reluctant to take action against such groups because these groups have the backing of senior government officials. Any prosecutions which are brought as a result of police action will invariably be in favour of the wealthier party to the complaint." [15] (page 31).

6.7 With regard to persecution from non-state agents and internal relocation, the British-Danish FFM Report states:

"The BHC believed that internal relocation to escape any ill treatment from non-

state agents was almost always an option. Some individuals may, however, face difficulties with regard to lack of acceptance by others in the new environment as well as lack of accommodation, land etc. The situation would be considerably easier if the individual concerned has family or other ties on [in] the new location.” [15] (page 37).

“According to the Minister of Internal Affairs, Dr Irchia Ayu there is no longer any state persecution in Nigeria. Persons that encounter any difficulties from non-state agents are able to relocate internally. There is free movement for all citizens within the country. Those who travel overseas to claim asylum have no reason to do so. Although claiming asylum overseas reflects badly on the country returnees will not encounter any problems upon return.” [15] (page 37).

“A senior representative of the IGP stated that NPF does not return anyone to the jurisdiction of a Shari’a [italics] court if he or she has relocated elsewhere in Nigeria in order to escape Shari’a [italics] jurisdiction.” [15] (page 37).

“Momoh [Channels Television, Abuja] explained that it is possible to evade ‘social persecution’ e.g. FGM, forced marriage, Shari’a [italics] punishment etc by relocating inside Nigeria. Momoh saw only one obstacle for escaping FGM in the form of lack of means for a person from the rural hinterland. Regarding forced marriages Momoh explained that it is possible to escape such arrangements by relocating. Forced marriage is predominantly a phenomenon in the northern part of Nigeria and a woman can escape a forced marriage by relocating to the south. It was emphasised that there is freedom of movement throughout Nigeria.” [15] (pages 37 - 38).

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Human Rights Abuses Committed by the Police

6.8 The HRW “Essential Background: Overview of Human Rights Issues in Nigeria” report, published in January 2005, states that Nigerian police officers have committed serious human rights abuses against Nigerian citizens in 2004. The report states that:

“Despite repeated promises of reform by senior government and police officials, extra-judicial killings, torture, ill treatment, arbitrary arrests and extortion remain the hallmarks of the Nigerian police. Throughout the years, a large number of extra-judicial killings occurred not only in the context of crime fighting operations against alleged armed robbers, but also during routine duties such as traffic control. Cases of torture and ill-treatment by the police during arrest and detention are common. Police often take advantage of situations of generalized violence and disorder to carry out further killings. For example, 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. In very few cases were the individuals responsible for these acts or their superiors brought to justice.”

“...There were numerous cases of arrests, detention, ill-treatment, intimidation and harassment of critics and opponents of the government. In September 2004, the offices of Inside Weekly magazine were raided by the State Security Service

(SSS) and two staff members were arrested for criticizing the government. During anti-government protest in May, police used tear gas and detained several protestors in Lagos. Similarly during nationwide strikes to protest against an increase in the price of fuel in June and October [2004], several labor union activists were detained and obstructed by police. In other incidents, members of the Movement for the Actualization of the Sovereign State of Biafra (MASSOB), an Igbo self determination group critical of the government, were repeatedly harassed and arrested.” [22e] (page 1).

6.9 The British-Danish FFM Report states that:

“A senior representative of the IGP confirmed that members of the police using excessive force is a problem and that there are many complaints made. The law only permits ‘minimum reasonable force’ to be used. When complaints are made, the police officers concerned are suspended pending the investigation. If the complaint is substantiated the officer concerned will be dismissed and action initiated in respect of the particular offence, e.g. charged with using threatening behaviour, actual bodily harm etc and dealt with through the criminal courts. The source was not able to provide [no] exact figures on the number of complaints made, investigated and their outcomes, against policemen by the public. Although the source undertook to provide the delegation with the information before the end of the mission, it was not unfortunately forthcoming.” [15] (page 29).

“Momoh [Channels Television, Abuja] confirmed that bribery and extreme violence is often committed by the NPF. Normally the government does not intervene and Momoh considered NPF abuses as a major human rights problem. He added that the SSS harass persons for no particular reason and mass arrests are taking place in order to extract money from those arrested.” [15] (page 29).

“Asiwaju [CLEEN] explained that police brutality is much more common in rural areas than in major urban centres such as Lagos or Abuja but no statistics are available to document the scale of police brutality in Nigeria. In general the NPF has a long history of abuse and violence and it is difficult to change its course and transform it into a democratic institution.” [15] (page 29).

6.10 There have been reports of extra-judicial killings committed by the police, as stated in the British-Danish FFM Report:

“Yusuf [‘Daily Trust’ newspaper] said that there are reports of several hundred incidents of NPF officers arresting and executing armed robbers, instead of taking the culprits through the courts. He explained that a court case can take many years and as accused armed robbers might be able to avoid trial through bribery the police officers might take suspects out of town and shoot them. According to Yusuf such extra-judicial killings are frequent and widespread.”

“In addition Yusuf explained that well-to-do people often use NPF to settle their personal disputes and it is in this connection that extra-judicial killings can take place. The use of bribery is also widespread.”

“LEDAP distinguishes between summary executions and extra-judicial killings. Summary executions refer to unlawful killings by non-state actors; extra-judicial killings refer to killings carried out by state agents, such as law enforcement agents like the police, military, drug enforcement agents, customs and security outfits. LEDAP reported that more than 700 victims of summary and extra-judicial killings in Nigeria were reported during the two-year period between December 2001 and December 2003.” [15] (page 30).

6.11 The USSD 2004 Report states:

“National police, army, and security forces committed extrajudicial killings or used excessive force to apprehend criminals and to disperse protestors during the year [2004], when crowds were perceived by police as possibly becoming violent. Police and the armed forces were instructed to use lethal force against suspected criminals and suspected vandals near oil pipelines in the Niger Delta Region.”

“...The Federal anticrime taskforce, also known as ‘Operation Fire for Fire,’ was among the most frequent human rights offenders. Operation Fire for Fire was established in response to widespread public calls for the Government and police to address violent crime more vigorously. Police and anticrime taskforce personnel committed extrajudicial killings in the apprehension and detention of suspected criminals. There were widespread complaints that Operation Fire for Fire has given a largely untrained police force broad latitude in using deadly force. In most cases, police officers were not held accountable for excessive or deadly force, or for the deaths of persons in custody. They generally operated with impunity in the apprehension, illegal detention, and sometimes execution of criminal suspects.”

“During the year, police, military, and anticrime personnel continued to regularly use lethal force against suspected criminals. On December 28 [2004], the Inspector-General of Police, Tafa Balogun, announced that [the] police killed 1,694 ‘suspected armed robbers’ during the year.” [3a] (Section 1a).

Government Remedies and Response to Police Human Rights Abuses

6.12 Individuals who have been ill-treated by the police can formally complain about the ill-treatment they have experienced, as stated in the British-Danish FFM Report:

“The BHC stated that the Nigerian government does not tolerate ill-treatment by the police and that any such activity is by rogue elements within the police. Individuals who encounter ill-treatment are able to make formal complaints about the treatment they received but action is not always taken to investigate the complaint and few prosecutions are brought.”

“...A senior representative of the IGP explained that the NPF is a federal force. Nigerian law requires the NPF to investigate all complaints made to them. If a person makes a complaint to the Divisional Police, and he or she is not satisfied with the response or action of the NPF then the case can be appealed to the

Area Commanders. If the person is still not satisfied the case can be taken to the State Police Headquarters. If still not satisfied the person can take the matter to the IGP (i.e. the Force Headquarters).”

“As previously stated, the senior representative of the IGP acknowledged that the use of excessive force by members of the NPF was a problem and that many complaints made are made. When complaints are made, the police officers concerned are suspended pending the investigation. If the complaint is substantiated the officer concerned will be dismissed and action initiated in respect of the particular offence, e.g. charged with using threatening behaviour, actual bodily harm etc. and dealt with through the criminal courts.”

“Asiwaju [CLEEN] confirmed that the NPF is assigned to investigate allegations that are made about police brutality and other violations committed by NPF officers. Asiwaju explained that a police officer might be suspended and/or demoted in cases where accusations of use of excessive force were substantiated. If the victim of police brutality has died the case will be referred to the Ministry of Justice (Director of Public Prosecutions). The policeman will be treated as anyone else and enjoy the same rights. In cases where a police officer has been tried and found guilty he or she will be dismissed automatically from the NPF.” [15] (page 31).

6.13 Regarding the effectiveness of the police complaints procedures, the British-Danish FFM Report states:

“Yusuf [“Daily Trust” newspaper] did not believe that the government is doing enough to bring the NPF under proper control. Only when there is an outcry among the local people affected some investigation of police brutality may take place. Having said that Yusuf referred to reports of police officers being suspended, dismissed and prosecuted when they have acted improperly. These cases usually see the light of day when the victims are influential people or well connected to such people, which ensure that action is taken against the police officers concerned.”

“According to CLEEN it is usually only when the NPF is being criticised by the media for serious violations of human rights such as extra-judicial killing or when the victim is a prominent person that one mostly hear about NPF’s internal disciplinary system. On these occasions NPF would either dismiss the erring officers from service or quickly convoke orderly room trials.”

“Asiwaju confirmed that specific cases of police brutality and impunity would be dealt with only if NGOs or other observers are able to generate attention by mobilising the media and politicians.” [15] (page 33).

Support and Assistance Provided by NGOs to Victims of Human Rights Abuses

6.14 Independent Nigerian NGOs offer support services, including legal protection and
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assistance, to victims of human rights abuses. The British-Danish FFM Report states that:

“During the mission to Nigeria the delegation held meetings with the following NGOs: LEDAP, PRAWA, Women Trafficking & Child Labour Eradication Foundation (WOTCLEF), WACOL and BAOBAB. The representatives of these five organisations all stated that in one way or another they provide legal assistance and support to individuals that are victims of injustice, harassment from non-state agents, e.g. violent husbands, forced marriages, FGM, trafficking agents or madams as well as rulings by Shar’ia [italics] courts.”

“The five NGOs mentioned operate in various locations throughout Nigeria and they cooperate with a number of other local NGOs so that individuals in need of protection and/or legal assistance will find such kind of assistance available to them. However, it was also emphasised that poor, illiterate or uneducated people may be unaware of the existence of the legal system and the avenues to seek redress or the availability of support from and protection provided by the extensive network of NGOs in Nigeria.”

“Being one of the most important women’s NGOs in Nigeria BAOBAB co-operates with a number of women’s NGOs and the representatives of BAOBAB explained that its co-operation with the following has been rewarding:

Girl Power Initiative: located in Benin City, Calabar (Cross River), Asaba (Delta) and Uyo (Akwa Ibom).

Project Alert on Violence Against Women (Project Alert): located in Lagos.

Catholic Secretariat: located in Lagos.

Women Consultants of Nigeria: located in Lagos, Abeokuta (Ogun State) and Enugu.”

“In addition WOTCLEF explained that it co-operates with the Abuja-based NGO Daughters of Ibrahim. Daughters of Ibrahim assist victims of trafficking and prostitution.”

“According to BAOBAB between 10 and 15 NGOs in Nigeria are exclusively devoted to support women, as there is no government system to support women.” [15] (pages 36 - 37).

Freedom of Speech and the Media

6.15 The USSD 2004 Report states that:

“The Constitution provides for freedom of speech and of the press; however, the Government at times restricted these rights. While there were many private newspapers and magazines that published freely, there were also numerous attacks carried out by security forces during the year [2004]. Some journalists

practiced self-censorship.” [3a] (Section 2a).

6.16 The Human Rights Watch (HRW) report, “Nigeria: Renewed Crackdown on Freedom of Expression”, published in December 2003, states that:

“Undoubtedly there are far fewer violations of the right to freedom of expression in Nigeria today than there were four years ago, and fewer blatant cases of political imprisonment. Indeed on the surface, Nigerians are able to express their views openly, as illustrated by the broad range of articles and opinions, many very critical of the government, published in Nigeria’s many newspapers and magazines....” [22b] (page 3)

“...The improvements since 1999, combined with President Obasanjo’s stated commitments to respecting human rights, have blinded observers to a number of ongoing abusive practices by the government and the security forces. Although less violent and ruthless than those of previous governments, these practices are clearly intended to deter criticism and intimidate potential opponents. While continuing to tolerate a fairly high level of verbal criticism, the authorities have often cracked down on individuals whom they perceive as too persistent in their opposition or who have touched on sensitive or controversial areas.”

[22b] (pages 3 - 4).

6.17 The same HRW Report also states that:

“With the exception of the federal and state government media outlets, much of the media regularly carries a range of opinions, including strong criticism of government policies and debates on different issues. However, in reality, genuinely independent journalism is not as common in Nigeria as it may seem, and there is an unspoken threshold beyond which criticism is not easily tolerated. The media, like so many other sectors, is tainted by corruption, with many, though not all; journalists expecting to receive payment before agreeing to report, or not to report, an event. As in many other countries, deals are struck with individual politicians on whether, when or how to report particular events. These personalized relations between politicians and individual journalists or editors allow the government a level of control over how the media represent events. However, not all journalists accept these compromises, and many continue to defy attempts at censorship.” [22b] (pages 22 - 23).

6.18 The HRW “Essential Background: Overview of Human Rights Issues in Nigeria” report states:

“Despite significant gains in civil liberties since the end of military rule, several restrictions on freedom of expression remain. There were numerous cases of arrests, detention, ill treatment, intimidation and harassment of critics and opponents of the government. In September 2004, the offices of Insider Weekly magazine were raided by the State Security Service (SSS) and two staff members were arrested for criticizing the government. During anti-government protests in May, police used tear gas and detained several protestors in Lagos. Similarly during nationwide strikes to protest against an increase in the price of

fuel in June and October, several labor union activists were detained and obstructed by police. In other incidents, members of the Movement for the Actualization of the Sovereign State of Biafra (MASSOB), an Igbo self determination group critical of the government, were repeatedly harassed and arrested.” [22e] (page 2)

6.19 The BBC Country Profile on Nigeria, published in February 2005, states that:

“Nigeria’s media scene is one of the most vibrant in Africa. State-run radio and TV services reach virtually all parts of the country and operate at a federal and regional level. All 36 states run their own radio stations, and most of them operate TV services.”

“The media regulator reported in 2005 that more than 280 radio and TV licences had been granted to private operators. However TV stations in particular are dogged by high costs and scarce advertising revenues.”

“Radio is the key source of information for many Nigerians. Television viewing tends to be centred more in urban areas, and among the affluent. International radio broadcasters, including the BBC, are widely listened to.”

“There are more than 100 national and local newspapers and publications, some of them state-owned. They include well-respected dailies, popular tabloids and publications which champion the interests of ethnic groups. The lively private press is often critical of the government.” [8d].

6.20 The USSD 2004 Report states that:

“The Government owned and controlled most of the electronic media and some publications; however, there was also a large and vibrant domestic press that was frequently critical of the Government. Following the privatization of the Daily Times, only one national, government-owned daily newspaper was published, the New Nigerian. In addition to English, the New Nigerian published a Hausa edition. Several states owned daily or weekly newspapers that also were published in English. These publications tended to be poorly produced, had limited circulation, and required large state subsidies. By year’s end, there were more than 10 major daily newspapers, 6 weekly newsmagazines, and several sensational evening newspapers and tabloid publications.” [3a] (Section 2a).

Journalists

6.21 The USSD 2004 Report states that:

“During the year [2004], there were multiple cases of threats against and attacks on the press. Security forces beat journalists on several occasions during the year. For example, on May 4, the police in Enugu beat journalists covering the appeals court judgment on election petitions. On June 10, heavily armed police beat eight journalists who were at the Nigerian Union of Journalists Press Center in Osogbo to cover a lecture organized by a local NGO working in the areas of

democracy and governance. The police alleged that the organisers of the lecture constituted a security risk to the state.”

“Security forces also detained journalists during the year. For example, on July 4, police in Kano arrested and detained Kola Olalere, the Kano State correspondent of Nigerian Tribune (which is owned by Kano State), for allegedly publishing false information on a looming crisis in kano. On August 11, police in Jigawa State detained two photojournalists for over 7 hours for allegedly releasing photographs that ridiculed the state government. On September 4, the SSS entered the office of the Lagos independent weekly news magazine, Insider, and impounded the weekly edition, seized computers, checkbooks, and other valuables and arrested and detained three members of the staff. The SSS explained that they took these actions because the publishers of the magazine had consistently attacked and humiliated the office of President Obasanjo. The detained journalists were released shortly after the incidents.” [3a] (Section 2a).

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Freedom of Religion

6.22 The USSD 2004 Report on Religious Freedom, published in September 2004, states that:

“The Constitution provides for freedom of religion, including freedom to change one’s religion or belief, and freedom to manifest and propagate one’s religion or belief in worship, teaching, practice, and observance. While the Federal Government generally respects religious freedom, there were some instances in which limits were placed on religious activity in order to address security and public safety concerns.” [3b] (Section 2)

“The Government remained an observer in the Organization of the Islamic Conference (OIC) during the period covered by this report. However, there is no state religion.” [3b] (Section 2).

6.23 The USSD 2004 Report on Religious Freedom states that:

“The law prohibits religious discrimination in employment and other practices; however, private businesses frequently discriminated on the basis of religion or ethnicity on their hiring practices and purchasing patterns. In nearly all states, ethnic rivalries between ‘indigene’ groups and ‘settlers’ led to some societal discrimination against minority ethnic and religious groups.” [3b] (Section 3)

“Christian and Islamic groups planning to build new churches or mosques are required by law to register with the Corporate Affairs Commission (CAC)...The law requires religious groups to name a board of trustees, place a notice of the group’s intent to organize in three nationwide newspapers, and send trustee information to the CAC. If the CAC receives no objections, the group can proceed with construction. The CAC did not deny registration to any religious group during the period covered by this report.” [3b] (Section 2)

“Christians in the predominantly Muslim northern states continued to allege that local government officials used zoning regulations to stop or slow the establishment of new churches. Muslims continued to complain that they were denied permission to build mosques in predominantly Christian southern states. Officials responded that many of these new churches and mosques were being constructed in residential neighborhoods not zoned for religious purposes. State officials also stated that the certification boards were dealing with a large backlog of cases for all applicants regardless of religious faith.” [3b] (Section 2).

