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Nigeria: Government amnesty program for Niger Delta militants, particularly with respect to the Movement for the Emancipation of the Niger Delta (MEND) (2009-August 2011)

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In June 2009, the President of Nigeria, Umaru Yar'Adua, signed an offer of unconditional amnesty for militants operating in the Niger Delta (AFP 25 June 2009; Nigeria n.d.a). This offer was effective from 6 August 2009 to 4 October 2009 (AFP 1 Oct. 2009; *Nigerian Tribune* 11 July 2010; *Daily Independent* 18 Sept. 2009).

In writing about the amnesty program's objectives and deliverables, the Nigerian government identified the following three phases:

- A disarmament phase to take place between 6 August 2009 and 4 October 2009 and to include the collection of biometric data.
- A demobilization and rehabilitation phase to last 6 to 12 months and to include the provision of, among other things, counselling and career guidance for the participants.
- A reintegration phase to last up to five years and to include the provision of, among other things, training and microcredits for the participants (Nigeria n.d.a).

Agence France-Presse (AFP) reported in 2010 that through the amnesty program, the Government of Nigeria promised to give the former rebels training, compensation funds and jobs (15 May 2010). In addition, the United Nations Integrated Regional Information Networks (IRIN) indicated that the government was planning to offer the militants a pension, occupational training and microcredit (UN 26 Apr. 2010).

To take advantage of the amnesty, the militants had to "go to the nearest screening centre, turn in his or her arms, register, take an oath of renunciation, receive the presidential amnesty and then register for [the] reintegration programme" (*Nigerian Tribune* 11 July 2010).

MEND's reaction to the amnesty offer

Several sources state that the Movement for the Emancipation of the Niger Delta (MEND) is not a well-defined entity but rather a coalition of armed groups operating in the Niger Delta (Obi Sept. 2008, 424; The Jamestown Foundation 30 Oct. 2009; BBC 4 Oct. 2010). An article published by *Le Monde* describes MEND as a [translation] "nebulous group" that has no command structure and an unclear number of members (*Le Monde* 16 Apr. 2011). According to the Jamestown Foundation, an organization that informs policy makers about societies that are "strategically or tactically

important" for the United States (The Jamestown Foundation n.d.), since the amnesty, it remains unclear who speaks for MEND (30 Oct. 2009).

In July 2009, Henry Okah, described by Radio France internationale (RFI) as one of MEND's leaders, accepted the amnesty offer (RFI 12 July 2009). MEND, which claimed to [translation] "understand" Henry Okah's decision, still rejected the amnesty (ibid.). However, MEND announced a 90-day unilateral ceasefire (PANA 25 Oct. 2009). The AFP reported instead that MEND extended by 30 days the initial 60-day ceasefire to which it had submitted itself (15 Sept. 2009). In mid-September, media indicated that while some militants had turned in their weapons, other decided to refuse the amnesty (AFP 15 Sept. 2009; *Daily Independent* 18 Sept. 2009). Jomo Gbomo, introduced by the *Daily Independent* as a MEND spokesperson, stated in September 2009 that "MEND does not recognize an amnesty that has not made any provision for meaningful dialogue on the root issues that gave birth to the Niger Delta unrest" (ibid.).

On 29 September 2009, MEND announced that it had appointed a group of mediators to engage in dialogue with the government (RFI with AFP 2 Oct. 2009). On 1 October 2009, Tom Ateke, described by the RFI as the leader of a MEND faction, stated that he accepted the amnesty (ibid.). According to the Jamestown Foundation, on 4 October of that same year, the expiry date of the amnesty offer, "[n]early all of the major militant leaders who had been advertised as the core of ... MEND, accepted the amnesty program" (30 Oct. 2009).

However, individuals claiming to be MEND members threatened to resume their attacks at the end of the ceasefire on 15 October 2009 (PANA 25 Oct. 2009; AFP 16 Oct. 2009). According to the AFP, other MEND followers who had accepted the amnesty, including [translation] "one of the most important former rebels," Government Ekpemupolo (also known as Tompolo), denied wanting to take up weapons again (16 Oct. 2009). MEND stated in a press release that those who had accepted the offer were [translation] "corrupted" by the authorities (PANA 16 Oct. 2009).

Some media stated that, on 16 October 2009, about 8,000 MEND militants accepted the amnesty (PANA 16 Oct. 2009; AFP 16 Oct. 2009). However, the government of Nigeria stated that at that time, approximately 15,000 militants had given up violence (Reuters 8 Oct. 2009). A 16 November 2009 article by Panapress also reports a total of about 15,000 militants who had renounced violence.

On 25 October 2009, MEND declared an unlimited ceasefire (PANA 25 Oct. 2009; AP 25 Oct. 2009). Nevertheless, it ended the ceasefire in January 2010 (AFP 15 May 2010; *Le Figaro* 15 Mar. 2010).

