VOLUME THREE

RESEARCH REPORTS

INTRODUCTION

In pursuit of its main mandate of investigating human rights violations in Nigeria, and as a supplement to its major task of addressing the petitions it received and the public hearings it conducted with regard to these, the Human Rights Violations Investigation Commission commissioned extensive research and studies on the range, extent, magnitude and ramifications of human rights violations in Nigeria between January 15, 1966 and May 29, 1999, which is the period covered by its revised terms of reference. The main objective of this major undertaking is to document for posterity details of human rights violations in this particular, significant period in the development of Nigeria. It is also to help to unveil the nature, character and dynamics of human rights violations that might have occurred in each of the geopolitical zones, as well as provide details about the involvement of key agencies of the state, such as the Police, the Prisons, the military and other security agencies, in the violations of the rights of Nigerians. Also, it was decided that women's rights violations should be thoroughly investigated and documented in order to come to terms with the gender dimensions of rights violations in Nigeria.

Thus, in April 2000, the Commission selected and appointed reputable research Centres and other experts drawn from equally reputable civil society organizations and the academia to undertake this task on its behalf. A methodology workshop for the researchers was held in April 2001, during which an acceptable framework and modality for the

conduct of the research was fashioned out. The fieldwork and the writing of the research reports were done within a period of nine months.

The end-product of this undertaking is an extensive documentation of virtually all the variegated and ramified dimensions of human rights violations in Nigeria in that sad period of the country's national history as a post-colonial entity ravaged by unbridled and reckless misrule under a succession of military regimes, which presided over a profoundly prebendal and patrimonial state. The research reports provide essential details of a range of violations of individual as well as group/communal rights, some of which are often not factored into current discourses of rights violations in Nigeria, and many of which have not found their way to the Commission in form of petitions and pleas for intervention. The documentation would certainly serve as a constant reminder to citizens about what has been wrong and how. But it will be especially helpful to generations to come, to better position and equip them to draw the appropriate lessons and safeguard the future from such crude manifestations of trampling of people's fundamental rights.

This volume condenses and presents, in a simple and accessible manner, the dense and rich findings contained in the several research reports submitted to the Commission by the commissioned researchers. Part I contains the summary of the six zonal reports, one on each of the six geopolitical zones. Part II presents findings, with regard to the roles of Prisons, the Police, the Military and other security agencies in human rights violations in Nigeria, as well as reports on the gender perspective of the dimensions of human rights violations.

RE-CONCEPTUALIZING HUMAN RIGHTS VIOLATIONS

One of the most noteworthy contributions of the commissioned research reports is the lucid articulation of the need to redefine the prevailing notions and perspectives of what constitute human rights violations in Nigeria, given the profound nature of the evidence which suggests a disturbing tendency to showcase certain categories of violations while relegating others to insignificance and virtual irrelevance. These prevailing perspectives, which have evolved in the context of the emergence and growing activism of the human rights NGOs against brutally suppressive military regimes in Nigeria's recent history, have tended to narrow down and restrict an understanding and appreciation of the complex character and dimensions of what actually constitute human rights and their violations in the post-colonial Nigerian polity. They have tended to focus upon the more visible, and elite-driven notions, especially freedom of speech, association, and so on. The significance and range of social, cultural and economic rights and their violations are only rarely and even then only selectively and in an off-tangent way, focused upon.

Yet, the reality of the situation is that human rights violations in contemporary Nigeria have a wider historical, social and cultural contexts and dimensions, as well as complex configurations, and situational and contextual attributes. As has been aptly observed, human rights abuses are "products of particular processes in the economic, social, cultural, and political systems of the country" (ASCHR, October 2001:2); and a clearer and deeper understanding of these goes a long way to facilitate informed analyses and recommendations on how best to address these. Similarly, understanding these contexts and dynamics is crucial to

understanding the state of human rights in Nigeria today, and the ranges of violations that have occurred over time.

The Abdullahi Smith Centre of Historical Research (ASCHR), a private non-governmental research centre based in Zaria, has extensively and parsimoniously addressed these issues in the report it submitted to the Commission. The Centre's submission reviewed the Nigerian intellectual and socio-political landscape and identified four prevailing perspectives on human rights and their violations in Nigeria.

The first is what can be termed as the "Head of State-Centred perspective." This attributes violations of rights to the character of the individual civilian or military ruler in power, and assumes that, for example, when rulers are God-fearing, human rights are upheld, and when they are bad or evil, human rights are violated. Also, this perspective assumes that good rulers can be surrounded by bad lieutenants and advisers who will repress and assault the liberties of citizens and trample on their rights to serve their regime's interests.

The second perspective is the "Military Ruler perspective," which holds that military rule is by its very nature dictatorial and hence authoritarian, repressive and intimidating. Thus, according to this perspective, violations of human rights commence from the very act of the military's illegitimate overthrow of an elected government, and ruling without the consent of the ruled, using military decrees to subordinate the fundamental human rights of citizens enshrined in the constitution.

The third perspective ascribes human rights violations in Nigeria to "Northern Domination." It holds that rights violations are associated

with, or as a result of, attempts by successive civilian and military regimes, which were led by Northerners, to impose and maintain Northern dominance on other parts of the country, and that in the process, human rights are violated, using the Military, the Police and state policies.

The fourth perspective attributes human rights violations in Nigeria to low levels of education and training, lack of equipment, corruption, poor orientation of law-enforcement agencies and gross shortcomings of the Nigerian judiciary. From this perspective, human rights are violated due to the inadequacies of law enforcement agencies which define the parameters within which a given regime operates.

Although each of the four listed perspectives help to explain human rights violations in some cases, some of the time, they do not provide a holistic picture, and fail to provide an adequate framework for analyzing, understanding and explaining the complex nature of rights violations in neocolonial Nigeria. As plausible and feasible as some of these explanations may seem, they only provide a limited explanatory framework, which substantively reduces our ability to formulate effective measures to forestall and prevent, or at least minimize future rights violations in Nigeria.

For example, ASCHR's submission argues that these perspectives fail to take into account the abundant evidence of human rights violations in the history of Nigerian political development, which are clearly attributable to, or associated with, political dynamics in pressure groups, and political parties that engage in electoral contest for power. But, even more significantly, they fail to take into account the fact that systematic denial of opportunities for the nurturing of civilian

structures and processes for electoral contestation has helped to create the political and administrative contexts in which violations of rights are maximized. For such civilian structures and processes go a long way to condition the necessary public service organs to uphold the rule of law and supremacy of the constitution, which are essential requirements for promoting human rights and preventing their abuse.