6.24 The USSD 2004 Report on Religious Freedom states that the constitution provides for the states to use Shari’a customary law and courts. Twelve northern states have adopted parts of Shari’a law into their penal codes. These states are Zamfara, Sokoto, Kebbi, Niger, Kano, Katsina, Kaduna, Jigawa, Yobe, Bauchi, Borno and Gombe. In some states, it is compulsory for Muslims to adhere to the provisions of Shari’a law while in other states, adherence to Shar’ia law is optional. Non-Muslims are not required to in any state to adhere to Shar’ia Law provisions, although in some states they are given the option to do so [3b] (Section 2).

6.25 The USSD 2004 Report on Religious Freedom states that:

“Although the expanded Shar’ia laws technically do not apply to non-Muslims, the non-Muslim minority, especially in Zamfara State, has been affected by certain social provisions of Shar’ia, such as the separation of the sexes in public schools, and health and transportation services. Many social provisions associated with Shar’ia have roots in the country’s pre-Islamic societies and were in practice before the states adopted Shar’ia.” [3b] (Section 2).

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Religious Groups

6.26 The USSD 2004 Report on Religious Freedom states:

“Approximately half of the country’s population practices Islam, more than 40 percent practices Christianity, and the remainder practice traditional indigenous religions or no religions. Many persons combine elements of Christianity or Islam with elements of a traditional indigenous religion. The predominant form of Islam in the country is Sunni. The Christian population includes Roman Catholics, Anglicans, Baptists, Methodists, Presbyterians, and a growing number of Evangelical and Pentecostal Christians. Catholics constitute the largest Christian denomination.” [3b] (Section 1)

“There is a strong correlation between religious differences and ethnic and regional diversity. The north, dominated by the large Hausa and Fulani ethnic groups, is predominantly Muslim; however, there are significant numbers of Christians in urban centers of the north. Both Muslims and Christians are found in large numbers in the Middle Belt. In the southwest, where the large Yoruba ethnic group is the majority, there is no dominant religion. Most Yorubas practice either Christianity or Islam, while others continue to practice the traditional Yoruba religion, which includes a belief in a supreme deity and the worship of lesser deities that serve as the supreme deity’s agents on aspects of daily life. In the

east, where the large Igbo ethnic group is dominant, Catholics and Methodists are the majority, although many Igbos continue to observe traditional rites and ceremonies.” [3b] (Section 1).

6.27 Many Nigerians believe in witchcraft, astrology, ghosts and other supernatural forces, according to an article by Leo Igwe, dated September 2001, published by the Committee for the Scientific Investigation of Claims of the Paranormal. This article states that:

“Nigeria is a very religious country with most of its population mired in superstition. This is not limited to the illiterate rural folks but is also applicable to the urban elite and literati. In Nigeria there is a strong and widespread belief in juju and charms, witchcraft, ghosts, astrology, divination, reincarnation, miracles, private revelation, fortune telling, etc. These beliefs are fostered and reinforced by the many prophets and prophetesses, gurus, miracle workers, faith healers, and soothsayers that lurk in every nook and cranny of our cities and countryside.” [14]

“These charlatans claim to have divine powers - the power to bilocate and predict the future, the ability to heal all diseases - even AIDS - and the power to make people rich or live longer.” [14].

Incidents of Violence Between Different Religious Groups

6.28 Violent incidents between different religious groups have occurred. The USSD 2004 Report on Religious Freedom states:

“There were instances in which individuals or groups were targeted primarily based on religious issues and/or because of their religious affiliations. For example, in July [2004], animists destroyed Christian homes and businesses in Nkalaha, Ebonyi State in retaliation for the nonparticipation of Christians in animist rites and traditions. Animists in Ebonyi State insisted that all individuals pay cultural respect to the traditional ruler. Many Christians refused, and in retaliation the animists flogged the Christians. The Christians later complained to the police, who then beat the animists involved in the flogging.”

“In June [2004], at least 50 persons were killed in Numan, Adamawa State during fighting that began over the rebuilding of the central mosque near a Christian tribal leader’s palace. Exactly 1 year before, in June 2003, approximately 100 persons were killed in Numan in a riot sparked by the killing of a Christian evangelist by a Muslim water seller....During the 2004 fighting, several mosques and homes were burned, and many residents fled the area. In response to the June 2004 violence, the Governor of Adamawa dethroned the Bachama leader and ordered the relocation of the mosque.”

“In May [2004], in Jega, Kebbi State, at least 3 persons were killed, 150 to 200 arrested, and up to 8 churches were burned when mobs attacked the town’s market, and looted and burned stalls.”

“In April [2004], in Kaduna State, a Christian youth, possibly mentally ill, tore up a copy of the Koran and was beaten by Muslim youths. When police took the Christian youth into protective custody, a mob formed at the police station to demand vigilante justice. Police fled with the Christian youth, and the mob burned the police station and up to eight Christian churches. Some members of the mob were arrested, but no charges were filed against them.”

“In March [2004], in Jigawa State, a Muslim man allegedly complained about the volume of services at a nearby Christian church, whereupon the church accused the man of theft. When police took the Muslim man into custody, an irate mob burned several churches and possibly a hotel before order was restored. As is the practice, the police arrested the rioters to prevent retaliatory attacks, but no charges were filed against those persons arrested.” [3b] (Section 3).

6.29 During 2004, incidents of communal violence between Christians and Muslims occurred in Plateau State. A United Nations IRIN report dated 4 March 2004 stated that at least 2,500 people had fled Plateau State in central Nigeria following violence between Muslims and Christians. The Nigerian Red Cross reported that 62 people were killed in the inter-communal violence. Many people living in the area fled to the neighbouring Bauchi State. Troops and the police restored calm to most of the affected area, according to the report, but people still fled the area due to concerns about their security. The report also states that Muslims and Christians had lived peacefully in these rural communities for decades, but in 2001 a complex mixture of religious issues, arguments over land tenure and local politics led to a spate of killings and communal attacks [21a].

6.30 A United Nations IRIN report dated 18 May 2004, reported that violence between Christians and Muslims broke out again in Plateau State, on 2 May 2004. According to the Nigerian Red Cross, 600 Muslims were killed by Christian militants. The 2 May attacks by Christians against Muslims led to revenge attacks on Christians by Muslims in Kano later that month. It was reported that many Christians were killed in these attacks. As a result of the violence, President Obasanjo declared a state of emergency in Plateau State, on 18 May 2004 [21a]. An Afrol News report about the violent clashes in Plateau State, dated 18 May 2004, states:

“The federal government of Nigeria today declared a state of emergency in the central Plateau state after massacres between two ethnic groups were turning into a religious war. President Olusegun Obasanjo feared the violence here could ‘spread across the country.’ Federal President Obasanjo announced the decision in Abuja today, after he had suspended state governor Joshua Dariye - whom he accused of being ‘weak and incompetent’ - and other Plateau state officials. Governor Dariye yesterday had been rapidly called to Abuja, the federal capital.”

“...During the last months, the unrest in Plateau state has built up from a lesser dispute over land rights and livestock between the Tarok people - a mostly Christian people of cultivators - and the Fulani livestock breeders, who are mostly Muslim. The conflict turned violent early this year.”

“In February, an armed Fulani group massacred 50 Taroks while in church. This

was revenged as a larger Tarok group attacked several Fulani villages earlier this month, killing an estimated 300 villagers. As the violence has escalated in Plateau state, a religious element has grown stronger.”

“State governor Dariye is accused of siding with the Tarok people based on religion. Christianity is the majority religion in Plateau state and Mr Dariye is reported to recently have encouraged Muslims to leave the state. Religious leaders not belonging to the two clashing peoples have increasingly become involved in the conflict.”

“Last week, the Plateau unrest started spreading to other Nigerian states. In the predominantly Muslim state Kano in northern Nigeria, large crowds on 11 May demonstrated against the attacks on fellow Muslims in Plateau. The protests soon turned violent against Christians. According to Christian leaders in Kano, over 600 people were killed and 12 churches burnt in two days.”

“In Kano, the state government has issued several curfew orders to control the escalating violence. Tension is reported to have eased somewhat during the weekend after local authorities have done their best in controlling the violence.”

“In Plateau, however, President Obasanjo was not convinced by the efforts of state authorities and traditional and religious leaders....”

“We need to take serious steps to stem the tide of what has become a near-mutual genocide, President Obasanjo said, declaring the state of emergency. Retired General Chris Ali was appointed the new interim governor of the state for a period of six months. The federal President nevertheless will have ample powers in Plateau as long as the state of emergency is upheld.” [42].

6.31 A BBC News Online report, dated 18 November 2004, reported that the state of emergency declared by the Government in May 2004, was formally lifted in November 2004, mainly due to an improved security situation. The BBC report also stated that Joshua Dariye, the suspended governor of Plateau State, was expected to be reinstated as governor [8c].

6.32 The IRIN report of 18 May 2004 stated that the violence that occurred in May 2004 in Plateau State was based on religious differences [21a]. In contrast, a BBC News Online report, dated 19 May 2004, states that the root causes of the violence that occurred in Plateau State in May 2004 were political and economic differences, rather than religious differences. The BBC report states that ‘Nigeria’s combination of poverty for the majority and wealth for the few makes it an ideal breeding ground for the sort of violence which led to a presidential order for a state of emergency to be declared in the centre of the country this week’ and that ‘The violence this month in Plateau State is a consequence of the polarisation caused by earlier rounds of fighting and the underlying causes related to poverty and wealth.’ [8b]. This view is supported by the USSD 2004 Report which states that ‘It often was difficult to distinguish religious discrimination and tension from ethnic, regional, economic, and land use competition. Often religious tensions underscored what were predominantly ethnic and economic confrontations during the year [2003]’.” [3a] (page 12).

Freedom of Assembly and Association

6.33 The USSD 2004 Report states that:

“The Constitution provides for freedom of assembly, and the Government generally respected this right for pro-government rallies, while opposition gatherings continued to be restricted. In areas that experienced communal violence, police and security forces permitted public meetings and demonstrations on a case-by-case basis.”

“The Government continued nominally to require organizers of outdoor public functions to apply for permits, although both government authorities and those assembling often ignored this requirement.”

“The law prohibited gatherings whose political, ethnic, or religious content might lead to unrest. Open-air religious services away from places of worship remained prohibited in many states due to fears that they might heighten interreligious tensions.” [3a] (Section 2b).

6.34 The USSD 2004 Report states that Nigerians can freely associate with other persons in political parties, trade unions, or special interest associations, and the Government has generally respected this right in practice. The Constitution allows for the setting up of political parties and 30 parties were registered with the Independent National Electoral Commission (INEC) in 2004 [3a] (Section 2b).

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Employment Rights

6.35 The USSD 2004 Report states that:

“The Constitution provides all citizens with the right to form or belong to any trade union or other association for the protection of their interests, and workers exercised this right in practice; however, several statutory restrictions on the right of association and on trade unions remained in effect.”

“According to figures provided by the Nigeria Labor Congress (NLC), total union membership was approximately 4 million. Less than 10 percent of the total work force was organized. With the exception of small numbers of workers engaged in commercial food processing, the agricultural sector, which employed the majority of the work force, was not organized. The informal sector, and small and medium enterprises remained largely unorganized.”

“Workers, except members of the armed forces and employees designated as essential by the Government, may join trade unions. Essential workers included government employees in the police, customs, immigration, prisons, the federal mint, and the Central Bank. Employees working in a designated Export Processing Zone (EPZ) may not join a union until 10 years after the start-up of the enterprise.”

“The country’s labor law mandates a single-labor-federation structure for workers, which has become the NLC. Trade unions are required to be registered formally by the Government, and a minimum [of] 50 workers per enterprise are required to form a trade union; the Government formally recognized 29 such unions under the NLC by year’s end. Senior staffers are not permitted to join NLC-affiliated unions and were organized under the confederation Trade Union Congress (TUC), which was not registered with the Government. The TUC and its constituent organizations acted like a union federation and often co-operated with their NLC counterparts but had no legal status.” [3a] (Section 6a).

6.36 Workers have the right to strike, subject to some restrictions. The USSD 2004 Report states:

“The Labor laws provide for both the right to organize and bargain collectively between management and trade unions, and collective bargaining occurred throughout the public sector and the organized private sector. The Labor Minister could refer unresolved disputes to the Industrial Arbitration Panel (IAP) and the National Industrial Court (NIC). Union officials questioned the effectiveness of the NIC in view of its inability to resolve various disputes stemming from the Government’s failure to fulfil contract provisions for public sector employees. Union leaders criticized the arbitration system’s dependence on the Labor Minister’s referrals. The Labor Minister made several referrals to the IAP during the year. The IAP and NIC were active; however, both suffered from a lack of resources.”

“Workers had the right to strike; however, certain essential workers were required to provide advance notice of a strike.”

“...There were no laws prohibiting retribution against strikers and strike leaders, but strikers who believed they were victims of unfair retribution could submit their cases to [the] IAP, with the approval of the Labor Ministry. The IAP’s decisions were binding on parties but could be appealed to the NIC; however in practice, the decisions of these bodies infrequently carried the force of law. Union representatives described the arbitration process as cumbersome and time-consuming, and an ineffective deterrent against strikers.” [3a] (Section 6b).

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People Trafficking

General Overview

6.37 Nigeria is a country where people trafficking is prohibited by law but is practiced, and is a serious problem. People are trafficked into and out of the country as well as within the country. The USSD 2004 Report states that:

“The law prohibits trafficking in persons; however, persons were trafficked to, from, and within the country. It was believed that some individual members of the

government facilitated or condoned trafficking, although no officials were accused, prosecuted, or convicted.”

“The law prohibits human trafficking and provides for penalties including monetary fines, imprisonment, deportation, forfeiture of assets and passport, and liability for compensation to victims in civil proceedings. Imprisonment terms range from 12 months to life, while fines range from \$375 (50,000 naira) to \$1,500 (200,000 naira).”

“...Nigerians were trafficked to Europe, the Middle East, and other countries in Africa for the purposes of forced labor, domestic servitude, and sexual exploitation. Girls and women were trafficked for forced prostitution to Italy, France, Spain, the Netherlands, Cote d’Ivoire, and the Benin Republic. Children were trafficked for involuntary domestic and agricultural labor and street peddling within the country and to countries in West and Central Africa. Both women and children were trafficked to Saudi Arabia. The country was a destination country for children trafficked for forced labor from other West African countries, primarily Benin.”

“...The UN Office of Drugs and Crime (UNODC) reported that individual criminals and organized criminal groups conducted trafficking, often involving relatives or other persons already known to the victims. Traffickers employed various methods during the year. Many were organized into specialities, such as document and passport forgery, recruitment, and transportation. To recruit young women, traffickers often made false promises of legitimate work outside the country. Traffickers also deceived child victims and their parents with promises of education, training, and salary payments. Once away from their families, children were subjected to harsh treatment and intimidation. Traffickers subjected victims to debt bondage, particularly victims forced into prostitution. In some cases, traffickers employed practitioners of traditional magic, or juju, to threaten victims with curses to procure their silence. NAPTIP estimated that 90 percent of the girls trafficked through Benin routes were placed under juju curses. Victims were transited by air, land, and sea. Established land routes to Europe transited Benin, Togo, Ghana, Cote d’Ivoire, Guinea, Mali, Niger and Morocco.”

[3a] (Section 5).

Government Efforts to Tackle People Trafficking

6.38 The Government is concerned about the problem of people trafficking and has co-operated with foreign governments and set up an agency to tackle it. The USSD 2004 Report states:

“The National Agency for Prohibition of Trafficking in Persons (NAPTIP), established in August 2003, was [has] primary responsibility for combating trafficking. The NPF and the Nigerian Immigration Service (NIS) also have antitrafficking units. In addition the President has a special assistant for human trafficking and child labor.”

“With the existence of NAPTIP, enforcement efforts improved during the year; however, inadequate funding for NAPTIP and other antitrafficking efforts

remained a major constraint. The number of trafficking cases investigated and prosecuted during the year increased; however the precise number of cases pursued was difficult to determine because of poor record keeping and the overlapping roles of NAPTIP and the anti-trafficking units of the NPF and NIS.”

“...The Government collaborated with the Spanish police, the Italian National Antimafia Bureau, and the police force of the Benin Republic on investigations in several cases. In November, the Government signed a memorandum of understanding with the United Kingdom to share detection methods and equipment and provide medical and financial support to victims.”

“...At the institutional level, government authorities do not facilitate or condone trafficking; however, NAPTIP received reports from informants and foreign officials that law enforcement officers and individuals in the immigration and airport authorities collaborated in trafficking across the country’s borders. Victims interviewed by UNODC identified the complicit and collaborative behavior of police, security force, immigration, and customs officials. NAPTIP briefed the heads of police and immigration. NAPTIP also worked with the Ministry of Aviation to address corruption among airport officials. The law provides punitive measures for officials who aid or abet trafficking; however, during the year, NAPTIP and NPF found no evidence of official complicity, and no officials were prosecuted, tried, or convicted for traffic-related charges.” [3a] (Section 5).

6.39 The Africa section of the USSD 2004 Trafficking in Persons Report acknowledges that the Government has made efforts to tackle people trafficking but also states that corruption by government officials has hindered these efforts. The report states that:

“The criminal provisions in the comprehensive anti-trafficking law passed in June 2003 remain untested, although the government created the National Agency for the Prohibition of Trafficking in Persons (NAPTIP), as the law mandates, in August of the same year. However, Nigerian courts prosecuted no traffickers during the last year...Reports indicated that government officials, particularly police and immigration and border officials, facilitate the trafficking of women and children; there is no discernible commitment to address this trafficking-related corruption. This corruption is reportedly very high, impeding the identification and prosecution of traffickers.” [3d] (page 18).

6.40 The British-Danish FFM Report states:

“Akinmoyo [Special Assistant to the Presidency on Human Trafficking and Child Labour] pointed out that there is a strong political will within the federal government to address the problem, of human trafficking and child labour but the government does not fully control the policies of the state and local governments. On the federal level a number of governmental bodies are concerned with trafficking and a National Presidential Committee has the overall responsibility for all activities and an anti-trafficking police force has been established. The key NGO engaged in anti-trafficking is WOTCLEF, but Akinmoyo emphasised that there is a need to form a coalition of anti-trafficking NGOs throughout the country as the victims of trafficking most likely are more prepared to co-operate with a

local NGO whom they may know.”

“Ndaguba explained that the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act was enacted in 2003 and in August the same year NAPTIP was established under the provisions of that legislation.”

“NAPTIP is the focal point for the fight against human trafficking and child labour and the rehabilitation of the victims of trafficking in Nigeria. NAPTIP’s remit includes co-ordinating of all laws on trafficking in persons, enforcement of the laws and to taking charge, supervising, controlling and co-ordinating efforts on the rehabilitation of trafficked persons. Ndaguba explained that the punishment for trafficking is imprisonment of between five years and life.”