On 4 October 2010, the British Broadcasting Corporation (BBC) stated that "[n]early all the senior commanders in the field -- and their foot soldiers -- have accepted an amnesty, and are observing a ceasefire." The BBC added that one faction of the group presumed to be responsible for bombings in Abuja refused the amnesty (4 Oct. 2010). The faction continues to send statements to the media on behalf of MEND "to the irritation of the senior figures on ceasefire" (BBC 4 Oct. 2010). In addition, the BBC announced that Henry Okah, suspected of being the leader of a dissident faction that opposed the amnesty, was arrested on charges in connection with the bomb attacks in Abuja (BBC 3 Oct. 2010). In April 2011, *Le Monde* stated that Henry Okah was still incarcerated for his presumed involvement in the Abuja attack (16 Apr. 2011).

Le Monde pointed out in April 2011 that, since the amnesty had been proclaimed, [translation] "the armed groups who were claiming membership to MEND [had] officially turned in their weapons" (16 Apr. 2011). Furthermore, the Lagos

newspaper *This Day* stated that the leaders of former Niger Delta armed groups announced their support of President Goodluck Jonathan for the 2011 presidential elections (15 Apr. 2011). However, in April 2011, having [translation] "stopped its plans to resume attacks" to allow the elections to take place, MEND threatened to resort again to violence if the government did not take steps towards a dialogue with the group (PANA 3 Apr. 2011). In May 2011, according to international media, the Nigerian armed forces launched an offensive aimed at flushing out armed groups from the Niger Delta (RNW 6 June 2011; AFP 16 May 2011). In June 2011, media outlets indicated that individuals claiming membership to MEND threatened to launch new attacks against oil facilities (RNW 6 June 2011; *The Daily Times* 7 June 2011; *Daily Champion* 7 June 2011).

Results of the amnesty program

In February 2011, the *Nigerian Tribune* stated that approximately 26,000 ex-militants of the Niger Delta enrolled in the amnesty program (9 Feb. 2011). Similarly, the Nigerian journal *The Nation* stated that some 26,000 rebels turned in their weapons following the amnesty offer (26 June 2011). According to the United States' *Country Reports on Human Rights Practices for 2010*, between June and December of 2009, some of an estimated 20,000 ex-militants had completed a training program in non-violence, in a camp in Obubra, in Cross River State (US 8 Apr. 2011, Sec. 1g). According to the Special Adviser to the President of Nigeria on the Amnesty Program, between June 2010 and May 2011, 15,434 people had participated in this training program (*The Nation* 26 June 2011). Media reports stated that some participants of the amnesty program have taken part in various occupational training programs in the country and abroad (ibid.; *Leadership* 17 Mar. 2011; *This Day* 15 Apr. 2011). In addition, the Minister of Niger Delta Affairs stated that the Ministry had organized a job fair meant to link the youths in the amnesty program with potential employers (Nigeria n.d.b).

The Special Adviser on the Amnesty Program stated that the return of peace, security and sustainable development to the Niger Delta has stemmed from the successful management of the post-amnesty program (*The Nation* 26 June 2011). *Business Day* from Lagos also states that the amnesty program contributed to the decline in violence in the Niger Delta (28 Feb. 2011).

However, in an interview with IRIN, an analyst of the International Crisis Group stated that not enough effort had been invested in the rehabilitation and reintegration of the militants (UN 26 Apr. 2010). A human rights defender cited by IRIN said that [translation] "the rehabilitation centres ... do not have essential equipment -- the program is failing" (ibid.). According to *Business Day*, some analysts claim that "no one in government seems to know what exactly comes next" in the program (28 Feb. 2011).

According to *Le Monde*, [translation] "a new outburst of violence should not be ruled out in the short or long term because the amnesty program did not resolve anything politically" (16 Apr. 2011). In an April 2011 online press release, MEND stated [translation]:

"With billions of naira spent, the amnesty and reintegration program ... is an obvious failure, given that the initial program objective was overlooked for political ambitions and personal interests." (qtd. in PANA 3 Apr. 2011)

In addition, Human Rights Watch points out in a May 2011 article that despite the government's amnesty towards armed groups, some criminal groups and militants operating in the Niger Delta have carried out "kidnappings, bombings and attacks on oil facilities" (28 May 2011). In his comments on a bombing attributed to MEND, which occurred in March 2010 in the city of Warri, Delta State, near a meeting by authorities

to debate the amnesty program, a human rights defender told IRIN that these attacks [translation] "are enough to inform the whole world that the post-amnesty rehabilitation program is not working" (UN 26 Apr. 2010).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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Oral sources: Attempts to contact representatives of the Nigeria High Commission in Ottawa and of the Nigerian Bar Association were unsuccessful.

Internet sites, including: Afrik.com, Amnesty International, Fédération internationale des ligues des droits de l'homme, *The Punch*, Syfia International, *Vanguard*.

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