Hence, implicitly, it is important to use as a framework a more integrated perspective which recognizes that human rights exist and are exercised or violated within definite social, political and administrative contexts. And that the appropriate contexts for their protection and promotion, or prevention of abuse, are based on the existence of credible organizations, institutions, networks and links in the civil society that are capable of contesting with one another and controlling the state organs. It ought to be recognized that the organs of the state, including the judiciary, the Police and the Military, are incapable of protecting human rights unless they are conditioned and influenced by civilian political structures and processes, which exercise political hegemony and control over them to ensure that they protect these rights. The task of assuring better guarantees of rights, and prevention of violations, therefore, requires the institutionalization of a culture of democratic conduct based on strong and effective political structures and processes that ensure legitimate civil control of the organs, structures and agencies of the state.

Finally, it is significant to also note that the most visible expressions of rights violations, as deplorable as they are and as significant as it is to address them, are not necessarily the most damaging in their impact and consequences on the life of the nation, on its people, especially the poor masses, and on the national social, economic and

political fabric. Violations of social, cultural and economic rights are likely to be more long-lasting in effect and consequences, given certain situations and contexts. For example, such violations as relate to dispossession of farmlands and uprooting and relocation of peasant communities without careful planning, and compensation, or worse, systematic despoiling and degradation of a peoples' environment all have grave psychological and socioeconomic consequences, which can only at best be imagined, and which can hardly ever be adequately compensated. It is Nigeria's unfortunate lot that it has had a fair share of all ranges of these, in addition to clumping of freedom of expression, of the press, of association and even crude violations of the fundamental right to life. In the light of the foregoing, we shall now proceed to give a précis of the zonal reports and some select state institutions spotlighted in this volume.

REPORT ON THE SIX GEO-POLITICAL ZONES AND SELECT INSTITUTIONS: A SUMMARY

1. In the bid to enhance adequate understanding of the dynamics of the socio-cultural, economic and the political context that underscore rights violations in the country, the Commission assembled an expert group of intellectuals, scholars and academics to conduct extensive research into the state of human rights in the six geo-political zones of the country and a select number of state institutions. The volume is presented in two parts: Part I focuses on the zones, while Part II examines the select institutions. The six geo-political zones are North-West, South-South, North-Central, North-East, South-West, and South-East, while the institutions are The Nigeria Prisons, The Nigeria Police….

2. In order to ensure a quality debate on rights violations, the Commission stressed the need for a research and report orientation that would be exhaustive and inclusive, one whose methodology will be cognisant of, and sensitive to, the diversity and plurality of the Nigerian polity, and will endeavour to maximise the potential welter of information made possible through governmental and non-governmental agencies, research institutions, the media, journals, articles and publications, books and interviews.
3. Some basic cross-cutting themes that emerged in all the reports include power relations, access to resources and appreciation of diversity in the context of personal and group dynamics. The fact of prolonged military rule and the enthronement of a culture of abuse of rights was particularly highlighted, beside a military attitude to power that was a negation of the national *public sphere,* in an environment where the disbursement of resources was totally centralised.
4. Of similar concern to the different presentations was the process by which the military threw overboard federalism as a character of the national constitution, imposed a unitarist state *(de facto),* and paved the way for subsequent central governments to decimate opposition and pressure groups including trade unions, the students' movement, professional bodies and opposition parties during the mandate period.
5. In a broad outline, evidence of military pressure on the *public sphere* were noted in the subsequent wanton violation of rights through arbitrary arrest and detention, detention without trial, torture, indiscriminate killing, abduction and kidnapping, military attack, fanning of ethnic and religious embers, as general brutality against the public psyche became commonplace.

6. **North-West:** The report gives a historical background of the political and administrative formation of the Emirate system, whose socio-economic structure was feudal-type, rent-seeking and generally tribute-exacting on the lower classes, composed in the main by the Hausa (Habe) peasantry.
7. It further notes that the colonial government did not alter the political structure it inherited in Hausa land; rather, the traditional system was put in the service of the Indirect Rule system. The specific regime of rights identified as violated includes Community and Land Rights, and the Right to Life.
8. **South-South:** The politics of oil foregrounds the historical narration of rights violations in Nigeria's Niger Delta (South-South), the standard practice being the use of maximum force against the people of this region by an alliance of Trans National oil Corporations, the state and the indigenous elite. The main types of violations investigated are: right to life and liberty, property, human dignity, social and economic, cultural and linguistic, and access to justice. Many of these violations are subsumed in the despoliation of the environment and atrocities committed against civilians during the civil war, both by the federal and Biafran troops.
9. **North-Central:** As a bridgehead between the core north and south, the North-Central zone underscores its claims on perceived emasculation of identity reflected in exclusion to political and economic resources. The report highlights the broad framework of rights violations as evinced in: Widespread cases of arbitrary suspension, termination and dismissal of employees by government agencies; Non-payment of gratuities, pensions and other benefits by government; Selection and manipulation of traditional rulers; Compulsory acquisition of land/property without due compensation

by government and powerful individuals; Extra-judicial killings and unlawful detention by the police.

10. **North-East:** The report notes the neglect and acute marginalization of the zone in terms of infrastructural facilities. This absence of state presence is often compounded by state violation of land rights in the name of agricultural development project. Added to this are numerous cases of violation of community rights and individual and group rights to life. Other categories of rights violation include extra-judicial killings—especially in the guise of quelling protests occasioned by Muslim fundamentalists as well as armed robbers.

11. **The Nigeria Prisons:** The chapter is sub-divided into three broad sections: Background information on the history, functions and administrative structures of the Nigeria Prisons Service; Critical problems and issues relating to human rights violations; and, Recommendations.

12. **The Nigeria Police:** The report details the origin of the police in Nigeria; The impact of military rule on the police; Patterns of human rights abuse by the police which include Illegal arrest, detention without trial, Torture, and Extra-judicial killing. For the reversal of this trend, the chapter recommends a number of measures which include structural reform for institutional reorientation, human resource training, and democratisation of the polity.

13. **Conclusion:** While all the reports made specific recommendations on the need for structural reform, they were all underlined by the quest for the enthronement of a liberal political space that will be inclusive in word and practice.