“Through its National Investigation Task Force, NAPTIP conducts investigations and monitoring activities as well as bringing prosecutions of traffickers. The task force has the mandate to operate anywhere in Nigeria using both NPF and immigration facilities at state and local level and even in neighbouring countries.”

“NAPTIP is closely co-operating with NPF and about 40 police officers and police detectives are now working for the agency. This provides a quick and effective instrument against traffickers as well as for quick support to victims of trafficking. All cases of trafficking are referred to NAPTIP. To further assist victims of trafficking and to improve the scope to investigate suspected cases of trafficking NAPTIP has established a hotline. The line is open to everyone and about one call per day is registered.” [15] (page 42).

Societal Attitudes to People Trafficking

6.41 The British-Danish FFM Report states:

“Usman [NHRC] considered that women who had worked as prostitutes abroad would not in general face negative social attitudes from their community. Some people, the more well-off and highly educated, in the predominantly Muslim northern part of Nigeria, may feel offended. Most people will hold the women in high regard due to the fact that they have been to Europe and probably have more financial means. Often her relatives consider her a breadwinner. Usman emphasised that sexual morality is not as strict in the south as in the north.”

“Momoh [Channels Television, Abuja] believed that there is a general understanding in Nigeria of why women might travel abroad to work and end up in prostitution. No authority in Nigeria would persecute such persons when they return, even if they might have applied for asylum abroad.”

“Finally, Akinmoyo did not consider that returned victims of trafficking are subject to any kind of social stigmatisation in Nigeria society merely because they have worked as prostitutes abroad. In some cases stigmatisation may occur but this will be on an individual level and not on a social level. The returned victim’s local community will not seek to exclude or ostracise her.” [15] (page 44).

Treatment of Trafficked Women Returned to Nigeria

6.42 The British-Danish FFM Report states:

“Carol N. Ndaguba, Executive Secretary/Chief Executive, National Agency for the Prohibition of Traffic in Person and Other Related Matters (NAPTIP), considered that trafficked women and girls abroad might fear being forced to return to Nigeria. She explained that very often these victims have sworn a blood oath to a ‘juju shrine’ [italics] and to the juju [italics] priest of their local community. The victims are most likely in debt to a madam who may have sponsored their travels abroad. Because of the victim’s fear of her compulsion to the juju [italics] shrine and the possible risk of being persecuted by the madam or the priest the victim might feel a genuine fear of returning home. However, Ndaguba considered such kind of fear as unfounded.” [15] (page 41)

“Momoh [Channels Television, Abuja], stated that only on rare occasions have returned victims of trafficking been ill-treated by agents of trafficking. In some cases the trafficked persons, may possibly be at risk of ill treatment or revenge if the trafficked persons returns to Nigeria before the madam or the agent have been satisfied with payments. However, Momoh had no records of any such incidents and believed that if this were a problem he would be aware of it. It was added that in Edo State as well as in some other states shelter facilities are available to female victims of trafficking.” [15] (page 43)

“According to BAOBAB, agents of trafficking are able to kill a woman who has been returned to Nigeria before the contract with the madam has expired. The woman would at least have a genuine if not well founded fear of her security because she is still bound by her oath to the shrine. However, her fear could indeed be well founded if she has not been able to pay back the madam or the agent the full amount as agreed in the contract. If the madam or the agent feel that their standing in society is threatened they can send out people to look up the woman or her family and pose threats in order to collect the debt.” [15] (page 43)

“The madam or the agent can also trace a woman if they suspect that she intends to co-operate with the authorities. In such cases the madam or the agent may hire persons from militant groups like the Bakassi Boys, Egbusu Boys or OPC and in this way have the woman killed as a deterrent to others.” [15] (page 43)

“Akinmoyo [The Presidency, Abuja], believed that the biggest problem facing victims of trafficking was the traumatic experience they have undergone living as prostitutes in a foreign country, but believed that the victims were not at risk of persecution from any Nigerian authority if they return home. Akinmoyo considered that in general returning victims would be secure and that agents of trafficking or madams would not be in a position to persecute returned victims of trafficking in Nigeria. Akinmoyo believed that returned victims of trafficking should always have access to a protection programme upon returning to Nigeria to help the victims deal with their traumatic experiences. No long-term shelters for returned or deported victims of trafficking are available in Nigeria. The existing shelters only offer protection and rehabilitation for a maximum of two weeks. After this period victims are expected to manage on their own and for some victims this could prove itself to be very difficult.” [15] (pages 43 - 44)

“Umaru [WOTCLEF], was unaware of whether or not any agent or madam had ever been able to trace and persecute a returned victim of trafficking in Nigeria. She did not believe that even agents have a sufficiently organise network to trace a returned women. Umaru was convinced that she would have been informed had there been any cases where agents had been able to persecute returned victims of trafficking.” [15] (page 44)

“Usman [NHRC], explained that upon return to an international airport in Nigeria the returnees are not detained but can be held for questioning and their travel documents and papers seized. They are always released after a short time. Usman pointed to several cases where large groups of women were deported from foreign countries on chartered planes. In April and in May 2004 a group of 371 Nigerian women were deported from Italy. They were held for a couple of days while their families were contacted and brought in, along with some Catholic priests, in order to provide support to the victims of trafficking. The women were shown on television and the newspapers carried articles and pictures of the incident. Usman considered that this did not take place in order to expose the women but as a warning for others against engaging in trafficking. None of the women were later persecuted.” [15] (page 45).

Protection for the Victims of People Trafficking

6.43 The Government has provided some assistance to the victims of people trafficking. The USSD 2004 Report states:

“The Government provided limited funding for assistance to victims. NAPTIP served as the point of contact for immigration and police officials when victims were found. Seventy-four victims passed through the agency during the year. NAPTIP directly provided overnight shelter to some, but most often, agency officials connected victims to nongovernment or international organizations for shelter, counseling, and reintegration assistance. NAPTIP established a hotline for victims and anyone seeking or wanting to provide information about trafficking. In a couple of cases, the Government helped victims repatriate to the country. NAPTIP also helped to reunite several trafficked children with their families.”

“...The Government provided some funding for protection activities. For victims serving as witnesses, divisional police officers were appointed to serve as witness protection officers. NAPTIP officials and the officer worked together to provide assistance. NAPTIP also created a brochure to let victims know the agency exists to help them if they would like to pursue protection. The brochure was distributed to deportees returning to the country in hopes that it would encourage unidentified trafficking victims to come forward. The brochure prompted at least one woman returned from Italy to contact NAPTIP. Several state governments in the south continued strong efforts to protect victims. Victims were no longer criminalized or detained with criminals in cells as they were in previous years.” [3a] (Section 5).

6.44 The British-Danish FFM Report states:

“BAOBAB considered that some victims of trafficking might find it difficult to find protection against persecution by agents of trafficking. However, those victims may even find their security at stake abroad. BAOBAB emphasised that trafficking agents do have a well-established network even internationally. This network makes it possible for agents to harass, intimidate and even kill their victims or their relatives overseas. BAOBAB referred to a recent case from Italy in which someone presumably connected to trafficking agents had killed the sister of a victim of trafficking.”

“Regarding victims of trafficking Momoh considered that if social stigmatisation in the home area of a victim turned out to be a problem for a returnee this person would only have to settle temporarily somewhere else in Nigeria before returning to her home area.” [15] (page 38).

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Freedom of Movement

6.45 Regarding the right to travel within the country, the right to travel abroad and to return to Nigeria, the USSD 2004 Report states that:

“The Constitution provides for these rights, and the Government generally respected them; however, police occasionally restricted freedom of movement by enforcing curfews in areas with ethno-religious violence.”

“...Law enforcement agencies used roadblocks and checkpoints to search for criminals and to prevent persons traveling from areas of conflict to other parts of the country where their presence might instigate retaliatory violence. There were no reports that government officials restricted mass movements of individuals fleeing ethnic unrest. Security and law enforcement officials continued to use excessive force at checkpoints and roadblocks and engage in extortion and violence.” [3a] (Section 2d).

6.46 The British-Danish FFM Report states that:

“Musa Baraya, Acting Comptroller General, Comptroller General of Immigration, Nigerian Immigration Service (NIS), acknowledged that border control - particularly along the borders to the north of the country - was a serious problem. There are official border crossing points but in practice anyone could easily cross at any point. Economic Community of West African States (ECOWAS) agreements provide for free movement with neighbouring countries but there is still a requirement for individuals to have proper travel documentation. NIS, in an effort to tackle the problem of illegal border crossing, has put in place mobile border patrol units on land and introduced air patrols. They have also developed close working relationships with counterparts in neighbouring states and these initiatives are proving to be successful.” [15] (page 65).

Treatment of Returned Failed Asylum Seekers

6.47 Regarding how returned failed asylum seekers are treated by the Nigerian

authorities, the British-Danish FFM Report states that:

“Ndaguba [NAPTIP] emphasised that there are no laws in Nigeria which make it illegal to leave the country and that no Nigerian asylum seeker has been persecuted or punished after having returned from abroad as a consequence of having applied for asylum.”

“Yusuf [“Daily Trust” newspaper, Abuja] confirmed that during the democratic elected government in Nigeria no returned rejected asylum seekers has been arrested or detained only because he or she had applied for asylum abroad.”

“Baraya [NIS] confirmed this but added that those who are perceived as having damaged the reputation of Nigeria, by for example claiming that the government has persecuted them are ‘not liked’. Although in theory such individuals might be facing prosecution for ‘defamation’, Baraya could not recall any example of this ever having happened in practice.” [15] (page 65).

6.48 Regarding how returned failed asylum seekers arriving in Nigeria with emergency or temporary travel documentation are treated, the British-Danish FFM Report states:

“Nick Newman, Visa Section, BHC, Abuja, explained that failed asylum seekers who are returned on UK emergency travel document[s] are questioned on arrival in Nigeria in order to establish why the person concerned had been in the UK and why he or she had been deported. The interview would usually last on average 15 to 20 minutes. Newman was not aware, or has ever heard, of any returned failed asylum seekers being held in detention or having encountered any ill treatment or other problems upon his return to Nigeria. Individuals deported back to Nigeria are subsequently allowed to apply for and be issued with full Nigeria passports in the normal way to allow further travel overseas. Those however who are wanted by the Nigerian authorities for, in particular drug smuggling, are likely to be arrested on return and prosecuted by the police for those criminal offences.”

“The delegation was able to hear first hand from two returned failed asylum seekers who were separately attending the BHC in connection with visa applications to return to the UK. The first applicant had been returned to Nigeria with a certificate of identity issued by the UK authorities. The applicant said that he was questioned by the immigration authorities on return and held for about two or three hours while his identity was confirmed; he was not questioned by the SSS or anyone else. As soon as the applicant’s identity was confirmed the person in question was admitted to Nigeria. The applicant said that he had not encountered any problems or difficulties subsequently and has been issued a replacement passport through normal channels.”

“The second applicant had been returned to Nigeria on an emergency travel document issued by the Nigerian High Commission in London. The applicant said that he had be passed through immigration control at Murtala Mohammed International Airport in Lagos without being questioned and had not experienced any problems from any government body since returning to Nigeria. The applicant had also been issued a full replacement passport in the usual way.” [15] (page 66).

6B. Human Rights - Specific Groups

Ethnic Groups

6.49 The USSD 2004 Report states that:

“The country’s population was ethnically diverse, and consisted of more than 250 groups, many of which spoke distinct primary languages and were concentrated geographically. There was no majority ethnic group. The four largest ethnic groups, which made up two-thirds of the country’s population, were the Hausa and Fulani of the north, the Yoruba of the southwest, and the Igbos of the southeast. The Ijaw of the South Delta were the fifth largest group, followed by Kanuri in the northeast, and the Tiv in the Middle Belt.” [3a] (Section 5).

6.50 Nigerians of any ethnic group can participate in government at the local, state and federal level. The USSD 2004 Report states that:

“The Constitution mandates that the composition of the federal, state, and local governments and their agencies, as well as the conduct of their affairs, reflect the diverse character of the country to promote national unity and loyalty. The Government was an example of this diversity: President Obasanjo is a Yoruba from the southwest, the Vice President is a Fulani from the northeast, and the Senate President is an Igbo from the southeast. The Government also attempted to balance other key positions among the different regions and ethnic groups....Despite this effort, with more than 250 ethnic groups, it was difficult to ensure presentation of every group in the Government.” [3a] (Section 3).

6.51 Discrimination on the basis of ethnicity is practiced in Nigeria. The USSD 2004 Report states that:

“The Constitution prohibits ethnic discrimination by the Government; however, claims of marginalization, particularly by members of southern minority groups and Igbos, continued. In particular, the ethnic groups of the Niger Delta continued their calls for high-level representation on petroleum problems and within the security forces. Northern Muslims accused the Government of favoring Yorubas or Christians from the Middle Belt for those positions. Traditional linkages continued to impose considerable pressure on individual government officials to favor their own ethnic groups for important positions and patronage.”

“Societal discrimination on the basis of ethnicity was practiced widely by members of all ethnic groups and was evident in private sector hiring patterns, de facto ethnic segregation of urban neighborhoods, and a continuing paucity of marriages across major ethnic and regional lines. There was a long history of tensions among some ethnic groups.” [3a] (Section 5).

Incidents of Violence Between Different Ethnic Groups

6.52 Some inter-ethnic conflicts occurred during 2004 and were based on disputes over land rights and ownership. According to the USSD 2004 Report:

“Conflict over land rights and ownership continued among members of the Tiv, Kwalla, Jukun, and Azara ethnic groups; each of these groups resided at or near the convergence of Nassarawa, Benue, and Taraba States. The Tiv, who were claimed by their opponents to have migrated to the country later than other inhabitants of the disputed area, were regarded as interlopers by the other groups, which consider themselves ‘indigenous’ ethnic groups. Tivs are the largest ethnic group in much of Benue and parts of other states.”

“Communal violence between members of the Ogori and Ekpedo ethnic groups in Kogi and Edo states continued over boundary and land disputes. Kogi and Edo state governors declared the disputed land a ‘buffer zone’, and the matter was referred to the National Boundary Commission in 2003. No further action was taken during the year.” [3a] (Section 5).

Violence in the Delta Region

6.53 The Niger delta is a region of Nigeria where there have been long-standing ethnic tensions that have sometimes resulted in violence. A Norwegian 2004 Fact-Finding Mission Report on Nigeria, states that:

“According to the Nigerian Red Cross and others, the Niger Delta is one of the main areas of ethnic conflict in Nigeria. The Nigerian Red Cross mentioned a number of underlying reasons for the conflict, the main one being resource control - i.e who controls the vast oil resources in the area. In addition to this, there are enormous social problems in the area - some directly related to the oil business, some not: generational conflicts, huge unemployment and crime - organised and other kinds - as alternative ways of finding income. They pointed to general thuggery, gangs involved in ‘bunkering’ of oil from pipelines as well as dealing in narcotics as widespread problems in the area.” [37] (page 10)

“...The areas where conflicts mostly erupt into violence are Warri Town and the swamp area along the coast. The local populations’ main interest was seen to be to state a claim to local resources, and to focus on being able to control their own future. They focus much of their attention on the international oil companies operating in the area.” [37] (pages 10 and 11)

“...The strong sentiments in the population of being unfairly treated, make people - especially the youth - prone to manipulation. An opinion commonly held in the region is that the oil companies should stop compensation schemes benefiting individuals, and rather invest in education, health services and other kinds of infrastructural development projects.” [37] (page 11)

“...They [the Nigerian Red Cross] pointed to several interested parties in the conflict - local authorities, international oil companies, local ethnic groups, central government and others. Local organisations are also active, both political parties and ethnicity-based organisations. There are many splinter groups, and operate

in a manner similar to cults. The level of conflict between different ethnic groups is high, but it is also considerable within ethnic groups, where subgroups and clans may be in conflict - also armed.” [37] (page 11).

6.54 The USSD 2004 Report states that:

“Ethnic groups claimed environmental degradation and government indifference to their status in the oil-producing Niger Delta region. Groups such as the Ijaw, Itsekiri, Urhobo, Isoko, and Ogoni continued to express their unhappiness about their perceived economic exploitation and destruction of their homelands, and incidents of ethnic conflict and confrontation with government officials and forces continued in the Delta area.”

“Inter-ethnic fighting also continued in Warri, Delta State, resulting in casualties and the displacement of tens of thousands of local inhabitants. In June [2004], as the result of numerous conflict resolution efforts, parties agreed to a ceasefire. Interethnic violence decreased, but did not stop completely. The ceasefire in Warri remained largely in effect at year’s end.”

“Inter-ethnic fighting elsewhere in the Delta also displaced tens of thousands of local inhabitants. Violence temporarily abated in the region in 2003. In 2004, militia groups operating in Port Harcourt and other areas around the Delta region carried out violence operations. In September, several persons were killed in Port Harcourt when militia gangs attacked some neighborhoods around the port area. Militants claimed they were protesting poverty, inadequate control of local resources, lack of infrastructure, and environmental degradation, conditions for which they blamed the Federal Government and multinational oil companies operating in the area. Some observers alleged that some of the militants were exploiting the ‘cause of the Niger Delta peoples’ for personal gain and aggrandizement. They further alleged that many of the militants were thugs and criminals. Officials from the Presidency negotiated directly with militant leaders and reached a ceasefire agreement that was implemented by the government of Rivers State.” [3a] (Section 5).

6.55 The Human Rights Watch “Essential Background: Overview of Human Rights Issues in Nigeria” states the following about the Niger delta:

“The oil-rich Niger delta, in the south of the country, remains the scene of recurring violence between members of different ethnic groups competing for political and economic power, and between militia and the security forces sent to restore order in the area. Local groups are also fighting over control of the theft of crude oil, known as ‘illegal bunkering’. The area around Warri, in Delta state, saw some of the worst violence in 2003: hundreds of people were killed (some by the security forces, others in inter-communal clashes between the Ijaw, Itsekiri, and Urhobo ethnic groups) and thousands were displaced from their homes. The violence is aggravated by the widespread availability of small arms - a problem which exists throughout Nigeria but is particularly acute in the delta, where local militia are well-armed....Despite a massive army, navy and police presence in the area, local communities remain vulnerable and have little protection; members of the security forces deployed in the delta also regularly engage in

acts of violence.” [22e] (page 1).

