

# Human Rights Watch

## Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

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World Report 2009 Introduction By Kenneth Roth

The government of President Umaru Yar'Adua - now in its second year - has done little to address deeply-entrenched human rights problems. Despite record oil revenues in 2008, government corruption and mismanagement robbed Nigerians of their right to health and education. State security forces continued to commit extrajudicial killings, torture, and extortion. Intercommunal and political violence, often fomented by powerful politicians, claimed hundreds of lives.

Although many of these problems were inherited from the previous administration, the Yar'Adua administration has undermined fledgling anti-corruption efforts, taken inadequate steps to address poverty and violence in the Niger Delta, and failed to investigate or hold to account government officials and security forces responsible for serious human rights abuses. The National Assembly held public hearings into allegations of corruption but failed to pass progressive legislation including the Freedom of Information Bill.

Nonetheless, free speech in Nigeria remains robust and the judiciary continues to exercise a degree of independence. Nigeria's election tribunals annulled several of the 2007 state gubernatorial elections, but in February 2008 upheld the election of President Yar'Adua. Opposition candidates appealed the tribunals' decision in the presidential election petition, but at this writing, the Supreme Court had not yet ruled on the case.

Rising oil prices and disruptions in Nigeria's oil flow by militant violence focused the attention of Nigeria's international partners on the restive Niger Delta. However, foreign partners remained reluctant to publicly criticize those responsible for Nigeria's poor human rights record.

In September 2008, the Movement for the Emancipation of the Niger Delta (MEND)-a loose umbrella network of armed groups-declared an "oil war" on government forces and the oil industry, resulting in the heaviest fighting in two years. MEND and other Niger Delta militant groups claim to be fighting for greater local control of the region's oil wealth, while simultaneously engaging in various forms of violent criminal activity, including attacks on oil facilities, kidnapping foreign and Nigerian oil workers, and the lucrative theft of crude oil.

In 2008 several dozen ordinary Nigerians were killed in clashes between security forces and gangs, and at least 130 Nigerians and oil-sector workers were kidnapped by militant groups. However, the security forces appear to have been more careful to avoid inflicting civilian casualties than in previous periods of Delta violence. In January 2008, seven ordinary citizens were reportedly killed in crossfire during an attack on a Port Harcourt police station. In July thousands of residents fled Bonny Island after gunmen killed several residents and allegedly threatened to behead anyone not originally from the area. In August the Nigerian military reportedly opened fire on a boat in Bayelsa State, killing three villagers.

Meanwhile, the government failed to address the poverty, embezzlement of revenues, and environmental degradation that underlie political discontent in the Delta. The government also failed to end impunity that fuels the violence.

Efforts to fight corruption and graft suffered setbacks in 2008. In December 2007, Nuhu Ribadu, then-head of Nigeria's Economic and Financial Crimes Commission (EFCC), took the bold step of indicting the powerful former Delta State Governor James Ibori. Two weeks later, the inspector general of police ordered Mr. Ribadu to resign and attend a year-long training course. In February 2008 another senior EFCC official was attacked by armed thugs.

Following the controversial appointment of Farida Waziri as the new EFCC chair in May, the EFCC fired many of its top investigators. In August the former head of the EFCC unit investigating Mr. Ibori was arrested and held without charge for several weeks. Although Ms. Waziri has indicted several senior-level politicians on corruption charges, the high-profile cases initiated under Mr. Ribadu, including that of Mr. Ibori, have been effectively stalled.

Since 2004 Nigeria has taken significant steps towards complying with the Extractive Industries Transparency Initiative (EITI), including conducting comprehensive audits of the petroleum sector. However, efforts at improving transparency in federal government revenues have done little to reduce corruption and mismanagement, especially at state and local government levels; government budgets and expenditures remain shrouded in secrecy.

More than 12,000 Nigerians have lost their lives in ethnic, religious, and political clashes since the end of military rule in 1999. In November, some 400 were killed in Plateau State when Christians and Muslims clashed over the result of a local election. This was the most serious episode of intercommunal violence since 2004. Meanwhile, clashes in Ebonyi, Enugu, and Benue states left at least 42 dead and hundreds displaced.