CHAPTER ONE

NORTH-WEST ZONE

INTRODUCTION

1.1 The North-West geopolitical zone comprises seven states, namely Jigawa, Kebbi, Kaduna, Katsina, Kano, Sokoto and Zamfara States. These states constitute what is referred to as the "Core North" in contemporary Nigerian journalistic and political terminology. They are located in the dry, relatively arid and Sahel Savannah region, characterized by a short-duration rainy season and low rainfall, except in some parts of Kaduna state, whose southern provinces fall within the relatively better climate and ecological zone of the Guinea Savannah.

1.2 These states also comprise most of the area that used to be under the Sokoto Caliphate in pre-colonial Nigeria. The Caliphate was the centralized, theocratic state system established by Shehu Usmanu Danfodio, a Fulani Islamic cleric, who led a *jihad*, an Islamic 'holy war', against the Hausa (Habe) rulers of the area in the first decade of the 19th century. His stated objective was to come out with a reform and a return to Islamic principles and practices of governance from which the Habe rulers had deviated. Not long thereafter, however, his descendants also substantially deviated from those principles and practices he sought to establish. They established powerful, hereditary, ruling houses, and an *Emirate* system of government based on feudal-type rent-seeking activities, such as taxation, exaction of tributes from the peasantry and other commoners, and predatory activities, such as slave-raiding, which devastated neighbouring non-Muslim communities.

1.3 After the British conquest of the area, the political machinery and administrative structures of the emirate system were put to good use by the British colonialists until independence was attained on October 1, 1960. Emirs, who presided over the former caliphate's emirates, retained their positions, power and authority, but under the control of the British through the indirect rule method which the colonialists had perfected. Partly as a result of this, the Emirs and their allies in the Northern Nigerian segment of the emergent Nigerian political class were positioned to play subtle but significant roles in colonial and post-colonial dispensations of politics and governance, roles which have gone a long way to fuel the North-South political divide, which was carefully nurtured and manipulated by the British to counter nationalist agitation for independence and avoid a hasty departure from a lucrative colonial possession. In the post-colonial period, the political fortunes of these traditional rulers waxed stronger, especially under successive military regimes, which were led by Northern military officers, which found their influence very useful, and which sought to use them for popular mobilization to lend some semblance of legitimacy to their otherwise illegitimate rule. Increasingly, therefore, they came to be perceived, in the wider Nigerian political configuration, as the symbols of Hausa-Fulani domination of the Nigerian political scene. And, within the zone, they came to symbolize the traditional power base, which props up the modern state, and enables its functionaries and other emergent elite to use state power to dispossess poor peasants of their land holdings.

1.4 The political and social landscape of this geopolitical zone, therefore, has some unique characteristics and attributes in contrast to what obtains in other zones, especially the Southern zones, which

help to contextualize the pattern, nature, character and dimensions of human rights violations in the zone.

1.5 The research report pertaining to the North-West geopolitical zone was conducted by CEDDERT, an autonomous research centre based in Zaria. The primary methodology used for data collection was a compilation of facts and relevant materials from documentary sources, especially reports of commissions of inquiry, the public complaints commission, court records, official government publications, and other such relevant sources. In some cases, especially for purposes of verification and elaboration of details, some interviews were also used. Research assistants were engaged in the research for the data gathering exercise covering each of the states in the zone. The research project commenced in July 2000, and progress report made in September 2000. The final report made up of three volumes was submitted in December 2000.

1.6 The research report indicates that the major features of the human rights violations in the zone include the following:

1. compulsory acquisition of landed property from individual peasants and communities, by government and other powerful people connected with the government, without due compensation;
2. Unlawful arrests and detentions, and extra-judicial killings by the Police and other security agencies of the state;
3. Arbitrary dismissals/retirement of workers by employers, notably government, without payment of due entitlements, such as pension and gratuity;
4. Extortion activities of traditional title holders, which violate the rights of peasant commoners, especially with regard to farmland; and

5. Discrimination against those considered to be "non-indigenes" by states and local authorities.

VIOLATIONS OF COMMUNAL AND LAND RIGHTS

1.7 Violations of communal and land rights can be said to be one of the foremost of violations identified in this zone. The peasant and agrarian nature of the landscape makes activities revolving on village communities and on farmlands the major preoccupation of most of the people in the area. Many cases of violations of land rights are recorded in the North-West zone. These can be grouped into two broad categories: individual and group/communal violations. The latter usually relates to relocation of whole village communities in order to give way to state-sponsored projects, such as dam construction, while the former mostly occurs in relation to attempts made by powerful notables, as well as the state, to expropriate individual peasant farmlands for their large-scale agricultural enterprises, or for the purposes of land speculation, or for sitting offices, and so on.

1.8 In the decades of the 1970s and 1980s, many large scale irrigation projects were conceived and executed first in this geopolitical zone and then subsequently throughout the country. Ostensibly, this was done in order to provide for better conservation and usage of the scarce water resources for increased agricultural production in the region. Thus, river basin development authorities were established and massive dams and large-scale irrigation projects constructed in virtually every state in the zone. For example, in Kano State, the Tiga Dam was constructed, and the Kano river irrigation project initiated; the Hadejia-Jama'are River Basin Development Authority was established to facilitate round the year agricultural production in the

area which was hitherto predominantly characterized by rain-fed agriculture. In Sokoto State, in addition to state dams, two massive dam projects were executed by the federal government, namely the Bakolori and the Goronyo dams and irrigation projects. In Katsina State, the Dutsin-ma Dam and the Jibiya irrigation projects were also constructed by the federal government.

1.9 While executing these projects, entire village communities were relocated, and in the process, dislocated from their traditional socioeconomic activities without fair and adequate compensation. Then, in most cases, only the powerful and well-connected became the key beneficiaries of these state-sponsored undertakings. Majority of the peasant farmers in these project areas lost their farmlands and means of livelihood and became essentially dispossessed agricultural labourers. Paradoxically, projects commenced with lofty goals of helping the poor farmers invariably turned out to alienate, dispossess and disempower the poor people. Quite often, the projects' original objectives were more or less abandoned, with the result that dams were constructed, rivers drained and yet the complementary irrigation projects left uncompleted. In subsequent years, the dams have become serious threats to lives and properties of surrounding communities, characterized by periodic and/or annual overflowing and flooding, with attendant destruction of crops, livestock and houses.