6.56 Information published by Global Security, dated November 2004. states that:

“Organizations like the Movement for the Survival of Ogoni People (MOSOP), the Movement for the Survival of Ijaw Ethnic Nationality (MOSIEN), and Ijaw Youth Council have been at the fore of popular mobilization in the Niger Delta. Since the implosion of MOSOP, Ijaw youths have increasingly taken centerstage. Ijaw youth groups are leading a struggle for the right to share their land’s oil wealth. They have organised into groups, the most daring being the Egbusu Boys of Bayelsa, the Chicoco Movement, the Ijaw Youth Council, Federated Niger Delta Ijaw communities and the Niger Delta Volunteer Force. Several splinter groups have turned to extortion, hijacking, sabotage and kidnapping for private gain. Many of the Ijaw youths who are fighting are also idlers for whom violence has become a source of daily entertainment.”

“The Ijaw National Congress is involved in the struggle to achieve cultural change and free the people of the Niger Delta, and the Ijaws in particular from decades of environmental pollution, corporate violence, unjust socio-economic structure and political oppression.”

“Moujahid Dokubu-Asari, who heads the Niger Delta People’s Volunteer Force, is seen as a folk hero by many poor residents who complain they’ve never shared in the country’s oil wealth. Dokubo-Asari claims to be fighting for self-determination in the region and greater control over oil resources for more than 8 million Ijaws. The NDPVF says it is seeking a better deal for the Ijaw people, the largest tribe in the Niger Delta which accounts for most of Nigeria’s oil production. But the government says it is nothing more than a criminal gang which finances itself by stealing oil from pipelines and selling it clandestinely to tankers offshore.” [36].

6.57 The Human Rights Watch Briefing Paper “Violence in Nigeria’s Oil Rich Rivers State in 2004”, published in February 2005, reports that:

“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 NDPVP and Tom’s NDV [Niger Delta Vigilante] occurred mainly in riverine villages southeast and southwest of Port Harcourt, known as the oil capital of Nigeria, and within Port Harcourt itself. Since 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.” [22f] (page 1)

“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 youth by political leaders, traditional elites, and organised crime syndicates involved in oil theft, the impact of oil money on community politics;

crushing poverty and youth unemployment; and the widespread availability of small arms and other lethal weapons.” [22f] (pages 1 - 2).

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Vigilante Groups

6.58 The Amnesty International (AI) report “Nigeria - Vigilante Violence in the South and South East”, published in November 2002, states:

“The rise in crime and insecurity and the sense of low performance by the security forces has led to an expansion of vigilante groups at local and state level. Armed vigilante groups carry out law enforcement activities in an ever-growing number of states with the tacit, and sometimes explicit, endorsement from the state governments, especially in the south-east of Nigeria.” [12e] (page 1).

6.59 The Human Rights Watch (HRW) report “The O’odua People’s Congress: Fighting Violence with Violence”, published in February 2003, also states that the police are widely regarded by Nigerians as being ineffective in tackling crime. The HRW report states:

“Underlying all these vigilante groups’ ability to operate freely and without accountability is the fundamental inability of the national police force to perform its law enforcement functions effectively, and the consequent lack of public confidence in the police. For many years, the Nigerian police has suffered from a severe lack of resources, insufficient or inadequate training, poor pay and conditions, and widespread corruption. This has resulted in the perception on the part of the general public that it is futile to report crimes to the police, or expect any remedial action from them. All too often, the police are more likely to be involved in crime, corruption, and human rights violations themselves than to have the will or ability to solve these problems.” [22a] (page 9).

6.60 According to the AI Report on vigilantes:

“The increasing incidence of crime since the end of the military regime has favoured the proliferation of heavily armed vigilante groups of various conditions and interests in nearly every corner of Nigeria. There is no pattern to define who creates them, and what they fight for or the methods they employ, and most importantly, there is not a clear code of conduct binding them, nor an official register of legal vigilante groups.”

“In the majority of cases, vigilante groups have their origin in political or militant organizations designed to ensure that the interests of specific ethnic groups in different parts of the country prevail. Such is the case of OPC (O’odua People’s Congress) created to promote the interests of the Yoruba ethnic group in south-west Nigeria, MASSOB (Movement for the Actualisation of the Sovereign State of Biafra) which claims to represent the Igbo ethnic group in eastern Nigeria or Egbusu Boys, based in the oil-producing Delta region, to protect the rights of the Ijaw ethnic group. With the general concern over crime, most of these groups have extended their scope to vigilante actions. Although none of the above-mentioned

armed groups have been expressly endorsed by state governments, some state governments have failed to condemn their existence. On several occasions governors have expressed the convenience of counting on the vigilante activities of these groups to combat crime in their states, despite the fact that the majority of these groups, based on ethnic, religion or political lines, clearly seek to protect these interests rather than those of the community as a whole.” [12e] (page 2).

6.61 Vigilantes have committed human rights abuses, according to the AI Report on vigilantes, which states that:

“Armed vigilante groups in Nigeria are reported to carry out extrajudicial executions and killings of suspected criminal and perpetrate acts of torture, cruel, inhuman and degrading treatment, unlawful detention and “disappearances”. Allegations of extortion, harassment, arson, destruction of public property or armed robbery are often made against members of these groups.” [12e] (page 2).

6.62 With regard to how the federal government views vigilante groups, the AI Report on vigilantes states that:

“The position of the federal government towards armed vigilante groups remains unclear, since they are often regarded as an internal matter of the states and not as a federal issue. The police and the Armed Forces (both under the responsibility of the federal government) have been accused of inaction and neglecting to investigate, and when required, arrest and prosecute members of armed vigilante groups.....In fact, although the police have arrested several members of vigilante armed-groups, the suspects are often released after a few months through the intervention of authorities of the state and their charges dropped before going to trial.” [12e] (page 2).

6.63 Vigilante groups were active during 2004, according to the USSD 2004 Report, which states that:

“Killings carried out by gangs of armed robbers remained common during the year. In most southeastern states, state governments supported vigilante groups, the most well-known of which was the ‘Bakassi Boys,’ officially known as the Anambra State Vigilante Service. Like most vigilante groups, the Bakassi Boys sometimes killed suspected criminals rather than turn them over to the police. Although some killings continued, the influence of the Bakassi Boys and other vigilante groups in the Southeast diminished during the year.”

“Other organized vigilante groups continued to commit numerous killings of suspected criminals. For example, on May 14, a vigilante group in Yobe State killed a shop owner, claiming he had confessed to armed robbery. The same group killed two others, allegedly for being ‘godfathers’ to gangs of armed robbers. The Yobe State governor publicly praised the leader of the group, Sarkin Baka, for his actions.” [3a] (Section 1a).

Vigilante Groups and the Police

6.64 The British-Danish FFM Report states:

“A senior representative of the IGP confirmed that vigilante groups had in the

past been prevalent in taking the law into their own hands because the police, until recent years had not had the capacity. However, since 1999, the NPF has grown in size and capacity and now has a much higher profile. Former vigilante groups have now been brought within and under the control of the NPF. They are registered with and operate under the supervision of [the] NPF and are akin to services like the 'neighbourhood watch' scheme in the UK and elsewhere operating principally at night. The accounts of those that claim to be ill-treated by such groups can be easily verified by asking for the particular name, location and dates of any such incidents and these can be checked with the NPF." [15] (page 13).

"...Usman [NHRC] considered that any former vigilante groups or movement that has registered and is co-operating with the authorities would have to be screened by the police. NHRC does not receive complaints about groups that have been registered and integrated within the NPF, and they do not cause any problems." [15] (page 14).

"...In contrast to the above-mentioned registered groups Usman mentioned a number of non-registered vigilante groups, which he described as 'outlaws' or 'militias'. These groups are to be found in various locations throughout Nigeria and included the OPC, Bakassi Boys, Yan Daba, Egbesu Boys etc. as well as various warlords, militias and cult gangs in the Delta and other regions." [15] (page 14).

"...A senior representative of the IGP explained that membership or association with these groups or economic support for them is not illegal but many illegal acts those groups or members of those groups might commit are of course criminal offences and will be treated as such. For example, threatening behaviour or otherwise preventing people from going about their normal lives will be treated appropriately. There have been prosecutions for such destructive behaviour and the courts have handed down sentences that have ranged from between two and six years according to the seriousness of the offence. Many though have been charged and are still awaiting trial. On the other hand the source was not aware of any complaints made by individuals in respect of the Bakassi Boys or similar vigilante groups. The source repeated that any member of [the] Bakassi Boys or any other vigilante group would be arrested if he or she had committed any crime or has acted in a destructive manner. The NPF deals with individuals within these groups in the context of any illegal activities committed by the individual." [15] (pages 14 -15).

"Regarding the possibility of internal flight alternative for persons with problems with these groups Usman was of the opinion that it depends on the nature of the problem and the profile of the person concerned. A person who had a serious problem with [the] OPC cannot return to Lagos or the southwest in safety because of the inability of the authorities to provided adequate protection against the OPC. However, a person in those circumstances could, depending on the nature of the problem with [the] OPC, in most cases relocate to, and be safe in, for example, Abjua." [15] (page 16).

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The O'odua People's Congress (OPC)

6.65 The Human Rights Watch (HRW) report “The O’odua People’s Congress: Fighting Violence with Violence”, published in February 2003, states:

“Nigeria has witnessed an increase in the activities of ethnic and regional militia, vigilantes, and other armed groups in the last few years. One of the better-known of these groups is the O’odua People’s Congress (OPC), an organization active in the southwest of Nigeria which campaigns to protect the interests of the Yoruba ethnic group and seeks autonomy for the Yoruba people. The OPC is a complex organization, which has taken on several different roles as it has adapted to the changing political and security environment in Nigeria. One of several Yoruba self-determination groups, it was established in 1994 with the aim of overcoming what it alleged was the political marginalization of the Yoruba. It has since evolved in several different directions. Its activities have ranged from political agitation for Yoruba autonomy and promotion of Yoruba culture to violent confrontation with members of other ethnic groups, and, more recently, vigilantism - the OPC has been responsible for numerous human rights abuses and acts of violence, and its members have killed or injured hundreds of unarmed civilians. However, OPC members have been victims as well as perpetrators of human rights abuses. Hundreds of real or suspected OPC members have been killed by the police; many others have been arbitrarily arrested, tortured, and detained without trial for extended periods.” [22a] (page 1)

“...Part self-determination organization, part vigilante group, the OPC has defied easy classification. The usual description of the OPC as an ethnic militia, while accurate, is also misleading, in that not all the acts of violence committed by its members have been ethnically motivated. Many of the conflicts in which the OPC has got involved have been among Yoruba, and consequently victims of OPC violence have included Yoruba....In a sense, the OPC combines aspects of two distinct types of organizations which have emerged in Nigeria: those which advocate for the specific interests of their particular ethnic, regional or religious group in a broadly political context, and those which have taken on the task of fighting crime, without an explicit political agenda of their own. In addition, OPC members frequently carry out acts of intimidation and violence which appear to be motivated more by a desire to rob their victims of money or possessions, than by any ideological objective.” [22a] (page 1)

“...Several government officials maintain close links with the OPC leadership, and OPC members have provided security arrangements at official and public functions, in the presence of government officials. Where action has been taken by the federal government to crack down on the violence, it has often resulted in further human rights violations by the police, including extrajudicial executions and arbitrary arrests. The weakness of the Nigerian police force, its apparent inability to maintain law and order, and the lack of public confidence in its effectiveness have aggravated the problem and have given many armed groups the freedom to operate according to their own rules, and to carry out serious human rights abuses with impunity.” [22a] (pages 1 - 2).

6.66 The OPC’s members come from diverse backgrounds and from different parts of
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the country, according to the HRW report on the OPC, which states:

“The OPC claims to have more than five million members, spread over the whole of Nigeria. The greatest concentration of members are in the southwestern states commonly referred to as Yorubaland, including Lagos, Ogun, Osun, Ondo, and Oyo, as well as Ekiti, Kwara, and Kogi. It also claims to have members in several West African countries, including Benin, Ghana, Liberia, and Sierra Leone; as well as Brazil, Germany, Jamaica, the United Kingdom, and the United States of America.” [22a] (pages 6 - 7)

“While many of the OPC leaders are professionals and people with a high level of education and political awareness, their members cover a broad range of ages and include many women. The majority of rank-and-file members are believed to have little or no education and include a high proportion of young, unemployed people, many from a rural background. The OPC prides itself on being a grassroots movement, with mass membership at all the local levels in the states where they are in the majority.” [22a] (pages 6 - 7).

6.67 The OPC appeals to people for a variety of reasons and people have joined the OPC for a variety of reasons. According to the HRW report on the OPC:

“It would appear that people have joined the OPC for a variety of different reasons, some because they specifically identify with their political ideology and the Yoruba self-determination agenda, others because they may feel they need a form of protection against what they perceive as political, economic or social discrimination and may have been impressed by the image of the organization. Others, mainly the mass of young, unemployed men, have simply taken advantage of the organization as a channel for venting their general frustration.” [22a] (page 7).

6.68 The OPC has a hierarchy and an organisational structure, according to the HRW report on the OPC, which states:

“According to the OPC leaders and individuals close to them, the organization has a strict hierarchical structure, chain of command, and efficient systems of communication. It has structures and executive committees at national and state levels, with the Annual National Conference at its supreme decision-making body, and the National Executive Council as its governing body. At the local level, every member is required to belong to a branch and the branches are grouped into zones, which are in turn grouped into sub-regions. There are different wings, including a women’s wing, and sections responsible for different activities.” [22a] (page 7).

6.69 Some OPC members have committed human rights abuses, according to the HRW report on the OPC, which states:

“By early 2003, incidents of large-scale killings by the OPC have decreased, but clashes between different ethnic groups, including the Yoruba, are still taking place, and ethnic tensions have not abated. The OPC remains active and visible. Its leaders have not accepted responsibility for the serious human rights abuses

committed by their members, despite the fact the organization has a clear structure, chain of command and disciplinary procedures. The OPC continues to enjoy significant support among sectors of the population in southwestern Nigeria and among state government officials.” [22a] (page 2).

“...Most of the incidents in which OPC members have been responsible for killings fall into one of two categories: large-scale ethnic clashes, creating many casualties, or isolated incidents in which individual OPC members have attacked or killed other individuals, for example in the course of vigilante activities or attempts at extortion or theft. In addition, there have been situations where the OPC has intervened or been used in political disputes, such as that in Owo, Ondo State, where it has ended in attacking supporters of rival political factions.” [22a] (page 11).

6.70 The OPC have been involved in violent clashes with the police but have also been active in combating crime. According to information about the OPC produced by the West Africa Review publication in 2001:

“According to its founding president, Dr Frederick Fasehun, the OPC was formed to ‘defend the rights of every Yoruba person on earth’. Following some disagreements in 1999, a faction of the group led by Ganiyu Adams broke away from the main group. The OPC, especially the more militant Adams’ faction has been engaged in a running battle with the Police. The catalogue of the militia’s clashes with the police shows that the police establishment has incurred substantial losses of men and material during these confrontations.” [27a] (page 6)

“The story of the ethnic militias is not all about violence. Some good deeds have been credited to the OPC and Bakassi Boys especially in the area of combating crime. The general perception is that the police are corrupt, inefficient, ill equipped and unreliable while the militias are incorruptible and efficient. In June 2001, the Governor of Lagos State, Bola Ahmed Tinubu, publicly announced his willingness to invite the OPC to assist the state to combat criminals who seemed to have overwhelmed the Police in Lagos State.” [27a] (page 7).

6.71 The OPC has developed a close relationship with the state governors and other state government officials in the south western states, according to the HRW report on the OPC, which states:

“The OPC has enjoyed a close relationship with state governors and other state government officials in the southwestern states, in which the Yoruba are the majority ethnic group. It has been a relationship of mutual benefit, with state governments and the OPC engaging with each other to further their own aims.”

“Officially, the state governments deny having any relationship with the OPC. For example, both the attorney general and commissioner for justice of Lagos State and the special adviser on security to the Lagos State governor told Human Rights Watch that there was no relationship whatsoever between the state government and the OPC.”

“Most of the OPC leaders also deny these links, but in practice, they have privileged and direct access to some state governors and other key state government officials.” [22a] (page 47).

6.72 Some state governors have approved of OPC vigilante activity, according to the HRW report on the OPC, which states:

“Some state governors have spoken out publicly in favor of using the OPC to enforce law and order, pointing to the ineffectiveness of the federal police. This has led some of them into direct conflict with federal government authorities, particularly in Lagos where the state governor clashed with President Obasanjo after he threatened to declare a state of emergency in Lagos State in January 2000. Lagos State governor Bola Tinubu publicly stated on several occasions that he agreed with using the OPC to curb crime in the absence of any police force able to do so.” [22a] (page 49).

6.73 Since 1999, federal government officials have periodically reiterated their opposition to the OPC, and instructed the police to suppress OPC activity. Despite this, the OPC has continued to function. According to the HRW report on the OPC:

“In 1999, the federal government announced a ban on the OPC and gave the police orders to deal with the organization ruthlessly. Instructions to the police to ‘shoot on sight’, combined with the OPC’s defiance of the ban, provoked a heavy-handed and brutal response from the police. The police regularly raided and broke up OPC meetings; scores of OPC members were killed by the police and hundreds arrested. Few of the arrests have resulted in successful prosecution....Despite this crackdown, the OPC has continued to function, sometimes underground, but more often boldly and openly challenging the federal government’s and the police’s attempts to crush it.” [22a] (page 2)

“...President Obasanjo was quick to ban the OPC after coming into power. However, the ‘ban’, which was announced in public statements and broadcast by the media, was never formalized into law by publication in the government Official Gazette, nor was it passed as an act of the National Assembly. Many have questioned whether it has any status at all, and whether the president has the power to ban an organization in this manner. In any case, the ban has been systematically ignored by the OPC; it was even seized upon by some OPC members, including their leaders, as a form of provocation.” [22a] (page 45).

6.74 Regarding the relationship between the police and OPC members, the USSD 2004 Report states:

“Members of the Oodua People’s Congress (OPC), a militant Yoruba group operating in the Southwest that claims its objective is to protect the collective rights of the Yoruba within the federation, continued to be arrested and detained without trial. Some members were charged as armed robbers and tried accordingly. However, relations with [the] police continued to improve, and [the] OPC operated freely during the year [2004].” [3a] (Section 1d).

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The Bakassi Boys

6.75 According to the AI report on vigilantes:

“The Bakassi Boys are named after the Bakassi Peninsula, an area disputed between Cameroon and Nigeria. The term is commonly applied to various vigilante groups operating mainly in Abia, Anambra and Imo states. These groups were originally created by groups of traders and other citizens to curb the upsurge in violent crime and armed robberies in their respective states.”

“...The extreme popularity of the so called Bakassi Boys at their inception is also related to their campaign to rid society of crime, but it also has a connotation of traditional cults; it is widely believed among the population in the area that these groups have extraordinary power and their members are bullet-proof by magic and virtually immortal.”