Nigeria's politicians have, for years, actively manipulated ethnic and religious tensions by sponsoring violence for personal political gain. The government has failed to investigate, much less criminally prosecute, those responsible for sponsoring or carrying out the election-related violence linked to the 2007 elections, which left 300 people dead. However, after taking up office, President Yar'Adua established an electoral reform committee that shows some promise.

Nigeria's poorly trained and under-resourced police force was in 2008 responsible for serious and persistent abuses, including extrajudicial killings of criminal suspects, torture, and extortion. In January 2006 the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions found that "the practice of summarily executing suspected criminals by the Nigerian Police is widespread and systematic." More than 10,000 Nigerians have been killed by the police since 2000.

The police routinely use torture as a tactic of interrogation and as a tool of extortion. Woefully under-equipped to carry out criminal investigations, the police often rely on confessions extracted by torture as the sole method of gathering evidence. Police also routinely extort bribes from ordinary Nigerians through the threat of arrest or violence, most commonly at checkpoints set up along Nigeria's roads. Meanwhile, thousands of people accused of common crimes continue to be detained without trial for months or even years in sub-standard conditions.

Lack of political will to hold the police to account remains the single biggest obstacle to ending abuses by the Nigerian police force.

Twelve state governments in northern Nigeria have extended Sharia (Islamic law) to their criminal justice systems, including sentencing provisions that amount to cruel, inhuman, and degrading treatment-death sentences, amputations, and floggings. Sharia law as practiced in the north also includes the death penalty for consensual homosexual conduct between men. Although capital sentences have been thrown out on appeal or simply not carried out, Sharia courts continue to hand them down.

Serious due process concerns also exist in Sharia proceedings in Nigeria. Most defendants are sentenced without legal representation. Judges are inadequately trained and often rely on statements extracted under torture by police as the basis for convictions. The manner in which Sharia is applied also discriminates against women, particularly in adultery cases where standards of evidence differ based on the sex of the accused.

Section 214 of the federal criminal code punishes homosexual conduct between men or between women with up to 14 years in prison. After a press campaign in September 2008 vilifying a Lagos church supportive of lesbian, gay, bisexual, and transgender people, police harassed several church members, detaining one for three days.

Nigerian civil society and the country's independent press are generally free to criticize the government and its policies, allowing for vibrant public debate. However, journalists in Nigeria are at times subjected to arrest and detention. In September 2008 state security agents shut down Channels Television-one of Nigeria's largest private broadcasters-and arrested six journalists, including media executives, after the station reported that President Yar'Adua might resign from office due to health reasons. In October Nigerian security agents arrested and held without charge two US-based Nigerian online journalists who had published stories critical of the government. Local media outlets generally enjoy considerably less freedom than their national counterparts and are more often subjected to harassment and intimidation by government authorities. Government security forces continued to restrict journalists' access to the Niger Delta.

Nigeria continues to have some of the worst indicators for women's reproductive health worldwide. Maternal mortality rates and the number of pregnant women living with HIV are among the highest worldwide; in 2007 only seven percent of these women, and two percent of the children born to them, received antiretroviral therapy to prevent mother-to-child HIV transmission.

Because of Nigeria's significance as a regional power and leading oil exporter, key governments - including the United Kingdom and the United States - and organizations such as the African Union were unwilling to publicly exert pressure on Nigeria over its human rights record. Private demarches by Nigeria's foreign partners were largely ignored by the government.

In fiscal year 2008, the UK increased development aid to Nigeria to 100 million and in July 2008, extended a controversial offer to train Nigeria's military forces operating in the Niger Delta.

As in past years, multinational oil companies operating in the Niger Delta did little to curb environmentally harmful gas flaring and oil spills caused by ageing and poorly-maintained infrastructure.

Nigeria is due to be reviewed under the Universal Periodic Review mechanism of the UN Human Rights Council in February 2009.

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