1.10 The following are examples of these project-related violations of community rights to farmlands and productive agricultural activities documented by the researchers:

1. Destruction of farmland and farm produce in villages of Goronyo LGA of Sokoto State by the Sokoto-Rima Basin Development Authority in 1990. The evidence was the Petition

of 23/10/2000 signed on behalf of the communities by Alhaji Isa Mai-Alewa, Goronyo.

2. Destruction of farmland and farm produce in the villages of Wammako LGA of Sokoto State by the Sokoto–Rima Basin Development Authority in 1996 – 1998. Available evidence was the Petition of 17/10/2000 signed on behalf of the communities by M. Suleiman Mohammed Kalambaina.

3. Destruction of farmland and farm produce in villages of the Kware and Sokoto North LGAs of Sokoto State by the Sokoto–Rima Basin Development Authority in 1993 – 1998. A proof of this was the Petition of 25/10/2000 signed on behalf of the communities by M. Hali Ubandawaki.

4. Destruction of farmland and farm produce in villages of the Suru LGA of Kebbi State by the Sokoto–Rima Basin Development Authority in 1990 – 1999. Evidence was the Petition of 25/10/2000 signed on behalf of the communities by M. Balan Rika Suru.

5. The resettlement and deprivation of Maradun Town in the Maradun local government of Zamfara State in 1997 – 1999. A proof of this was the Memoranda from the Nagarta Youth Educational Foundation, Maradun, of 26/10/2000.

1.11 There are also several cases of dispossession of individuals of their land rights due to appropriation of land for state projects not necessarily related to dams or irrigation projects. For example, sometimes, individual farmlands were taken over without due

consultation or compensation for building of government offices, or such other projects. In some cases, local notables, such as village heads, use the cover of these state-sponsored projects to expropriate peasants' land for their own selfish ends. Either they connive with state officials to defraud peasants in payment of compensation, or they appropriate peasants' land and refuse to return it even when the state no longer need the land for a public purpose. The following examples from Sokoto state illustrate this phenomenon:

- Seizure of farmland in 1967 by Magajin Amanawa Moyi, Amanawa Village, Dange-Shuni LGA, Sokoto State. The state wanted the land to build a leprosium, earmarked an extensive area, but subsequently only used only a portion of it. The village-head simply appropriated the rest, in spite of the complaints of the villagers who wanted their land back since it was not used for the said project. Evidences of the seizure include:
    (i) Petition of 26/10/2000.
    (ii) Letter of complaints of 4/3/1998 to the Public Complaints Commissioner, Sokoto State, from Abubakar Danjuma.
    (iii) Report of 10/4/2000 of the Sokoto State Public Complaints Commission on the Amanawa Land Dispute.

1.12 The following additional cases from Kaduna State also further illustrate this phenomenon:

1. The seizure of land from Hamisu Usman by the Ministry of Defence at Basawa, Sabon Gari LGA, Kaduna State, in 1974. Witnesses to this seizure are: The receipt of purchase of the plots, dated 2/12/72 and 4/12/72 and the extract from The Report of the Land Investigation Commission, Kaduna State,

Vol. XV, Pp. 25 – 28, Zaria LGA. This extract brings out the general problems that arose at Basawa, following the acquisition of land for the setting up of the army barracks in 1974.

2. The seizure of land by the Ministry of Defence from Thomas Gajere at Basawa, Sabon Gari LGA, Kaduna State. The receipt of purchase of the plot dated 10th April 1972 is an affirmation of this seizure.

3. The seizure of land by the Ministry of Science and Technology from Saidu Umaru and 300 others at Basawa, Sabon Gari LGA, Kaduna State. There are many evidences to prove this seizure and include among others the following:

(i) Extract from the Kaduna State Land Investigation Commission Report, Vol. XV, Pp. 23 – 25.
(ii) Receipts for the payment of CRA to Kaduna State Government from 1977 – 97.
(iii) Letters to the Committee Investigating the Non-Payment of Compensation at Basawa dated 25/2/87 with appendices.
(iv) Letter to Military Governor of Kaduna State by Basawa Village Youth Association dated 15/6/1987.
(v) Letter to the Governor of Kaduna State by Basawa Students Association dated 6/1/1989.
(vi) Letter to the Hon. Commissioner, Public Complaints Commission, Kaduna State to the Director-General, Dept. of Lands and Survey Kaduna State, dated 14/2/1992.

(vii) Letter to the Military Governor of Kaduna State by Basawa Farmland Compensation Committee dated 29/7/1994.

(viii) Letter to the Chairman, Kaduna State Farmland Investigation Committee, by the Basawa Farmland Compensation Committee, dated 28/10/1999 and many others.

4. The seizure of land by the Ministry of Defence from Yakubu Sule and others, of Bomo village, Sabon Gari LGA, Kaduna State, in 1977. Proofs of this seizure include: the letter of 19th April 1985, addressed to the Commandant, Basawa Barracks, by members of Maganda Centre, Bomo, asking for compensation. Letter of 25th September 1979 addressed to the Chairman, Land Panel, Kaduna State by Yusufu Zaria and four others.

5. The seizure of land from Gidado Usman by the Ministry of Defence at Basawa, Sabon Gari LGA, Kaduna State, 1978. An evidence of this seizure is the receipt for the purchase of the plot dated 2/4/1978.

6. The seizure of land from Ado Yakubu by NEPA at Hanwa, Sabon Gari LGA, Kaduna State, in 1978. To prove this, there is the letter to the Human Rights Violations Investigation Commission dated 27/9/2000, pictures of Ado Yakubu at the plot seized by NEPA, Kaduna State Land Revenue Receipt dated 1/11/1989 and an Upper Area Court Zaria Judgement, dated 26/6/1981.

7. The seizure of land from Idris Musa by the Ministry of Defence at Basawa, Sabon Gari LGA, Kaduna State, in 1978. Available is the receipt for the purchase of the two plots dated 2nd June, 1978 as evidence.

8. The seizure of land by the Ministry of Defence from Barau Abdullahi and others at Basawa, Sabon Gari LGA, Kaduna State, in 1974. The following are evidences of the seizure:

   (i) Petition to the Public Complaints Commission, Kaduna State, dated 18/2/1990.
   (ii) Letter to the Secretary to the Kaduna State government by Barau and 3 others dated 8/1/1987.
   (iii) Letter to the Military Governor of Kaduna State by Barau and 3 others dated 4/5/1988.
   (iv) Petition to the Military Governor of Kaduna State by Barau Abdullahi dated 6/1/1990.
   (v) Upper Area Court judgment in a case between Alhaji Barau and Alhaji Ango dated 15/10/1984.
   (vi) Receipts for the purchase of plots by Barau Abdullahi at Samaru and Basawa, dated 26/7/1973, 18/11/1974 and 9/8/1984.