“...The Bakassi Boys of Anambra, Abia and Imo States are accused of carrying out extrajudicial executions, perpetrating acts of torture, cruel, inhuman and degrading treatment of alleged criminals and illegal detention with the endorsement of the state governments and the State of Assembly of their respective states.” [12e] (page 3).

The Anambra State Vigilante Service

6.76 The Anambra State Vigilante Service (AVS), commonly known as the Bakassi Boys of Anambra State, is a vigilante group that has official state recognition. According to the AI report on vigilantes:

“The Anambra State Vigilante Service is the first - and to-date only - armed vigilante group officially recognised by a state government in Nigeria through a bill enacted by the state governor. According to official sources from Anambra, members of the AVS are paid by the government of Anambra State - and hence, by the Nigerian state and taxpayers - and act ‘under strict supervision from the authorities of Anambra’.” [12e] (page 4).

6.77 According to the AI report on vigilantes, the state law known as the AVS Act states that the vigilante group should not be armed and must hand every suspect it arrests straight to the police. According to the police, however, there are no known records of the AVS delivering those they apprehend into police custody. The AVS reportedly routinely execute persons they have arrested, without reference to the police or any judicial authority, when they think that the police will release a suspect they consider to be guilty. Hundreds of people of Anambra State are reported to have been extrajudicially killed by the AVS since it received official recognition. There have also been reports of the AVS subjecting people to torture, and other cruel or degrading treatment and illegal detentions [12e] (pages 4 and 6).

6.78 According to the AI report on vigilantes, the police have often fallen short of their duties towards the Anambra State Vigilante Service. They consistently failed to arrest suspects from these armed groups and carry out investigations of the numerous alleged

crimes committed by them. Some members of the police have clashed with AVS members on several occasions [12e] (page 5).

The Abia State Vigilante Service

6.79 The AI report on vigilantes states that the Abia State Vigilante Service, also known as the Bakassi Boys of Abia, have been active in Abia State. At the time the AI report on vigilantes was published, this vigilante group had not been officially recognised by Abia State, although Abia State had not taken any action to stop their activities. The Bakassi Boys have reportedly been involved in human rights abuses and the police have taken some action to deal with these abuses. In August 2002, the Mobile Police of the Nigeria Police Force, raided operational bases of the Abia State Bakassi Boys. A total of 46 prisoners were freed and 33 alleged members of the Bakassi Boys were arrested [12e] (page 6).

The Imo State Vigilante Service

6.80 The AI report on vigilantes states that the Imo State Vigilante Service (ISVS) has been active in Imo State. This vigilante group has been recognised by Imo State legislative institutions but not directly by the state governor. It has reportedly been involved in human rights abuses and the police have taken some action to deal with these abuses. In February 2001, the police arrested 46 members of the ISVS along with suspected criminals who were held in an illegal detention centre run by the ISVS.

[12e] (pages 6 - 7).

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Movement for the Actualisation of the Sovereign State of Biafra (MASSOB)

6.81 According to the Human Rights Watch (HRW) December 2003 report, "Nigeria: Renewed Crackdown on Freedom of Expression":

"Many members of the Igbo organization Movement for the Actualisation of the Sovereign State of Biafra (MASSOB), based in the southeast of Nigeria, have been arrested, detained and killed by the police since the organization was created in 1999. MASSOB advocates a separate state of Biafra for the Igbo, the dominant ethnic group in the southeast, based on the ideals of those who fought in Nigeria's bloody civil war in 1967-1970." [22b] (page 32)

"MASSOB claims to be a non-violent movement, although the police and some other sources claim otherwise. Although the organization denies having any interest or involvement in politics, MASSOB had been agitating for an Igbo president for Nigeria and had threatened that there would be no elections in the southeast in 2003. However, they subsequently withdrew from that position and are not known to have disrupted the elections when they eventually took place." [22b] (page 33)

"Although MASSOB does not appear to enjoy the kind of massive support which would represent a serious political threat to the government, MASSOB members

have been persistently harassed by the police, acting on orders from the federal government.” [22b] (pages 33).

6.82 The HRW report, “Nigeria: Renewed Crackdown on Freedom of Expression” states that hundreds of MASSOB members have been arrested since 1999 and many have been detained without trial, and sometimes without charge, for prolonged periods. MASSOB have also claimed that many of their members have been extrajudicially killed by the police, particularly during 2000 and 2001. Ralph Uwazuruke, the MASSOB leader, has been arrested several times between 1999 and 2003 [22b] (page 33).

6.83 An article from the “Daily Sun” (Nigeria) newspaper dated 18 August 2004 reported that:

“The Federal Government banned the movement in 2001, alleging that its activities threatened the peace and security of the country. Despite the ban, MASSOB has continued to pursue its campaign for self-determination. In June, 38 MASSOB members were arrested from different locations in the southeast following a tip-off and last year, some 40 members of the group, including its leader Ralph Uwazuruke, were taken to court.” [28]

“They were later released on the order of the court after a few months in detention.” [28].

6.84 The “Daily Sun” (Nigeria) newspaper report dated 18 August 2004 also reported that MASSOB had called on the more than 30 million people of the five Igbo-speaking states of Abia, Anambra, Ebonyi, Enugu and Imo to go on strike on 26 August 2004 to draw international attention to their cause [28]. According to a “Vanguard” (Nigeria) newspaper report dated 27 August 2004, Igbo traders across the country closed shops and markets on 26 August, in the south east and other parts of the country, in obedience to the directive from MASSOB. The police patrolled some areas but there were no reports of violence [29].

6.85 The USSD 2004 Report states that:

“There were several politically motivated arrests during the year [2004]. For example, on May 27, 20 members of the Movement for the Actualisation of the Sovereign State of Biafra (MASSOB) were arrested in Ebonyi State and taken to Abuja, where they were held without charges until October, when they were charged with conspiracy to commit treason and released on bail. In September, 53 MASSOB members were arrested in Lagos, but charges were not filed; most were released by year’s end.” [3a] (Section 1d).

6.86 A British-Danish FFM Report on Nigeria (October 2004 - November 2004), states that:

“According to a senior representative of the IGP, the NPF and political opposition parties, including the separatist movement MASSOB, are not regarded as a ‘serious threat or problem’ and there has never been any violence involved in their activities. The BHC [British High Commission], confirmed that political opposition groups such as MASSOB are in general free to express their views,

although those that take part in demonstrations may face detention.”

“...Professor Utomi [Lagos Business School, Pan-African University Lagos] explained that there had been [a] significant level of resentment in Igbo society about the treatment of Igbo people since the civil war. There was a philosophy of an Igbo-renaissance amongst young Igbo men and women born since the civil war and they have found allies in the Igbo diaspora. This has been exploited by MASSOB. However, MASSOB is very much a fringe group but because of government over-reaction to it, has gained support. The government is strongly opposed to MASSOB and several members and supporters have been arrested and detained for months even though MASSOB insists that it is a non-violent movement. Professor Utomi explained that the ghost of MASSAB has created concern within the SSS and now and then its forces have over-reacted.” [15] (page 11)

6.87 The same FFM Report also states:

“Nwanko [Attorney-at-law, Lagos], emphasized that MASSOB is an unarmed and non-violent movement. In spite of this a large number of suspected MASSOB members or sympathisers are detained in Abuja and the government has refused to release them on bail. Nwanko explained that, since February 2004, 300 members of MASSOB are being detained in Abuja alone awaiting trial. He added that two members of the National Assembly have requested him to be defence counsellor for the 300 pending MASSOB cases in Abuja. Some of those detained may be faced with charges for treason, which is punishable by death. However, Nwanko was not aware that any governor has signed a death penalty under common criminal law since 1999. But extra-judicial killings are common in Nigeria and it has been claimed that the NPF frequently kill members of MASSOB and others with impunity.” [15] (page 12)

“Normally anonymous sympathisers of MASSOB do not draw the attention of [the] NPF. More prominent leaders of MASSOB are at risk of persecution and also persons affiliated with those leaders could be at risk of persecution and detention. Less prominent persons who are affiliated with MASSOB could be targeted as well in order to intimidate others.” [15] (page 13).

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Women

6.88 The USSD 2004 Report states that:

“Women also experienced considerable discrimination. While there are no laws barring women from particular fields of employment, women often experienced discrimination through customary and religious practices. The Nigerian NGOs Coalition expressed concern about continued discrimination against women in the private sector, particularly in access to employment, promotion to higher professional positions, and salary equality. There were credible reports that several businesses operated with a ‘get pregnant, get fired’ policy. Women remained underrepresented in the formal sector but played an active and vital role in the country’s informal economy. While the number of women employed in

the business sector increased each year, women did not receive equal pay for equal work and often found it extremely difficult to acquire commercial credit or to obtain tax deductions or rebates as heads of households. Unmarried women in particular endured many forms of discrimination.” [3a] (Section 5).

6.89 Regarding the human rights violations committed against women, the “Refugee Women and Domestic Violence in Nigeria” report, published by Asylum Aid (UK) in May 2003 states:

“Many of the most prevalent forms of human rights violations against women in Nigeria are culturally sanctioned and are not prohibited by federal law....Those which are perpetrated by members of the family or household, and which may therefore be included in the definition of domestic violence, include discrimination against the girl-child, Female Genital Mutilation (FGM), forced marriages, physical, sexual and psychological violence in the home, economic abuse such as the withdrawal of resources, disinheritance of wives and daughters, and harsh and punitive widowhood rites.” [9] (page 16).

Domestic Violence

6.90 According to the “Refugee Women and Domestic Violence in Nigeria” Asylum Aid report, neither of the two criminal codes of the country contain any laws prohibiting domestic violence but acts of violence can be prosecuted according to both of the criminal codes’ provisions penalising assault. The Penal Code in force in northern Nigeria allows domestic violence in certain circumstances in accordance with customary law, provided the violence does not result in grievous harm to the woman. The Penal Code in force in southern Nigeria, however, has no such provisions. In all Nigerian states, women can use domestic violence as a ground for divorce if her husband has been convicted of grievously injuring her or attempting to seriously injure or kill her. The report also states that the police are reluctant to get involved in domestic violence cases as domestic violence is considered to be a private, family matter [9] (pages 30 - 31 and page 45).

6.91 The USSD 2004 Report states that:

“Domestic violence was widespread and accepted by both men and women. Reports of spousal abuse particularly wife beating were common. Police normally did not intervene in domestic disputes, which seldom were discussed publicly. The Penal Code permits husbands to use physical means to chastise their wives as long as it does not result in ‘grievous harm,’ which is defined as loss of sight, hearing, power of speech, facial disfigurement, or life-threatening injuries. In more traditional areas of the country, courts and police were reluctant to intervene to protect women who formerly accused their husbands if the level of alleged abuse did not exceed customary norms in the areas. According to the 2003 Nigeria Demographic and Health Survey (NDHS), 64.5 percent of women and 61.3 percent of men agree that a husband was justified in hitting or beating his wife for at least one of six specified reasons, including burning food and not cooking on time.” [3a] (Section 5).

6.92 The Asylum Aid report on “Refugee Women and Domestic Violence in Nigeria”
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states that victims of domestic violence can seek protection from the criminal justice system, however, the report also states that:

“Women experiencing domestic violence face many barriers when seeking protection. These include discriminatory and punitive laws (including Shar’ia law), the social stigma of reporting, the high cost of legal action, attitudes of the police and the courts, delays and corruption in the judicial system, lack of shelters for women fleeing violence, and the difficulties of living as a divorced woman.” [9] (page 38).

Rape

6.93 The Nigeria section of the “Laws and Policies Affecting Their Reproductive Lives” Report, published by the Centre for Reproductive Rights in 2003, states:

“In southern Nigeria, the criminal code defines rape as ‘unlawful carnal knowledge of a woman or girl, without her consent.’ Unlawful intercourse with a woman’s consent also constitutes rape if the consent is obtained by force, fraud, threats, or ‘intimidation of any kind.’ The laws in southern Nigeria also proscribe attempted rape as an offense. In northern Nigeria, the Penal Code defines rape to be sexual intercourse with a woman against her will or without her consent, or sexual intercourse with a girl under the age of 14. Furthermore, the Penal Code criminalizes consensual intercourse if the woman’s consent was obtained through the use of threats to her life or threats of physical harm. The punishment for rape under both codes is imprisonment for life. ‘Carnal knowledge’ and sexual intercourse are defined for the purposes of both codes as acts of penetration.” [35] (page 84).

6.94 Married women have little legal protection against marital rape. According to the “Laws and Policies Affecting Their Reproductive Lives” Report:

“In general, both criminal codes in Nigeria, provide little protection against marital rape. Under the Criminal Code in southern Nigeria, intercourse between a husband and wife can never constitute rape. Pursuant to the Penal Code in northern Nigeria, the definition of rape explicitly excludes the marital rape of a woman who has attained the age of puberty. Women may receive limited protection from marital rape under the prohibitions against assault. In addition, the above provisions that preclude prosecution of marital rape do not apply to the rape of an estranged spouse.” [35] (page 85).

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Customs and Laws Relating to Marriage

6.95 The British-Danish FFM Report states that:

“There are four legal forms of marriage in Nigeria and different procedures for marriage and dissolution apply to each category.

- Islamic (Maliki [italics] school of law)
- Christian
- Civil (statutory law)

- Customary (tribal/traditional)

According to BAOBAB Muslim personal law in northern Nigeria is generally practised in preference to statutory law. Muslims very rarely choose to marry under statutory law. In the southern parts of Nigeria marriage under statutory law is much more common. However, throughout Nigeria, other than where Muslim law is applied, it is generally the various customary laws that govern personal matters - even when couples have married under statutory law." [15] (page 68).

6.96 With regard to the laws relating to marriage, according to the "Laws and Policies Affecting Their Reproductive Lives" Report:

"Under customary law, marriages are arranged between families, and the prospective suitor is often required to pay a bride-price to the bride's family....Under Islamic law in northern Nigeria, the father of a woman retains the "right" (*ijbar*) [italics] to arrange the marriage of his virgin daughter, regardless of her age and without her consent. Islamic law marriage involves a dower paid directly to the woman to be married...." [35] (page 83)

"Under civil law, marriage must be monogamous, and, unlike the other two types of marriage, it must be registered. In a civil or customary marriage, the spouses have a reciprocal duty to maintain each other as well as any children of the union. Valid civil marriages in Nigeria must be voluntarily entered into by both parties. In southern Nigeria, forced marriage under any system of law is formally prohibited by law as a criminal offense, punishable by imprisonment for up to seven years. Despite this prohibition, women in the southwestern regions may be compelled to marry the local *oba* (italics) (king). Arranged marriages are also common in rural areas of the south." [35] (page 83).

6.97 Regarding the various type of marriages, the British-Danish FFM Report states that:

"According to the Visa Section, the BHC, the rules, which apply to Islamic marriages in Nigeria, are the same as elsewhere in the Islamic world. A man may take a maximum of four wives. Normally no marriage certificate will be issued, but an Imam on request will issue such a document." [15] (page 69)

"...According to the Visa Section, BHC, polygamy is not permitted in Christian Nigerian marriages. For the marriage to proceed, both parties must be baptised, and the woman is often required to take a pregnancy test. A marriage certificate will be issued in all cases." [15] (page 70)

"...According to the Visa Section, BHC, registry offices conduct civil marriages. A certificate is issued in every case. Either party may file for a divorce on various grounds i.e. separation, unreasonable behaviour, infidelity, irreconcilable breakdown. The court deals with such files. A certificate of divorce is issued in all cases." [15] (page 70)

“According to the Visa Section, BHC, there is no upper limit to the number of wives a man may take under tribal custom. An elderly, respected male member of the community, normally a member of the bride’s family, performs the marriage ceremony.” [15] (page 71)

“The issue of customary marriages is complicated since no marriage certificate is issued, or even obtainable. Either party may seek to dissolve the marriage for any reason. This would simply require the agreement of the official at the wedding, or the local chief. No certificate of divorce is either issued or obtainable.” [15] (page 71).

6.98 In some parts of the country, young women are forced into marriages with older men, as noted in the British-Danish FFM Report, which states that :

“According to BAOBAB forced marriages are especially common in northern Nigeria and is mostly a concern for young women who are being forced to marry an older man. BAOBAB was aware of many young women from the north escaping forced marriages but the organisation also receives reports on this from the southern part of the country. Women from the north who find themselves under pressure to marry against their own wish may take up residence in another state in the northern part of Nigeria or in the south, especially in Lagos. Those women can seek legal assistance from a number of NGOs and some do so.”

“Women who are trying to escape forced marriage may be assisted by WACOL, but WACOL emphasized that the vast majority of such disputes have been solved and the parties reconciled by the assistance of WACOL. In some cases women are underage when they are forced to marry. Finally, WACOL regretted that the organisation is only able to provide assistance to victims arriving at its office in Abuja.” [15] (page 27).

Customs and Laws Relating to Divorce

6.99 With regard to the laws relating to divorce, according to the “Laws and Policies Affecting Their Reproductive Lives” Report:

“Like marriage, divorce is regulated by various laws. The dissolution of civil marriages is governed by the 1970 Matrimonial Causes Act (the “1970 Act”). Pursuant to the 1970 act, a civil divorce may only be granted on the ground that the marriage has broken down ‘irretrievably.’ An exclusive list of situations satisfying this condition: the willful and persistent refusal to consummate the marriage; adultery that is ‘intolerable’; the absence of consortium for two or more years; desertion lasting at least one year; and marital behavior such that the petitioner cannot reasonably be expected to live with the respondent. The 1970 Act states that unreasonable marital behavior includes the failure to pay maintenance for at least two years and the commission of sexual assault, including rape.” [35] (page 83)

“Customary and Islamic law marriages, which are not governed by the 1970 Act, may be dissolved either nonjudicially in accordance with customary law in the Sharia courts. In northern Nigeria, a man married under Islamic law may divorce his wife unilaterally by repeating the phrase ‘I divorce you’ three times (the Talaq) [italics]. Such action is not available to women. However, Islamic law does

provide that a woman may divorce her husband with his consent if she returns the dower payment to him....Available grounds for divorce are not defined under non-Islamic customary law.” [35] (page 83).

6.100 Women who leave their husbands may encounter problems as a consequence of this action. The Asylum Aid “Refugee Women and Domestic Violence in Nigeria” report states:

“A woman who wished to leave her husband because of violence, or who was separated or divorced, would face multiple problems in Nigeria. These include social stigma and ill-treatment as a divorced woman, rejection by the family, possible loss of custody of her children, difficulty in supporting herself financially, discrimination in employment (especially in states implementing Shari’a), lack of property and land and inadequate access to education and health services.” [9] (page 50).

6.101 The Asylum Aid report also states that the legal rights of widows vary, depending on whether their marriage was civil, Islamic or customary and on whether their marriage was monogamous or polygamous. In general, women who were in monogamous, statutory marriages have greater legal protection. Widows who were in polygamous, customary law marriages, however, have no formal legal protection. Their rights are determined by customary law, and under customary law, widows do not enjoy the right of inheritance to their husband’s estate [9] (pages 34 - 35).

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Female Genital Mutilation

6.102 Female genital mutilation (FGM) is a cultural tradition that is widely practiced in Nigeria. The USSD 2004 Report states:

“The NDHS [Nigeria Demographic and Health Survey], estimated the FGM rate at approximately 19 percent among the nation’s female population, and the incidence has declined steadily in the past 15 years. While practiced in all parts of the country, FGM was much more prevalent in the southern part of the country. Women from northern states were less likely to undergo the severe type of FGM known as infibulation. The age at which women and girls were subjected to the practice varied from the first week of life until after a woman delivers her first child; however, three-quarters of the survey respondents who had undergone FGM had the procedure before their first birthday. According to the survey, the principal perceived ‘benefits’ of FGM include maintaining chastity/virginity before marriage, giving the victim better marriage prospects, providing more sexual pleasure for men (primarily according to male respondents), and aiding safe childbirth.” [3a] (Section 5).

6.103 The Government publicly opposes the practice of FGM but there are no federal laws banning FGM throughout the country. Some states, however, have banned the practice of FGM. The USSD 2004 Report states:

“The Federal Government publicly opposed FGM; however, it took no legal

action to curb the practice. There were no federal laws banning FGM. Because of the considerable problems that anti-FGM groups faced at the federal level, most refocused their energies to combat FGM at the state and LGA [local government area] levels. Bayelsa, Edo, Ogun, Cross River, Osun, and Rivers States have banned FGM. However, once a state legislature criminalized FGM, NGOs found that they had to convince the LGA authorities that state laws were applicable in their districts. The Ministry of Health, women's groups, and many NGOs sponsored public awareness projects to educate communities about the health hazards of FGM. They worked to eradicate the practice; however, they had limited contact with health care workers on the medical effects of FGM." [3a] (Section 5).

6.104 Regarding the practice of FGM, the British-Danish FFM Report on Nigeria states:

"In its National Economic Empowerment and Development Strategy (NEEDS), which was launched in May 2004 by Obasanjo, the government stated its intention to intensify its campaign for the eradication of harmful traditional practices like FGM, and stated that several states had already passed the necessary legislation, and many more are in the process of doing so." [15] (page 26)

"...Women's Aid Collective (WACOL) confirmed that FGM may take place between the ages of newborn to the age of marriage and that FGM is far less prevalent in the northern, primarily Muslim part of the country than in the rest of the country. Finally, WACOL had never heard of FGM being performed in northern Nigeria on adult women (over the age of 18). WACOL estimated that in some states in the south the prevalence of FGM is more than 95% (e.g. Enugu, Imo, Plateau), but there are no statistics to show the exact figures." [15] (page 27)

"According to BAOBAB the practice of FGM in Nigeria is quite diverse depending on tradition. In Edo State the law prohibits FGM during the first pregnancy of a woman, i.e adult women. However, most women throughout Nigeria have the option to relocate to another location if they do not wish to undergo FGM. Government institutions and NGOs afford protection to these women. BAOBAB was of the opinion that FGM in itself is not a genuine reason for applying for asylum abroad." [15] (page 27).

6.105 The British-Danish FFM Report states that the federal police does not become involved in FGM matters as they consider FGM to be a family matter, but also states:

"However, there are groups that are against the practice of FGM and should a girl desire to avoid FGM in spite of pressure from her family to do otherwise she has the opportunity to complain to the NPF or the NHRC and in addition she may seek protection by women lawyers or NGOs. The source added that traditional leaders might also be asked to step in. NHRC confirmed that it is possible to avoid FGM but added that the 'traditional attitude' of a police officer or a village council would normally determine their level of concern and intervention. NHRC emphasised that cultural attitudes would still be prevalent and some victims would probably never have the courage to take their case to court."

“According to BAOBAB the government and prominent NGOs in Nigeria provide protection to women escaping FGM. WACOL stated that it is possible for women to seek protection in the shelter run by WACOL in Enugu in the south. WACOL explained that the organisation’s Enugu office assist many adult women seeking protection against FGM.” [15] (page 27).

6.106 The same FFM report also states that internal relocation is possible for women wishing to avoid FGM. The report states:

“NHRC expressed surprise if someone actually had to leave Nigeria in order to avoid FGM instead of taking up residence elsewhere in Nigeria. NHRC added that it might be difficult for a woman residing in the southern part of Nigeria who wishes to avoid FGM to take up residence in the northern part whereas all Nigerians have the possibility to take up residence in Lagos due to the ethnic diversity and size of the city.”

“According to BAOBAB internal relocation for victims of FGM and forced marriages is an option within Nigeria and BAOBAB stated; ‘the women do so’. [15] (page 38).

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Children

6.107 Nigerian children are exploited and abused in different ways and for different reasons. The USSD 2004 Report states:

“Cases of child abuse, abandoned infants, child prostitution, and physically harmful child labor practices remained common throughout the country. The Government criticized child abuse and neglect but did not undertake any significant measures to stop customary practices harmful to children, such as the sale of young girls into marriage. There were credible reports that poor families sold their daughters into marriage as a means to supplement their incomes. Young girls sometimes are forced into marriage as soon as they reach puberty, regardless of age, to prevent the ‘indecent’ associated with premarital sex or for other cultural and religious reasons. Human rights groups reported an increase in sexual assaults and rapes of young girls, especially in the North, and attribute the increase to a fear of AIDS and a resulting desire for young virgins.” [3a] (Section 5).

6.108 There is an active and extensive trade in child labourers in Nigeria. The USSD 2004 Report states:

“In most sectors, the minimum work age is 15 years, which is consistent with the age for completing educational requirements; however, child labor remained a problem. The law prohibits employment of children less than 15 years of age in commerce and industry and restricts other child labor to home-based agricultural or domestic work. The law states that children may not be employed in agricultural or domestic work for more than 8 hours per day. Apprenticeship of youths at the age of 13 is allowed under specific conditions.”

“...A Ministry of Employment, Labor and Productivity unit dealt with child labor problems, as well as an inspections department whose major responsibility included enforcement of legal provisions relating to conditions of work and protection of workers; however, there were fewer than 50 inspectors for the entire country, and the Ministry conducted inspections only in the formal business sector, where the incidence of child labor was not a significant problem. NAPTIP bears some responsibility for enforcing child labor laws. The agency reportedly received no complaints of child labor, although it did pursue cases of trafficking in children.”

“Private and government initiatives to stem the incidence of child employment continued but were ineffective. The Government implemented the ILO/IPEC West Africa Cocoa Agriculture Project in the cocoa and other agricultural sub-sectors to combat hazardous child labor and to prevent the child trafficking for labor exploitation. Several programs by NGOs and international organizations worked to address child labor in the country.” [3a] (Section 6d).

Child Marriage

6.109 As regards the legal minimum age at first marriage, the “Laws and Policies Affecting Their Reproductive Lives” Report states that:

“The average age at first marriage is 16. Child marriage is particularly common in the north, where the majority of girls are married between the ages of 12 and 15. The National Policy on Population discourages early marriage and states that parents should not arrange marriages for girls below the age of 18.”

“A variety of conflicting laws relate to the age at first marriage. The eastern states of Nigeria have enacted legislation that prohibits marriage contracts between parties under the age of 16 and declares any such marriage legally unrecognizable. In addition, for the remainder of the states, the civil law provides that parties to a valid civil marriage be of ‘marriageable age’. Although the term ‘marriageable age’ is not defined, adolescents under the age of 21 cannot marry without parental consent under the civil law. Yet customary law provides that children can marry when they have attained puberty, usually at age 14 for boys and age 12 for girls. Under Islamic law as practiced in northern Nigeria, on the other hand, there is no minimum age for marriage.” [35] (page 85).

6.110 The “Child Marriage Briefing on Nigeria”, published by the Population Council In August 2004, states that:

“Nigeria, particularly northern Nigeria, has some of the highest rates of early marriage in the world. The Child Rights Act, passed in 2003, raised the minimum age of marriage to 18 for girls. However, federal law may be implemented differently at the state level, and to date, only a few of the country’s 36 states have begun developing provisions to execute the law. To further complicate matters, Nigeria has three different legal systems operating simultaneously - civil, customary, and Islamic - and state and federal governments have control only over marriages that take place within the civil system.”

“Nationwide, 20 percent of girls were married by age 15, and 40 percent were married by age 18. Child marriage is extremely prevalent in some regions; in the Northwest region, 48 percent of girls were married by age 15, and 78 percent were married by age 18. Although the practice of polygyny is decreasing in Nigeria, 27 percent of married girls aged 15-19 are in polygynous marriages.”

“Virtually no married girls are in school; only 2 percent of 15-19-year-old married girls are in school, compared to 69 percent of unmarried girls. Some 73 percent of married girls compared to 8 percent of unmarried girls cannot read at all.” [5].

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Homosexuals

Homosexual Practices and the Law

6.111 The 1999 International Lesbian and Gay Association World Legal Survey on homosexuality states that, according to Article 214 of the Nigerian Penal Code, the act of sodomy between males is illegal and the penalty is imprisonment for 14 years. Attempting to commit the offence of sodomy is also illegal and the punishment for this offence is imprisonment for 7 years. Under Article 217 of the Penal Code, other male homosexual acts or practices, defined as ‘gross indecency’, whether in private or in public, are also illegal and the punishment for this offence is imprisonment for 3 years. Maximum penalties for non-consensual acts are the same as for consensual acts. Lesbianism and lesbian sexual acts are not mentioned in Nigerian criminal law [23]. The USSD 2004 Report states that “Homosexuality is illegal under federal law; homosexual practices are punishable by prison sentences of up to 14 years. In the 12 northern states that have adopted Shar’ia, adults convicted of having engaged in homosexuals intercourse are subject to execution by stoning, although no such sentences have been imposed.” [3a] (Section 5).

6.112 The British-Danish FFM Report on Nigeria states:

“Homosexuality is illegal according to Nigerian common law in the south but few cases have been tried in the courts and there is usually very little attention in the press and among the public regarding these cases. The penalty for homosexual activities depends on whether the offence is dealt with under the penal code, criminal code or the Shari’a [italics] codes of the various states. The penalties can vary from a few years up to 14 years of imprisonment, although in some cases only a fine will have to be paid, but under Shari’a [italics] the sentence could be death.” [15] (page 23)

“According to Obiagwu [LEDAP] there are no cases of legal action taken against consenting adults. However, one death sentence regarding sodomy has been handed down under Shari’a [italics] law. Obiagwu referred to a case concerning Jibrin Babaji who was sentenced to death by stoning in September 2003 by a Shari’a [italics] court in Bauchi after being convicted of sodomy. The individual was subsequently acquitted on appeal. The three minors who were also found guilty in this case had already had their punishment of flogging carried out before the appeal was determined.” [15] (Page 24).

6.113 According to a newspaper report published by “The News” of Lagos on 22 April 2002, the President of Alliance Rights, a gay rights group, stated that the laws on homosexuality are rarely applied in practice but contribute to the climate of intolerance towards homosexuals. Alliance Rights is trying to fight societal hostility toward homosexuality. According to the report, young people who discover that they are homosexual tend to hide the fact, as they fear being ostracised or thrown out of the family home, if their homosexuality became known [24].

6.114 A United Nations IRIN report dated 7 May 2004, reports on the appearance of gay rights groups at the country’s fourth national AIDS conference in Abuja, in May 2004. According to the report, one of the gay rights groups, Alliance Rights, called on fellow Nigerians to “...recognise and protect Nigeria’s gay community, pointing out that it had been hit hard by the AIDS epidemic.” The report states that the Nigerian gay community has been largely forgotten about when it comes to AIDS awareness campaigns, which have always focused on preventing the spread of the HIV virus through heterosexual relationships. In the 12 northern states that have adopted Shari’a Law into their penal codes, adults who are found to have engaged in homosexual intercourse can be stoned to death. Many homosexual men want to hide the fact that they are homosexuals, and have girlfriends and even marry to be seen to conform to cultural norms, but continue to have covert relationships with other men [21c].

Societal Attitudes to Homosexuality

6.115 Regarding societal attitudes to homosexuality in Nigeria, a Norwegian 2004 Fact-Finding Mission Report on Nigeria states:

“The PeaceWorks [NGO] representative explained that it is a widespread belief in Nigeria that homosexuality is alien to African traditional culture, and that it is the result of corrupting influences from Western colonisation and/or Arab cultural influence in the northern parts of the country. She described the general attitudes regarding homosexuality in the population as very rigid, and said that there is a considerable pressure to get married.” [37] (page 16)

“...One of the Baobab [NGO] representatives had heard that a Bauchi state shar’ia court has legally persecuted a man for homosexual acts, but she could not refer us to the source of this information. In the opinion of the Baobab representatives, gays and lesbians in Nigeria were mainly suffering because of discrimination and stigmatisation, not because of legal persecution. Still, they pointed to Nigerian criminal law making homosexual acts illegal. They stated that the situation for gays and lesbians in Nigeria was not considered an important issue among local human rights NGOs.” [37] (page 16).

6.116 The British-Danish FFM Report on Nigeria states:

“Homosexuals living in the larger cities of Nigeria may not have reason to fear persecution, as long they do not present themselves as homosexuals in public. Homosexuals that are wealthier or more influential than the ordinary person may be able to bribe the police should they be accused or suspected of homosexual acts.”

“...Yusuf [Editor-in-Chief, “Daily Trust” newspaper], explained that the Nigerian

society had not come to terms with homosexuality. There are laws against homosexuals and no organisations exist to assist or support them. It is therefore likely that any person known as a homosexual may face very serious problems. Society does not tolerate homosexuals and no homosexual dares speak out openly that he is or she is a homosexual. Homosexuals tend to live 'underground' in Nigeria. As an illustration of fear among homosexuals Yusuf explained that it was impossible for the Daily Trust to come across any spokesman for homosexuals in the large city of Lagos."

"Yusuf considered that any homosexual in Nigeria has a well-founded fear of being ill-treated not by the authorities but from the person's local community and society at large....The BHC [British High Commission] confirmed that homosexuals cannot publicly express their sexuality because they would suffer societal isolation and discrimination." [15] (pages 23 - 24).

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Secret Societies

6.117 According to the Nigeria section of the ACCORD/UNHCR 2002 Country of Origin Information Seminar Report, secret societies exist in Nigeria but very little is known about them. The most widely reported and studied is the Yoruba Ogboni society. Some of them are linked to particular villages, some to ethnic communities and/or political groups. Membership in a secret society may be advantageous to a person or his family as a means to social integration and to obtain access to resources. There is usually no forced recruitment into secret societies but individuals may feel pressured to join because of the advantages of being part of a secret society. Membership of secret societies is not open to everyone but only to individuals from highly regarded families. Those families who traditionally have had the authority to invite new members to join their society would choose the most suitable candidate. If this person should not wish to join and if there is no other candidate from his or her particular family, he or she might be ostracised and might also lose property or an inheritance, but would not have to fear for his or her life. Human sacrifices for ritual purposes very rarely occur, if at all. Secret societies are widely believed to be attributed with supernatural powers and are feared because of this. If a member of a secret society wished to leave the society, this would not necessarily result in an adverse reaction or persecution. It is possible, however, that a former member of a society may provoke an adverse reaction from society members, if the person concerned divulged secret information to outsiders about the society [31] (pages 166 - 167).

The Ogboni Society

6.118 Information obtained from a letter written by Mr B Akintunde Oyetade (School of Oriental and African Studies) dated 12 March 1998, indicates that the title Ogboni is only conferred on the elders, i.e. senior members of the society. These are usually men but women, usually six in number, were traditionally included to represent the interests of women in the community. Membership of the society is usually, but not always, passed through patrilineal descent. The Ogboni traditionally played a significant role in Yoruba religion and society, and were involved in the installation of new kings. Historically, an Ogboni could be said to have combined the powers of a local

magistrate, with those of a member of the local government and a religious leader. The Ogboni have engaged in animal sacrifice. There is no firm evidence to suggest that they engaged in human sacrifice. In the event that a king abused his power, however, they could compel him to commit suicide. They could also impose sanctions against other members of the community if they believed that these were justified. The Ogboni are reputed to threaten its members with death should they break their oath of secrecy regarding its rituals and beliefs. It is still regarded as being a powerful organisation throughout Nigeria. The Ogboni is believed to be a purely Yoruba cult, but there are a number of Yoruba sub tribes who also may be involved [4].

Student Cults

6.119 With regard to student cults, the Nigeria section of the ACCORD/UNHCR 2002 Report states:

“Student cults have become a major security problem on campus since the 1980s. They combine features of traditional Nigerian religion with the public school network of fraternities, seeking to gain influence in the university administration and with faculty and access to funds or examination papers. Most of them have been involved in violent clashes on campus and despite efforts of the Federal police and university administrations to dismantle the cults after 1999 a wave of campus violence in the first part of 2002 has shown that those groups have not ceased to exist. The groups are sometimes formed on [the] basis of ethnicity which can lead to violence between different ethnic communities on campus.” [31] (page 167)

“Police action might be thwarted by influential relatives of cult members; thus police protection from violent actions by student cults is likely to be incomplete.” [31] (page 167).

6.120 There have been recent reports of student cult-related violent incidents. A “Daily Champion” (Nigeria) newspaper report, dated 30 August 2004, reports that in the first two weeks of August 2004, 33 students from three Nigerian universities were murdered. These murders were suspected to have been committed by members of student cults. Of the figure, 15 were from the Ebonyi State University whose 8 other students had similarly been murdered in July 2002, by cultists. The other 18 students were from the Enugu State University of Science and Technology and the University of Nigeria Nsukka, whose 5 other students had been shot dead in June 2002, by cultists. According to the newspaper report, government and police efforts to address the problem of violent acts committed by members of student cults, have been ineffective [25].

6.121 According to a Norwegian 2004 Fact-Finding Mission Report on Nigeria:

“A certain number of asylum seekers claim fear of persecution from secret religious cults or university campus cults. ICRC [International Committee of the Red Cross] stated that internal flight is an alternative for people who fear persecution from members of campus cults, as these cults generally do not have the resources necessary to extend their threats beyond the campus areas.