9. The seizure of land from Muhammad Haruna by the Ministry of Defence at Sabon Gari LGA, Kaduna State, 1978. Evidences include the receipt for the purchase of the plot at Samaru and extract from <u>The Report of the Lands Investigation Commission,</u> Vol. XV, Zaria LGA, Kaduna State, pp. 32 – 33.

1.13 There are many other indigenes of Kaduna State whom the Ministry of Defence seized their land in Basawa, Sabon Gari LGA of the state, and whose receipts for the purchase of the plots are available as evidence. Below is a table with their particulars:-

S/NO.	**N A M E**	**DATE OF SEIZURE**	**RECEIPT(S) DATE**
10.	Ibrahim M. Danfulani	1979	29th November 1979
11.	Hauwa Yusuf	1980	22nd August 1980
12.	Shehu Sadi	1980	28th November 1980
13.	Inuwa Kwoi	1983	30th April 1983
14.	Shehu U. Ibrahim	1983	10/6/1983, 12/1/1983 & 11/11983
15.	Sa'idu Mohammed	1984	21/7/1984 & 22/7/1984
16.	Abubakar Mohammed	1985 (7 plots)	14/2/78, 2/3/82, 1/2/83, 23/12/83 & 2/3/82
17.	Lawal Shika	1985	4th January 1985
18.	David Abuto	1985	7th April 1983
19.	Usman Muhammadu	1985	12th December 1984

1. The seizure of land from the Late Umaru Tela, at Zaria City, by Zaria LGA, Kaduna State in 1980. Evidences are: Extract from the Report of the Lands Investigation Commission Kaduna State, Letter to the Human Rights Violations Investigation Commission by two sons of Umaru Tela dated 19/9/2000 and Site Plan of the plot.

2. The seizure of land from the Gobirawa Kudingi family, the village head of Biye Malam Tanimu, Giwa LGA, Kaduna State, in 1989. Proofs include:
   (i) Letter to the Human Rights Violation Commission dated 4/10/2000.
   (ii) Letter to the Governor of Kaduna State by 15 members of the Gobirawa family dated 19/4/1989.
   (iii) Letter to the Chairman, Kaduna State House of Assembly Committee on Land Dispute Investigation dated 28/10/1989.
   (iv) Letter to the Chairman, Giwa LGA dated 4/11/1999.
   (v) Letter to the Speaker, Kaduna State House of Assembly dated 8/11/1999.

3. The seizure of land from Aliyu Abubakar by Zaria LGA at Danmagaji in 1989. Evidences of the seizure include:
   (i) Petition to the Human Rights Violations Commission dated 24/9/2000.
   (ii) Certificate of LG Rights of Occupancy No. ZAR/A/02656 dated 12/4/1989.
   (iii) Site Plan for Aliyu Abubakar dated March 1989.

4. The seizure of land from Aminu Musa Ringim and 23 others by Ringim Emirate Council, at Ringim town, Ringim LGA, Jigawa State, 1992. Evidences are:
   (i) Letter to the Special Adviser to the Governor of Jigawa State on Land Matters dated 3/8/2000.
   (ii) Letter to the Chairman, Ringim LG Land Use Committee dated 16/3/1998.

5. The seizure of land from J.S. Yusuf and seven others by a Chinese Company, CCECC, working for the Nigerian Railway Corporation (NRC) at Kufena, Zaria LGA, Kaduna State, in 1997. Available evidences include:
   (i) Letter to the Human Rights Violation Investigation Commission dated 26/9/2000.
   (ii) Letter to the Public Complaints Commission, Kaduna State by the lawyers to the Chinese Company dated 20/11/1999.
   (iii) Estimate of compensation dated February 1998 by J.S. Yusuf and S. Yunusa.
   (iv) Pictures of J.S. Yusuf on the land seized.

VIOLATIONS OF THE RIGHT TO LIFE

1.14 Volume I of the research report submitted by CEDDERT documented several cases of violations of right to life in this zone, with the most notable cases dating back to the January 15, 1966 coup in which many leading civilian and military personalities from this zone lost their lives. The report noted that the violations of the right to life of these personalities "had a most traumatic and profound impact on the politicians, civil servants, military officers and soldiers, and significant sections of the population, of the states of the North-West

and North-East zones, which resonates up to today." This is essentially because of the peculiar nature and distinguishing characteristic of the manner in which the violence was meted out: For the first time in Nigeria's history, there was a "premeditated, planned and deliberate killing of particular individuals, holding particular official positions, in order to attain specific political goals." Notable examples of these are as follows:

1. The killings of Alhaji Sir Ahmadu Bello, Hajiya Hafsatu Ahmadu Bello (his senior wife), Baba Zarumi and Ahmed Ben Musa on 15th January, 1966 at Arewa House, Kaduna. Proven evidences are given by: The foreword, the preface and pages 105 – 124 of the book *Hafsatu Ahmadu Bello: The Unsung Heroine*, by Ladi S. Adama, Adams Books, Kaduna: 1995. The preface and pages 74 – 78, 82 – 89 of *Nigeria's Five Majors: Coup D'Etat of 15th January 1966, First Inside Account*, by Ben Gbulie, Africana Educational Publishers, Onitsha. There are also various individual accounts of how these killings were executed. Such accounts include those of Abubakar Umar (Principal Private Secretary to the Sardauna), Jabbo Sallama of Rabah (an old man of 86, the sole male survivor of the Premier's immediate entourage when the murder was committed), Amina, Larai Fatima Ali, Mohammed Sani and Ali Sarkin Mota.

2. The killings of Alhaji Sir Abubakar Tafawa Balewa, Brigadier Zakariya Maimalari, Colonel Kur Mohammed, and Lt.-Colonel Yakubu Pam on 15th January 1966.

1.16 The effect of these killings was to transform the psychological and political contexts of the right to life in Nigeria, as

many who later came to hold important positions in Nigeria had their attitudes shaped by the traumatic experiences associated with these. Subsequent developments just built up upon these initial fundamental transformations of the social and political contexts of the violations of the right to life.

1.17 Yet other violations of the right to life, which relate to, and followed in the wake of, the January 15th killings, the turmoil which led to the civil war, are as follows:

1. The killing of Eastern Nigerians at Kano, Zaria, Kaduna and Bakuru in September – October 1966. This is affirmed by the account on pages 13 – 20 of the booklet *Nigerian Pogrom: The Organised Massacre of Eastern Nigerians*, Enugu: Publicity Division, Ministry of Information, 1966. Reports by surviving victims of the pogrom also provide evidences, for example: Mr. J.P. Onani of Obubra, a clerk in Kano; Mrs. Charity Nwosu of Ibeku, wife of a trader at Jos; Mr. Isaac A. Ogbonnaya of Arochukwu, a catering clerk at ABU Zaria; Mr. Mathias Anyaogu, a staff of the Fire Brigade at Kano; Nathaniel Okewa and Mr. Goergewill I. Dede of Okrika, a train guard in the Nigerian Railway Corporation, Kano.

2. The killing of Nigerian Prisoner–of–war, Captain Abdu Bugaje of Kofar Kaura, Katsina LGA, Katsina, allegedly on the orders of Odumegwu Ojukwu in July 1967. The statement by Alhaji Mainasara Bugaje (his junior brother) on 27th September 2000 is an attestation to this killing.

1.18 In this zone, there were also the infamous killings of peasant farming families that happened under the Shagari regime,

which have neither been thoroughly investigated, nor adequately compensated. In April 1980, hundreds of men, women and children were killed by Mobile Police in the villages around the Bakolori Dam in the present Zamfara State, when they protested the seizure of their farmland and the damage to their crops without compensation.

1.19 In the decades of the 1980s and 1990s, cases of violations of right to life include:

1. the killing of demonstrating university students in Zaria by armed soldiers and mobile police in 1978 and 1986;
2. the extra-judicial killing of so-called Islamic fundamentalists in Kano by Police in the mid-1990s;
3. the extra-judicial killing of suspected armed robbers by the police in many states in the zone under what appeared to be a carefully calculated scheme to terrorize robbers and reduce the spate of armed robberies.

1.20 Apart from killings, other cases of violations include the celebrated cases of deportation of foreign academics who were accused of teaching what they were not paid to teach. In 1987, Dr. Patrick Wilmot, a Sociology Lecturer at ABU, Zaria, was abducted and arbitrarily deported.

SUMMARY AND CONCLUSION

1.21 The research reports listing of the ranges and extent of rights violations in the zones is hardly exhaustive, but it illustrates the major patterns of these violations, especially with regard to land and communal rights, and the right to life. A couple of recommendations, which flow from these, include:

1. the need to thoroughly investigate the cases and establish exactly who played what role; and
2. the need to either return peasant lands to them, or pay them adequate compensation for expropriation and damages.

CHAPTER TWO

SOUTH-SOUTH ZONE

INTRODUCTION

2.1 The research report of the South-South Zone covers the six states historically referred to as the Niger Delta. These states are Akwa Ibom, Bayelsa, Cross-River, Delta, Rivers and Edo. It is an area inhabited by about 12 million people with different cultures, languages and histories who, united by their historical status in Nigeria, now share a common identity as southern minorities. Historically, the peoples of the area were at the forefront of minority agitation in the colonial and the immediate post-independence periods. Their situation has not changed as their demands and position in the Nigerian federation remain unaltered despite the different commissions that have been set up by successive administrations to look at the question of the minorities. What has exacerbated the problem of the Niger Delta is the question of oil. Oil, which is the mainstay of the Nigerian economy, contributing about 90% of the nation's foreign exchange earnings and revenue, is produced in the region. However, the Niger Delta region remains grossly underdeveloped, pauperized, marginalized, and largely a poverty zone. The basic facilities and infrastructure of a modern society like potable water, electricity, health care facilities, good roads, cottage industries and employment are lacking in the area. It is this paradox and apparent tragedy of poverty in the midst of wealth of the Niger Delta people that forms the political economy of human rights violations in the area. This issue shall be dealt with in greater detail in the subsequent section of the report that deals with the background and context of human rights violations in the Niger Delta region.

2.2 The nature of human rights violations investigated in the area covers three main categories. These are personal deprivations that include right to life and liberty, right to property, right to human dignity, social and economic rights, cultural and linguistic rights, and access to justice. The second category of rights is the community/group deprivations, which include social, political, economic, cultural and linguistic rights and access to justice. The third category of rights is the systemic deprivations. These are violations that arise from the structure/belief systems/values of the community or of the Nigerian nation. In terms of specific details investigated, the report is structured into the following format:

1. Violations of human rights in the civil war.
2. Abandoned property as a violation of human rights.
3. Violations of human rights of communities.
4. Violations of human rights of individuals.
5. Violations of environmental rights.
6. Culture-based violations of rights.
7. A supplementary report on the Ogoni case.

2.3 The special brief given on the Ogoni case is not because the situation in the other areas is less deserving, but that the Ogoni case is the most dramatized and pathetic story of human rights violations in the Niger Delta region. It is a representative sample of the brutality, inhuman treatment and savagery, which the Niger Delta people are subjected to.

2.4 The conception of human rights that guides the report derives from the international and national instruments and legal codes on human rights. These include the United Nations Charter on

the Universal Declaration of Human Rights, the African Charter on Human and Peoples Rights, and the Nigerian Constitution.

METHODOLOGY OF RESEARCH REPORT

2.5 In undertaking the research report, twelve researchers were commissioned to do detailed studies in all the six states in the zone. Two researchers were to work on each state. The research itself was preceded by a methodology workshop organized by the Centre for Advanced Social Sciences (CASS) in Port Harcourt. At the workshop, researchers were briefed of the objectives, framework, methodology and time frame for the research. Members of each research team were encouraged to share their field tasks in such a way as to cover as wide a range of human rights abuses as possible. The methods adopted for the research include interviews, questionnaires, and focused group discussions, as well as library search. As such, the preparation of the report from this zone was based on field research, post-field debriefings, and library sources.