PeaceWorks [NGO] confirmed this.” [37] (Pages 14 and 15).

6.122 Members of secret cults who have been threatened or harassed by other cult members, or who have been subject to violent attacks, can seek protection from the police. The British-Danish FFM Report states that:

“A senior representative of the IGP explained that local police is obliged to investigate and do investigate cases where individuals have been subject to threats from secret cults and similar groups. Intimidation and other forms of harassment from secret cults are illegal according to the law.” [15] (page 20)

“Usman [Chief Administration Officer, NHRC, Abuja], explained that these cults are becoming increasingly prevalent. There are some recent examples of ritual killings and some of those killings have taken place in order to intimidate others and may be related to local elections, control of money or control of persons. Such killings can even be attributed to persons involved in human trafficking. Usman considered that victims of secret cult activities would be able to seek protection within Nigeria and they may also be able to get assistance from the police. This would especially, but not only, be the case in those areas of Nigeria that are dominated by Muslim societies. However, Usman could not fully rule out that a person being victimised or threatened by members of a secret cult would at all times be able to find safety. If through requesting assistance from the NPF the victim was seen to be posing a threat to the cult’s existence, then the victim may be at risk from the cult. However, Usman emphasised that the NPF is generally very dedicated to acting firmly against threats from secret cults throughout Nigeria.” [15] (page 20)

“Nwankwo [Attorney-at-law, Lagos], explained that personal attacks and intimidation by secret cults are rather recent phenomena in [the] larger cities of Nigeria....However, he stated that a person escaping persecution or being killed by a secret cult only rarely would be at risk in another location within Nigeria. Nwankwo did not know of any examples of cult members killing non-cult members and was of the opinion that this would only take place in extreme cases.” [15] (page 20)

“...According to Usman secret university cults have been responsible for kidnapping or even killings of staff members and students....In spite of these actions Usman emphasised that he did not consider that the threat from secret cults at universities would make it necessary for university students or staff to leave universities and seek protection overseas. Normally it is possible to complain about these cults activities to the head of the university or to NPF and in this way attain protection.” [15] (page 21).

6.123 The British-Danish FFM Report also states:

“Yusuf [‘Daily Trust’ newspaper, Abuja] confirmed that there are problems with secret cults in Nigeria, including university cults. Although these make life difficult for some it is not to the extent that the victims are driven away. Generally speaking individuals who encounter problems can readily relocate elsewhere. Yusuf was not aware of any reports of persons who have encountered problems in that situation.”

“Nwanko [Attorney-at-Law, Lagos] confirmed that victims of secret cult’s activities could relocate within Nigeria without encountering security problems.” [15] (page 38).

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Refugees in Nigeria

6.124 Nigeria accepts refugees into the country and co-operates with the UNHCR and other humanitarian organisations in giving assistance to refugees. The USSD 2004 Report states:

“The law provides for the granting of asylum and refugee status to persons in accordance with the 1951 U.N. Convention Relating to the Status of Refugees, and its 1967 Protocol, and the Government has established such a system for providing protection to refugees. In practice, the Government provided protection against refoulement, the return of persons to a country where they feared persecution, and granted refugee status or asylum. The Government co-operated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers through the National Commission for Refugees (NCR), its Federal Commissioner, and the National Emergency Management Agency NEMA. The Eligibility Committee (on which the UNHCR had observer status), governed the granting of refugee status, asylum, and resettlement, and reviewed refugee and resettlement applications. The Committee met in January and July. The Committee granted 238 asylum seekers refugee status; cases were rejected, with 900 cases pending at year’s end.”

“There were an estimated 9,000 recognized refugees living in the country. During the year, 1,017 refugees were repatriated to Liberia and Sierra Leone. Remaining refugees included others from Sierra Leone, Liberia, Chad, Rwanda, and the Democratic Republic of the Congo. Refugee camps were generally overcrowded, and refugees’ requests for police and judicial assistance generally received less attention. The National Commission for Refugees managed the camps and had 10 staff members based in the camps.” [3a] (Section 2d).

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Non-Governmental Organisations (NGOs) and Human Rights Organisations

6.125 The “Country Report for Nigeria NGO Laws and Regulations”, published by the International Centre for Not-for-Profit Law in 2002, states that:

“A broad spectrum of NGOs exist in Nigeria. Prominent are community-based organisations (CBOs) which exist in and draw membership from those who live in particular geographical areas or from among people who have a more or less common ancestry, religious organisations, friendly societies and a host of professionally-run NGOs working in different thematic areas.” [33] (page 1)

“...The legal framework for non-governmental organisations (NGOs) in Nigeria is defined by provisions of the Constitution of the Federal Republic of Nigeria 1999

as well as federal and state laws....Apart from the enforcing of laws that recognise and regulate these organisations, government departments in some instances require NGOs to register with them for the purpose of collaborating with or working for such departments in some programme areas.” [33] (page 1)

“Many types of organisations are allowed under Nigerian law. These include CBOs, friendly societies, social clubs, women’s groups, youth clubs, religious organisations, cultural associations, professional associations, trade unions, political parties, cooperative societies and specially professionally-run NGOs which work in various thematic areas.” [33] (page 5).

6.126 No general register of all the Nigerian NGOs exist, according to the “Country Report for Nigeria NGO Laws and Regulations”, which states:

“There is no general NGO register in Nigeria. The Corporate Affairs Commission maintains a register of all incorporated trustees and companies it has registered and this may be inspected by a member of the public upon payment of a search fee....To the extent that it does not list the many NGOs, some of which are big and vibrant, it cannot be considered a general register.” [33] (page 10).

6.127 The USSD Report 2004 states:

“A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views. Criticism of the Government’s past human rights’ record was abundant in various media. Human rights activists continued to complain that President Obasanjo and members of his Government did not meet with them as frequently as they did during the early years of his first administration.” [3a] (Section 4).

“....The ICRC was active, with offices in Abuja and Lagos under the direction of a regional delegate. Its primary human rights activities during the year involved training prison officials on human rights, sanitation, and prisoner health.” [3a] (Section 4).

“The NHRC, which was tasked with monitoring and protecting human rights in the country, enjoyed greater recognition by and cooperation with NGOs and worked to establish its credibility as an independent monitoring body. The NHRC was chaired by retired justice Uche Omo, included 15 other members, and had zonal affiliates in each of the country’s 6 political regions. Since its inception, the NHRC has been underfunded. The NHRC was a member of the International Coordinating Committee of the National Human Rights Institutions (ICC).” [3a] (Section 4).

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6C. Human Rights - Other Issues

Corruption and the use of False Documentation

6.128 A “Guardian” newspaper (Nigeria) article, dated 2 November 2004, states that Transparency International has described Nigeria as one of the world’s most corrupt countries and corrupt practices are reported to be endemic in the country. The article also acknowledges that the Government is concerned about the problem and has taken some anti-corruption measures. The article states:

“The 2004 Corruption Perceptions Index, released the other day by Transparency International (TI), the watchdog on global corruption, ranks Nigeria as the third most corrupt country in the world. In 2003, the organisation ranked Nigeria second, a one-step improvement from the previous position as the most corrupt country in the world.”

“In the last three years of the Obasanjo administration, Nigeria’s ranking in the global corruption index has moved from the first to the third most corrupt country in the world, behind Bangladesh and Haiti...At the same time, Transparency International’s chairman, Dr Eigen, issued a statement describing the new President as ‘courageous and highly-principled anti-corruption fighter’ whose victory ‘bodes well for the future of all Nigerians’”.

“Nevertheless the Obasanjo administration responded almost immediately to the TI report by describing it as unfair to Nigeria. Minister of Finance Ngozi Okonjo-Iweala, faulted the methodology employed by Transparency International, which she claimed did not recognise countries like Nigeria that are undertaking reforms. The government has introduced procurement and contract reforms, international bidding and total competitive bidding. It has also established anti-corruption agencies, particularly the Economic and Financial Crimes Commission (EFCC) and the Independent Corrupt Practices Commission (ICPC). Since corruption is systemic in the country these measures would take time to bear fruit. But, at least, the administration has recognised the problem and is taking action against it. The government, she emphasised, is committed to curbing the incidence of corruption in the country.”

“We believe that the government’s attempt to question Transparency International’s methodology is diversionary; it ignores the substance and chases shadows. The organisation’s methodology does not in any way eliminate the obvious fact that corruption is endemic in this country.”

“It is no longer necessary to list the numerous instances of corruption in our country. Suffice it to say that the report on the 2001 financial year which the former Auditor-General, Mr Vincent Azie, submitted to the National Assembly, cataloguing the numerous instances of financial recklessness and corruption in all sections of the public service, including the Presidency, provided ample proof of the pervasiveness of corruption in spite of the government anti-corruption program.” [41].

6.129 An article by Osita Agbu, published in “West Africa Review” in 2003, also states that corruption is endemic in Nigeria and also acknowledges that the Government has taken some measures tackle the problem. The article states:

“To say that corruption is rampant in Nigeria is to restate the obvious. Corruption

in Nigeria, as it presently manifests, should more appropriately be termed endemic or systemic. However, this is not to say that the democratically elected government of President Olusegun Obasanjo did not recognize the fact, or has done nothing about it. But in a situation in which corruption has become institutionalized, it may take nothing less than a decade to make a dent on the solid wall of bribery and corruption existing in the Nigerian society at this moment in time.”

“For Nigeria, various factors have been identified as instrumental in enthroneing corrupt practices. These include, briefly, the nature of Nigeria’s political economy, the weak institutions of government, a dysfunctional legal system, a culture of affluent and ostentatious living that expects much from ‘big men,’ extended family pressure, village/ethnic loyalties, and competitive ethnicity.”

“Drawing inspiration from the Corrupt Practices and Economic Crime Draft Decree of 1990, the Obasanjo Government has put in place the legal framework encapsulated in the Corrupt Practices and other Related Offences Act, 2000, signed into law on June 13, 2000. This bill seeks to prohibit and prescribe punishment for the hydra-headed problem of corrupt practices and related offences. To this end, the Act establishes an Independent Corrupt Practices and other Related Offences Commission (ICPC). The efforts of the Obasanjo government in tackling corruption, though not very satisfactory, should be recognized. Already stolen funds totaling about N84 billion as at 2001, had so far been recovered from the family of the late Head of State, Sani Abacha, and returned to the Central Bank of Nigeria. This was part of the monies stolen and stashed away in foreign bank accounts by Abacha and his family members.”

“It is widely believed that the present anti-corruption law, being a federal legislation, has positioned government in a better position to confront corruption generally. Keen observation also shows that most common forms of corruption are now criminal offences. Problems associated with undue technicalities and unnecessary delays during regular trials of corruption crimes are now largely eliminated because the new law stipulates that trials must be concluded within 90 working days. The new law provides for the seizure of movable and immovable property suspected to have been acquired through corrupt means and forfeiture of same following conviction. The legal framework for preventing corruption is quite adequate in its objectives, whether it will achieve its aim will, however, depend on other variables....The only way the government can convince the people of its seriousness about fighting corruption is to enforce the law in instances where corruption has been clearly established. Unfortunately, it cannot be said that the government has done this.” [276].

6.130 It is easy to obtain forged documentation in Nigeria and it is also easy to obtain genuine official documents in Nigeria that contain false information. The Norwegian 2004 FFM Report states that:

“According to press reports and diplomatic sources, Nigeria - like most countries in the region - struggles with corruption among civil servants on all levels of the administration, in addition to widespread problems with forgeries of official

documents. Diplomatic sources also confirmed our [FFM delegation] impression that genuine documents with false information constitute as big a problem as falsified documents. Obtaining genuine documents issued correctly, but containing dubious or false information, is comparatively easy in Nigeria. Government authorities seldom have routines for verifying the information going into official documents, changing names is also a relatively easy procedure, simply done through the publication of an affidavit in a newspaper, and subsequent new official documents can be issued under the new name.”

“The legal source we talked to maintained that the only way of actually establishing a Nigerian’s true identity, was by making investigations through talking to a wide range of people in that person’s home area.”

“Diplomatic sources stated that they had little faith in Nigerian passports, as it was fairly easy to get a genuine passport containing false information. A birth certificate is often the only means of identification to which the passport issuing authorities have access. Birth certificates are often issued only on [the] basis of information given by the person asking for the birth certificate at the time he/she is doing so.” [37] (page 21).

6.131 Regarding forged and falsified documentation, the British-Danish FFM Report states that use of these type of documents is widespread in Nigeria. The report states:

“Newman [BHC, Abuja] explained that passports are issued at offices in each state. The process takes a maximum of two to three weeks but often passports are issued within a matter of a few days of the application being made.”

“According to Newman the presentation of false travel documents in Nigeria is prevalent. These are usually genuine passports which have been falsified, typically, through inserting fake bio data pages. The changes made to passports are usually of a high quality.”

“BAOBAB [NGO] confirmed that falsified documents are prevalent in Nigeria. BAOBAB especially emphasised the prevalence of falsified certificates of custody allegedly issued by magistrates’ courts and high courts. BAOBAB warned that even though the form itself may be genuine the documents might be falsified.”

“Regarding false newspaper warrants Momoh [Channels Television, Abuja], confirmed that this phenomenon is very common and that the printed media would let persons buy space in a second unofficial edition of a newspaper in order to insert a false warrant including the name of a wanted person. This is being done to support a potential asylum seeker’s case when applying for asylum abroad.” [15] (page 67).

6.132 Many Nigerians use false documentation or employ corrupt practices to allow them to travel to and settle in wealthier countries, as noted in the Norwegian FFM Report, which states:

“We [the FFM delegation] were told that because of the general pessimism regarding the situation in Nigeria and lack of belief in positive changes, a large

number of Nigerians contemplate migration as a way of improving the living conditions for themselves and their families (the immediate family through migration with the main person, the extended family through money transfers back home after getting a fixed income abroad). We were repeatedly told that many Nigerians are willing to go to drastic ends in order to be able to secure a foothold in a high income country - i.e. hazardous trips through the Sahara and across the Mediterranean, submitting false information and documents to obtain visas and/or residence permits, contracting marriages of convenience abroad, despite already being in stable relationships in Nigeria (either legally married or living together), and finally living as illegal aliens in Europe under difficult conditions.”

“The pressure to migrate has resulted in a steady increase in the number of applications for visas in Western countries - also after many of the embassies have been moved from Lagos to Abuja, including their consular sections. Diplomatic sources stated that migration scams are disturbingly common ways of trying to obtain a Schengen visa. Methods used are i.e. paying your way into official delegations and being included on their visa applications, presenting false documents with applications, etc.” [37] (page 5).

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The Bakassi Peninsula Dispute with Cameroon

6.133 A United Nations Chronicle 2004 report states:

“In 1994, Cameroon asked the ICJ [International Court of Justice] to rule on a dispute ‘relating essentially to the question of sovereignty over the oil-rich Bakassi Peninsula’, which it declared was under military possession by Nigeria, and to settle the maritime boundary between the two countries. On 10 October 2002, citing a 1913 agreement between Germany and the United Kingdom, as well as the Thomson-Marchland Declaration of 1929 -1930, the ICJ decided to award sovereignty rights of the Bakassi Peninsula to Cameroon. In response to this decision, Nigeria asserted that the judgement did not consider ‘fundamental facts’ about the Nigerian inhabitants of the Peninsula, whose ‘ancestral homes’ the ICJ ruled to be in Cameroonian territory.”

“Before the ruling, on 5 September 2002, the Secretary-General met in Paris with Nigerian President Olusegun Obasanjo and Cameroonian President Paul Biya to discuss the Peninsula. Both Presidents agreed to respect and implement the decision of the ICJ and to establish an implementation mechanism, with the support of the United Nations. They also agreed on the need for confidence-building measures, including demilitarization of the Peninsula, and recognized that the issue needed to be considered in the wider context of the overall relationship between the two countries. Both were determined to restore neighbourly relations and discussed the possibilities of cooperation in the economic field, including joint ventures.”

“A second meeting between the Secretary-General and the two Presidents was held in Geneva on 15 November 2002, during which they agreed to establish the

Mixed Commission, comprising representatives from Nigeria and Cameroon, to handle differences and consider all implications and ways of following up the ICJ ruling. The Commission, which is chaired by the Special Representative of the Secretary-General for West Africa, Ahmedou Ould-Abdallah, is charged with demarcating the land boundary and making recommendations on confidence-building measures, including the development of joint venture projects, troop withdrawals along the boundary, demilitarization of the Peninsula and reactivation of the Lake Chad Basin Commission.” [11].

6.134 A United Nations IRIN report dated 24 October 2004 stated that:

“Nigeria has failed to agree on a new date for handing over the disputed Bakassi peninsula to Cameroon after refusing to withdraw from the potentially oil-rich territory by the original deadline of 15 September [2004], the UN mediator in the border dispute has announced.”

“The UN Office for West Africa (UNOWA) said the latest meeting of the Cameroon-Nigeria Mixed Commission in Abuja on 21 and 22 October [2004] had simply referred the issue to the heads of state of the two countries and UN Secretary-General Kofi Annan.”

“ ‘The issue of the modalities of withdrawal and transfer of authority in the Bakassi Peninsula as earlier agreed was discussed. After deliberation on the issue and as a result of divergence of views, the Mixed Commission decided to refer the matter to the heads of state of Cameroon and Nigeria and the Secretary General of the United Nations,’ UNOWA said in a statement.”

“...The Bakassi peninsula is home to several thousand farmers and fisherman, most of whom fervently support continued Nigerian ownership of the territory.” [21e].

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ANNEXES

ANNEX A

Chronology of Major Events [1][2][3c][8e]

1861-1914

Great Britain consolidates its hold over what it calls the Colony and Protectorate of Nigeria, and governs by "indirect rule" through local leaders.

1922

Part of former German colony Kamerun is added to Nigeria under League of Nations mandate.

1947

A new constitution is established a federal system of government.

1954

The Federation of Nigeria became self-governing.

1960

Nigeria becomes an independent country. Sir Abubakar Tafawa Balewa becomes Nigeria's first Prime Minister, leading a coalition government.

1962-63

Controversial census fuels regional and ethnic tensions.

1966

January - Balewa killed in coup. Major-General Johnson Aguiyi-Ironsi heads up military administration.

July - Ironsi killed in counter-coup, replaced by Lieutenant-Colonel Yakubu Gowon.

1967

Three eastern states secede as the Republic of Biafra, which sparks off a civil war (the Biafran War).

1970

Biafran leaders surrender, former Biafran regions reintegrated into country.

1975

Gowon overthrown, flees to Britain, replaced by Brigadier Murtala Ramat Mohammed, who begins process of moving federal capital to Abuja.