2.6 However, there were certain constraints confronted in the process of the research report. These include inadequate time in conducting the research, which made the reconfirmation of data or information given difficult in some cases, and the attitude of some respondents. Some victims of human rights violations were not keen to cooperate with the researchers. While some of the victims were afraid of reprisals from perpetrators of the abuse that are still alive, others did not think that bringing back the past was in their best interest. Some also claimed that they had forgotten the perpetrators and would prefer to "let bygone be bygone." The researchers in such cases exercised discretion. Another constraint in the process of preparing the research report relates to the difficulties confronted in

government bureaucracies, which made the task of getting information from government organs and agencies nearly impossible. The response in government departments was either the "officer in charge is not around" or "there is need to get clearance from the top to disclose information or grant interview." This often took weeks to be done. The last constraint has to do with inadequate information on two special human rights violation cases. These are on some significant episodes of environmental rights abuses and the post-civil war issue of abandoned properties. The sensitivity and emotive nature of these issues made respondents to be quite cautious. However, with extra efforts of time, energy and resources, the researchers were able to elicit some information on environmental rights abuses in the Niger Delta. With regard to abandoned properties, the researchers could not access government documents especially of the Rivers State government. A government official who was privy to the various initiatives, discussions and policy implementations on abandoned property jointly undertaken by the Rivers State government, the federal government, and the eastern states governments during the second republic, and who promised to help with information and the necessary documents, suddenly fell ill, and was flown abroad for medical treatment. However, this report presents an overview of the problem of abandoned property in the Niger Delta area, especially the reactions of the different stakeholders on the issue.

THE BACKGROUND AND CONTEXT OF HUMAN RIGHTS VIOLATIONS IN THE NIGER DELTA

2.7 Apart from the issues of the civil war and abandoned property, the raison d'être of human rights violations in the Niger Delta region has to do with the political economy of oil. As earlier noted, oil, which forms the live wire of the Nigerian economy, is largely

produced in the Niger Delta. This issue of oil is also linked to the minority question and the perceived injustices that those groups and communities suffer in the Nigerian federation. The wealth derived from oil by the Nigerian federation is not reflected in the socio-economic life of the oil-producing communities and their standards of living. The Nigerian state does not have a coherent, consistent and just formula of recycling some parts of the oil wealth it accumulates back into the communities from which oil is produced.

2.8 The period during which oil became the mainstay of the Nigerian economy coincided with the emergence of military rule with its logic of power centralization and economic control. The rise of the military in power after the civil war saw a de-emphasis on the principle of derivation as a revenue sharing formula to other factors like population, need and even development. The implication of this is that what oil-producing states got from the federation account was increasingly not commensurate with their contribution and sacrifices in producing it, since the bulk of the revenue was derived from the extraction of oil beneath their land.

2.9 Apart from the increasing marginalization of the oil producing areas in revenue allocation in the federation, there is also the problem of ecological disaster and environmental degradation that oil exploration, hazards of oil spillage and gas flaring engender in those communities. Oil exploration and its poor management, as manifested in oil spillage, dislocates the economic life of the people as farming and fishing, the main occupation of the people in the area, are decimated, their environment polluted, and their water poisoned. On the environmental impact of oil exploration in the Niger Delta, the Civil

Liberties Organization (CLO), a prominent human rights group in Nigeria, has this to say:

Today, the entire Niger Delta and coastal wetlands of Nigeria producing the nation's oil wealth is well known to be one of the most fragile ecosystems in the World. It has also been labelled the most endangered delta in the World.

Demand for land is high being a densely populated region.[1]

2.10 While their environment and means of livelihood are undermined, little effort is made to recompense the Niger delta people with basic infrastructure of electricity, roads, schools, potable water, cottage industry and employment. As such, wanton neglect and deepening poverty characterize the Niger Delta communities.

2.11 A broad section of the elite in the Niger Delta believes that the injustices their people suffer is due to the fact that they are minorities in the Nigerian federation. They accuse the major ethnic groups who control political power at the federal level of using oil wealth derived from the oil-producing region to develop their areas at the expense of the area from where the oil is gotten.[2] Two actors are accused as being primarily responsible for the deplorable condition of the Niger-Delta people. First is the Nigerian State, which seems not to have protected the rights of the minorities in the Niger-Delta and abandoned its primary responsibility of facilitating socio-economic development in the area. The second of the actors accused are the oil multinational companies engaged in oil exploitation in those communities. The allegations levelled against the oil companies are basically three. First is that they mostly operate below internationally acceptable minimum standards as their activities regularly promote oil spillage, gas flaring and other heinous side-effects that incapacitate

the environment and affect the health and livelihood of the people. The second accusation is that the oil companies care less about the welfare of the local people from where they drill oil. They only give a token to the communities, which do not improve their standards of living. The third allegation is that oil companies often employ divide and rule tactics to cause disaffection and conflict among and within communities through a divisive strategy of compensation payment. The oil companies are quite selective in terms of who they give "informal compensation or gratis." They may give to the traditional rulers in order to face-off the youths in a community, or to one community as against the other.

2.12 The social injustice, neglect and poverty that constitute the lot of the Niger Delta people produced a series of contradictions. It led to the rise of ethnic and minority rights groups that demand for justice and fairness for their communities. From 1990 to 1999, there were no less than 24 of these minority rights pressure groups.[3] The groups include the Movement for the Survival of the Ogoni People (MOSOP), Ijaw Youth Congress (IYC), Movement for Reparation to Ogbia (MORETO), Ijaw National Congress (INC), Egi National Congress (ENG), and Isoko National Youth Movement (INYM). Some of these groups have made various declarations and demands in order to call attention to the plight of their communities, and redirect public policy in order to promote fairness, justice and their fundamental rights and human dignity in the Nigerian federation. These declarations include the Ogoni Bill of Rights, the Kaiama Declaration, Aklaka Declaration of the Egi people, The Oron Bill of Rights, the Warri Accord, and the Resolutions of the First Urhobo Economic Summit.[4] The reaction of the Nigerian State to those activities has been largely to unleash repression on the leaders of these groups and their communities.

These ranged from the militarization of those areas through military or police occupation, harsh laws to ban their activities, arrest and detention of activists, and harassment and intimidation of the people. Also, the state play communities against each other through its policies, like the creation of local governments and the siting of local government headquarters or secretariat. It is believed that the state is not alone in some of those activities. The complicity of the oil multinational corporations is also alleged.

2.13 The above is the background and context of human rights violations in the Niger Delta. These violations have become perhaps the most dramatized and publicized among human rights violations in Nigeria.