1976

Mohammed assassinated in coup attempt. Replaced by Lieutenant-General Olusegun Obasanjo, the Chief-of-Staff of the armed forces, who helps introduce an American-style presidential constitution.

1979

Elections bring Alhaji Shehu Shagari to power.

1983

August to September - Shagari wins the presidential election and begins a second presidential term.

December - Major-General Muhammad Buhari seizes power in bloodless coup.

1985

August - Ibrahim Babangida seizes power in a bloodless military coup, curtails political activity.

1990

April - coup attempt by Major Gideon Orkar is suppressed. Orkar was arrested, together with about 300 other military personnel, and more than 30 civilians. In July, Orkar and some other prisoners were convicted by a military tribunal, of conspiracy to commit treason, and later in July, Orkar and 42 other prisoners were executed.

1991

December - the seat of the federal government was formally transferred from Lagos to Abuja. Gubernatorial and state assembly elections take place.

1992

May - widespread rioting at sharp increases in transport fares took place, resulting from a severe fuel shortage, which culminates in demonstrations demanding the resignation of the government. The unrest was violently suppressed by the security forces.

July - National Assembly elections take place.

December - bicameral national assembly was formally convened in the new federal capital of Abuja.

1993

June - the military government annuls a presidential election, when preliminary results clearly show a victory by Chief Moshood Abiola.

November - Ernest Shonekan resigns as the Head of State and power is transferred to General Sani Abacha.

1998

Abacha dies, succeeded by Major-General Abdulsalami Abubakar.

1999

Parliamentary and presidential elections take place. Olusegun Obasanjo wins the presidential election and is sworn in as president.

2000

Adoption of Islamic (Sharia) law by several northern states in the face of opposition from Christians. Tension over the issue results in hundreds of deaths in clashes between Christians and Muslims.

2001

Tribal war in Benue state, in eastern-central Nigeria, displaces thousands of people.

In October, army soldiers sent to quash the fighting kill more than 200 unarmed civilians, apparently in retaliation for the abduction and murder of 19 soldiers.

Also in October, President Olusegun Obasanjo, South African President Thabo Mbeki and Algerian President Bouteflika launch the New Partnership for African Development, (NEPAD), which aims to boost development, encourage open government and end wars in return for aid, foreign investment and a lifting of trade barriers which impede African exports.

2002

January - an accidental blast at a munitions dump in Lagos kills more than 1,000.

February - some 100 people are killed in Lagos during bloody clashes between Hausas from the mainly-Islamic north and ethnic Yorubas from the predominantly-Christian southwest. Thousands flee their homes. The city's governor suggests retired army officials stoked the violence in an attempt to restore military rule.

March - an appeals court reverses a death sentence handed down to a woman found guilty of adultery. An Islamic court in the north had ordered that the woman be stoned to death, but the sentence provoked an international outcry including a plea for clemency from the EU.

October - The International Court of Justice awards the disputed Bakassi peninsula to Cameroon. The Nigerian and Cameroonian governments form a Mixed Commission, with UN assistance, to resolve the Bakassi territory dispute.

November - more than 200 people die in four days of rioting stoked by Muslim fury over controversy surrounding the planned Miss World beauty pageant in Kaduna in December. The event is relocated to Great Britain.

2003

12 April - first legislative elections since end of military rule in 1999. Polling marked by delays, allegations of ballot-rigging. President Obasanjo's People's Democratic Party wins parliamentary majority.

19 April - first civilian-run presidential elections since end of military rule. Olusegun Obasanjo elected for second term with more than 60 percent of the vote. Opposition parties reject result. EU observers say polling marred by "serious irregularities".

July - nationwide general strike called off after nine days after government agrees to lower recently-increased fuel prices.

August - violence between Ijaw and Itsekiri people in Delta town of Warri kills about 100 people, injures 1,000.

September - an Islamic appeals court in the northern state of Katsina acquitted a woman, Amina Lawal, who had been sentenced to death by stoning for alleged adultery. Amina Lawal's case attracted international concern from human rights campaigners.

2004

March - spate of high-profile political killings and attacks by armed bandits in run-up to local elections.

Suspected coup attempt. President Olusegun Obasanjo's government announced on 2 April 2004 that security agencies were investigating several Nigerian army officers and civilians in connection with "serious security breaches".

May - communal violence breaks out in Plateau State between Christians and Muslims. President Obasanjo declares a state of emergency in the state. The state governor and all state democratic institutions are suspended.

August-September - violent clashes take place between gangs in Port Harcourt, which prompts a crackdown by troops. Amnesty International cites a death toll of 500 but the Nigerian authorities state that about 20 people were killed.

October - A businessman and three military officers, including Major Hamza al-Mustapha, the former security chief under Sani Abacha, were charged in connection with a coup attempt, that reportedly took place in March 2004.

A four-day general strike over high fuel prices takes place.

November - The Government orders the state oil firm to reduce fuel prices, following a threat by trade unions to call a general strike.

State of emergency lifted in Plateau State. All state democratic institutions, which had been suspended, were restored.

2005

February - President Obasanjo opened a national political conference in Abuja to discuss constitutional reforms.

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ANNEX B

List of the Main Political Organisations

(The “political organisations” in this list include organisations that are not registered political parties but have political objectives or are political in nature)

Abia Democratic Alliance [1] (page 868)

Based in Umuahia. Formed in 2001. Allied to the People’s Democratic Party.

African Renaissance Party (ARP) [38]

Registered political party. Based in Abuja.

All Nigeria’s People’s Party (ANPP) [1] (page 868) [26][38]

Registered political party. Alhaji Yusuf Garbah Ali is the National Chairman and George Moghalu is the National Secretary. The ANPP was established in 1998 by a number of groupings which had formerly participated in the Abacha regime’s programme for the reintroduction of civilian rule.

Alliance for Democracy (AD) [1] (page 868) [26][38]

Registered political party. Based in Abuja. Acting Chairman - Chief Bisi Akande. Formed in late 1998, the AD was the most radical of the three parties that won registration to contest the Nigerian elections of January and February 1999. In the 2003 elections, the AD won 31 seats in the House of Representatives and 6 seats in the Senate.

All People’s Liberation Party (APLP) [38]

Registered political party. Based in Abuja. Chairman - Alhaji Umar Mohammed.

All Progressive Grand Alliance (APGA) [1] (page 868) [38]

Registered political party. Based in Abuja. Leader - Chief Chekwas Okorie.

Better Nigeria Progressive Party (BNPP) [38]

Registered political party. Based in Abuja. Chairman - Alh. Bashir Maidugu.

Communist Party of Nigeria (CPN) [38]

Registered political party. Based in Abuja. Chairman - Musari Bukar Sani.

Justice Party (JP) [38]

Registered political party. Based in Abuja. Chairman - Chief Ralph Obioha.

Liberal Democratic Party of Nigeria (LDPN) [38]

Registered political party. Based in Abuja. Chairman - Chief Felix Modebelu.

Masses Movement of Nigeria (MMN) [38]

Registered political party. Based in Abuja. Chairman - Major Isola Adekunle Obasanjo (rtd).

Movement for Democracy and Justice (MDJ) [38]

Registered political party. Based in Abuja. Chairman - Alh. Kalli Al-Gazali.

Movement for the Actualization of the Sovereign State of Biafra (MASSOB) [1] (page 868)

Formed in 1999. Leader - Ralph Uwazurike.

Movement for the Survival of the Ogoni People (MOSOP) [1] (page 868)

Formed in 1990 to organise opposition to petroleum production in the Ogoni territory. Leader - Ledum Mitee.

National Action Party (NAP) [38]

Registered political party. Based in Abuja. Chairman - Dr Olapade Agoro.

National Conscience Party (NCP) [1] (page 868) [38]

Registered political party. Based in Abuja. Leader - Chief Gani Fawehinmi.

National Democratic Party [1] (page 868) [38]

Registered political party. Based in Abuja. Chairman - Aliyu Habu Fari.

National Mass Movement of Nigeria (NMMN) [38]

Registered political party. Based in Abuja. Chairman - Alh. Zanna Bukar Mandara.

National Reformation Party (NRP) [38]

Registered political party. Based in Abuja. Chairman - Chief Anthony Enahoro.

National Solidarity Party [1] (page 868)

Formed in 2001 by former military officers. Chairman - Saleh Jambo.

New Nigeria People's Party (NNPP) [38]

Registered political party. Based in Abuja. Chairman - Dr B O Aniebonam.

Nigeria Advance Party (NAP) [38]

Registered political party. Based in Abuja. Chairman - Dr O Braithwaite.

Nigerian People's Congress [38]

Registered political party. Based in Abuja.

Party for Social Democracy [38]

Registered political party. Based in Abuja. Chairman - Comrade O Z Ejiofor.

O'odua People's Congress (OPC) [1] (page 869)

Formed in 1994. Banned in October 2000. Divided into two factions, led by Frederick Faseun and Ganiyu Adams.

People's Democratic Party (PDP) [1] (page 869) [26] [38]

Registered political party. Based in Abuja. Party of current President Obasanjo. Founded in August 1998 by a broad range of political interest groups, represented mainly by 34 former senior political figures who had come forward earlier in 1998 to challenge the legality of Sani Abacha's bid to secure the civilian presidency of Nigeria. The PDP candidate Olusegun Obasanjo won the 1999 presidential election with 62.8 per cent of the vote, and was re-elected as president on the 2003 presidential election. The party also won substantial majorities in the House of Representatives and the Senate, both in the 1999 and 2003 legislative elections.

People's Mandate Party (PMP) [38]

Chairman - Dr Arthur Nwankwo. Based in Abuja.

People's Redemption Party (PSP) [1] (page 869) [38]

Registered political party. Based in Abuja. Leader - Abdullah Balarabe Musa.

People's Salvation Party [1] (page 869)

Formed in 2002.

Progressive Liberation Party [1] (page 869)

Formed in 2001. Leader - Ezekiel Izuogu.

The Democratic Alternative (DA) [38]

Formed in 1994. Chairman - Dr Abayomi Ferreira. Based in Abuja.

The Green Party (GPN) [38]

Chairman - Olisa Agbakoba. Based in Abuja.

United Democratic Party (UDP) [38]

Based in Abuja.

United Nigeria People's Party [1] (page 869)

Formed in 2002 in Abuja. Leader - Saleh Jambo.

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ANNEX C

Prominent People Past and Present

General Sani Abacha [1]

Army Chief of Staff in Babangida's regime. Took power on 17 November 1993. Died on 8 June 1998.

General Abdusalam Abubakar [1]

He became the head of state on 9 June 1998, after the death of Sani Abacha, and remained the head of state until 29 May 1999.

General Johnson Aguiyi-Ironsi [1]

He was the Commander-in-Chief of the army at the time of the January 1966 military coup, and took power after the coup, but was subsequently killed in a counter-coup in July 1966.

General Ibrahim Babangida [1]

He became the head of government in August 1985 after a military coup. In August 1993, Babangida resigned as head of government.

Abubakar Tafawa Balewa [1]

He was the country's first federal Prime Minister and Minister of Foreign Affairs when Nigeria became independent in 1960. He was killed in January 1966 in a military coup.

Major General Muhammadu Buhari [1]

He became the head of government in December 1983 after a military coup, and subsequently was deposed in another military coup in 1985. He was one of the presidential candidates (All Nigeria People's Party) in the April 2003 Presidential Election, and came second place, winning 32.19 per cent of the votes.

General Yakubu Gowon [1]

He was the Chief of Staff of the Army at the time he took power in July 1966 after a coup. He left the government in 1976.

Olusegun Obasanjo [1] [8d]

President Obasanjo was born in 1937, and is an ethnic Yoruba, originating from the south west of Nigeria. He joined the army in 1958 and came to prominence in 1970 as the officer who accepted the surrender of Biafran forces in the 1967-1970 civil war. Obasanjo first became leader of the country in 1976 after the assassination of Brigadier Murtala Mohamed. In 1979, he earned the distinction of becoming Africa's first modern military leader to hand over power to civilian rule. He then gave up politics and returned

to his home state. In 1995, he was imprisoned for his part in an alleged coup plot against Sani Abacha, the then leader of the country. He was subsequently set free in 1998 by the new leader of the country, General Abubakar [8d]. Obasanjo was a candidate in the 1999 Presidential Election, which he won, and took office on 29 May 1999. He was re-elected as president in the 2003 Presidential Election. [1]

Ojukwu Chukwuemeka Odumegwu [1]

He was one of the presidential candidates (All Progressive Grand Alliance) in the April 2003 Presidential Election, and came third place, winning 3.29 per cent of the votes.

Alhaji Shehu Shagari [1]

He became the President of the Second Republic of Nigeria in October 1979, following democratic elections. In 1983, Shagari was deposed in a military coup led by Major General Muhammadu Buhari.

Ken Saro Wiwa [1]

He was once the President of the Movement for the Survival of the Ogoni People (MOSOP). Arrested in May 1994 in connection with murder of 4 Ogoni chiefs. Executed in November 1995 along with 8 other MOSOP members.

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ANNEX D

List of the States of Nigeria [1] (page 861)

	Name of State and State Capital
1	Abia - state capital: Umuahia
2	Adamawa - state capital: Yola
3	Akwa Ibom - state capital: Uyo
4	Anambra - state capital: Awka
5	Bauchi* - state capital: Bauchi
6	Bayelsa - state capital: Yenogoa
7	Benue - state capital: Makurdi
8	Borno* - state capital: Maiduguri
9	Cross River - state capital: Calabar
10	Delta - state capital: Asaba
11	Ebonyi - state capital: Abakaliki
12	Edo - state capital: Benin City
13	Ekiti - state capital: Ado-Ekiti
14	Enugu - state capital: Enugu
15	Gombe* - state capital: Gombe
16	Imo - state capital: Owerri
17	Jigawa* - state capital: Dutse
18	Kaduna* - state capital: Kaduna
19	Kano* - state capital: Kano
20	Katsina* - state capital: Katsina
21	Kebbi* - state capital: Bernin Kebbi
22	Kogi - state capital: Lokoja

23	Kwara - state capital: Ilorin
24	Lagos - state capital: Ikeja
25	Nassarawa - state capital: Lafia
26	Niger* - state capital: Minna
27	Ogun - state capital: Abeokuta
28	Ondo - state capital: Akure
29	Osun - state capital: Oshogbo
30	Oyo - state capital: Ibadan
31	Plateau - state capital: Jos
32	Rivers - state capital: Port Harcourt
33	Sokoto* - state capital: Sokoto
34	Taraba - state capital: Jalingo
35	Yobe* - state capital: Damaturu
36	Zamfara* - state capital: Gusau
37	Federal Capital Territory - national capital: Abuja

*state that has adopted parts of Shari'a Law into its penal code [3b] (Section 2)

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ANNEX E

The Federal Government [1] (page 867)

The Federal Government Cabinet as of August 2004

President and Commander-in-Chief of the Armed Forces: Gen. (retired) Olusegun Obasanjo

Vice President: Alhaji Atihu Abubakar

Minister of Finance and Economy: Dr N Okonjo-Iweala

Minister Foreign Affairs: Amb O. Adeniji

Minister of Health: Professor Eytayo Lambo

Minister of Industry: Magaji Mohammed

Minister of Information: Chukwuemeka Chikelu

Minister of Internal Affairs: Dr Iyorchia Ayu

Minister of Justice and Attorney-General: Akinlolu Olujinmi

Minister of Labour and Productivity: Hassan Lawal

Minister of Police Affairs: Broderick Bozimo

Minister of Power and Steel: Liyel Imoke

Minister of Agriculture and Rural Development: Adamu Bello

Minister of Commerce: Idris Waziri

Minister of Communications: Cornelius Adebayo

Minister of Defence: Rabiw Kwankaso

Minister of Education: Fabian Osuji

Minister of the Environment: Colonel Bala Mande

Minister of the Federal Capital Territory: Mallam Nasir El-Rufal

Minister of Aviation: Isa Yuguda

Minister of Culture and Tourism: Chief Franklin Ogbuewu

Minister of Regional Integration and Co-operation: Lawan Gana Guba

Minister of Science and Technology: Dr Turner Isoun

Minister of Solid Minerals: Mangu Odion Ugbesa

Minister of Transport: Abiye Sekibo

Minister of Water Resources: Mallam Mukhtar Shagari

Minister of Sports and Social Development: Colonel Musa Mohammed

Minister in the Presidency, with responsibility for Economic Matters: (vacant)

Federal Government Ministries as of August 2004 [1] (pages 867 - 868)

(All ministries are located in Abuja)

Office of the Head of State

Ministry of Agriculture and Rural Development

Ministry of Aviation

Ministry of Commerce

Ministry of Communications

Ministry of Culture and Tourism

Ministry of Defence

Ministry of Education

Ministry of the Federal Capital Territory

Ministry of Finance and the Economy

Ministry of Foreign Affairs

Ministry of Health

Ministry of Industry

Ministry of Information

Ministry of Internal Affairs

Ministry of Justice

Ministry of Labour and Productivity

Ministry of Police Affairs

Ministry of Power and Steel

Ministry of Science and Technology

Ministry of Solid Minerals

Ministry of Sports and Social Development

Ministry of Transport

Ministry of Water Resources

Ministry of Women's Affairs

Ministry of Works and Housing

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ANNEX F

Glossary of Acronyms

[This glossary contains a selection of some of the acronyms used in the Nigeria Country Report - refer to Annex B (List of the Main Political Organisations) for the acronyms of political parties and political organisations]

AI - Amnesty International

BHC - British High Commission (Abuja)

CLEEN - Centre for Law Enforcement Education

FFM - Fact-Finding Mission

HRW - Human Rights Watch

ICRC - International Committee of the Red Cross

IGP - Inspector General of the Police

INEC - Independent National Electoral Commission

LEDAP - Legal Defence and Assistance Project

NAPTIP - National Agency for Prohibition of Trafficking in Persons

NDLEA - National Drug Law Enforcement Agency

NDPVF - Niger Delta's People Volunteer Force

NDV - Niger Delta Vigilante

NGO - Non-governmental organisation

NHRC - National Human Rights Commission

NIS - Nigerian Immigration Service

NLC - Nigerian Labour Congress

NPF - Nigeria Police Force

NPS - Nigerian Prisons Service

PRAWA - Prisoners Rehabilitation and Welfare Action

SSS - State Security Service

UNHCR - United Nations High Commissioner for Refugees

UNODC - United Nations Office of Drugs and Crime

USSD - United States State Department

WACOL - Women's Aid Collective

WOTCLEF - Women Trafficking and Child Labour Eradication Foundation

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ANNEX G

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