VIOLATIONS OF HUMAN RIGHTS IN THE CIVIL WAR

2.14 The civil war situation was characterized by some degree of lawlessness in which human rights violations were rampant, especially as the region was part of the theatre of war. Human rights violations occurred on both sides of the divide by federal and Biafran troops. From the reports collated, there were violations of rights, which showed a total disregard for the rules of treatment of civilians and prisoners of war during the civil war. Those rights violations include:

1. Killings.
2. Maiming.
3. Rape.
4. Torture and beatings.
5. Abduction of wives and children.
6. Seizure of property.
7. Use of civilians as human shields.
8. Destruction of property.

9. Conscription of civilians into the army.
10. Abduction of prominent persons.

2.15 These rights violations occurred in virtually all the six states that constitute the Niger Delta region. As earlier noted, both the Biafran and federal soldiers were involved in such human rights abuses. The violations that occurred were both communal and individual in nature. A few of those violations will be cited.

EXAMPLES OF BIAFRAN WAR ATROCITIES

2.16 Biafran soldiers, just like their federal counterparts, committed various war atrocities and human rights violations as enumerated above. Civilians were generally causalties of those war crimes. Communities and individuals that were considered not to serve their interests or suspected to have sympathy with the federal side were treated as saboteurs and ruthlessly dealt with. Some of these cases will be cited.

2.17 In Akwa Ibom State, several human rights violations and war crimes were committed by the Biafran soldiers. For instance, in Ikot Ibok community in Etinan Local Government Area, seven prominent leaders of the community were abducted and killed, ten houses burnt and domestic animals looted. In Etinan town, thirty-nine persons were killed and buried in a pit in one Chief Jackson's compound by the Biafran soldiers. Ikot Antia community in Ibiono local government area lost about 450 people in one day to the brutality of the Biafran soldiers. In Nung Udoe in Ibesikpo Asutan local government area, seventeen houses were burnt and fifty people killed by Biafran soldiers.

2.18 The same scenario recurred in Bayelsa state. For example, in Twon Brass, ten persons were tortured and another ten killed by Biafran soldiers who accused them of being saboteurs or having Hausa tribal marks. In the same community, the Biafran soldiers seized the landed property of three prominent citizens. In Koluama, Ekeremo local government area, about one hundred people were abducted for writing to the federal troops to liberate them. Only three returned after the war. Fifteen persons forcibly recruited into the Biafran Army never returned. Also at the same locality, two persons - Mr. Emmanuel Ebifia and Mr. Lawrence Ebifia - were tortured to death by a Biafran officer, Major Ogidi Malu. He was said to have instructions to deal with any "suspect" in the area from where Major Adaka Boro started his rebellion. In Sagbama, Biafran soldiers caught and killed domestic animals belonging to the people. Anyone who questioned them was tortured severely.

2.19 The situations in Cross River, Delta and Rivers States were no less appalling as regards human rights violations committed by Biafran soldiers during the war. In Ikom in Cross River state, Biafran soldiers were alleged to have shot the following men: Eyam Akpasat, Azom Eyam, Ozanza Ekum, Nzan Okpa, and Ekum Edium. Also, in Okanga village in the same local government area, Ikom, the houses of some people were destroyed, which include Mr. Ntan Ebayi, Odiga Eyam, and Nzam Nyam. There were other reported cases of inhuman treatment by Biafran troops in the state. In Delta and Rivers States, reported cases include: in Koko in Delta State some inhabitants - late Thomas Nanna, Edward Nanna, Balance Nanna, and Shadrack Atoma were arrested and detained for a long time having being suspected to be "spies" for the Nigerian government. They were only released after the community pleaded for their lives. In Rivers State, a prominent

businessman based in Port Harcourt was abducted by the Biafran soldiers he never returned after the war. In Bakana, a nearby Island to Port Harcourt, the inhabitants were evacuated and sent to towns and villages in the Igbo hinterland. The evacuation, which occurred on February 21, 1968, was spontaneous, as it was not planned for by the people nor were they earlier informed. They could therefore not get back their property and belongings. While in the hinterland, the people suffered various deprivations and inhuman treatment including being sometimes used as human shield against the assault of the federal troops. Apart from this, after the war, when the people returned back to their homes, their houses had been looted.

CASES OF WAR ATROCITIES BY FEDERAL TROOPS

2.20 In virtually all the states in the Niger Delta region, federal troops also committed various forms of atrocities during the civil war. These ranged from extra-judicial killings, rape, torture, assassination, forced marriages, and harassment of the local people. A few examples would be cited. In Cross River State, when the federal troops took over Nung Udoe in Ibesikpo local government area, about twenty prominent local people were killed for allegedly supporting Biafra. Also, the federal soldiers allegedly executed Mr. Gabriel Ukporo on the allegation that he had sympathies for the Biafran soldiers when they were in control of Uyo and Ikot Abasi. The federal troops seized the man's car and refused to release his slain body to his family for burial.

2.21 In Cross River State the mayhem unleashed by federal troops was enormous. Communities suspected of aiding, or sympathising with, the Biafran cause were ruthlessly dealt with. A few examples illustrate this. In Adim, twenty-three persons were

executed and one hundred and twenty houses set ablaze by the Nigerian soldiers with the suspicion that the community was harbouring Biafran soldiers. There was a pogrom against Igbo civilians who could not flee Calabar when the federal troops took over the city in October 1968. The mass killing of the Igbos took place at the cenotaph called 11/11. One of the victims, an unnamed clergyman was reported to have been shouting "One Nigeria" when he was captured and shot. Also, at Ikom, fleeing Ibos were captured and killed when the federal troops took over the area. In Ugep, the soldiers of the 36 battalion of the Nigerian army killed seventeen persons. The killings were a response to popular resistance to the decisions of the soldiers to harvest crops from of the people and to abduct their wives and daughters. There were also rampant cases of sexual abuse, rape and forced marriages by federal soldiers in Cross River state during the war.

2.23 In Delta state, federal troops unleashed terror on the people. In Ogidigbon, Escaravos, many Igbo traders were executed when the Nigerian soldiers captured the area. Similarly, in Koko, Sapele, Oghara, Warri, Ughelli and Forcadoes, many Igbo residents who could not escape were executed by the federal troops when they took over those areas. The victims were mostly men. In Asaba, the last town to be captured by the federal soldiers, there were mass killings of civilians. For suspecting that the people supported Biafra, Nigerian soldiers gathered no less than one thousand men together at Ogbe Sowo and massacred them. Some families were totally wiped out. One late Mr. Nwanuka of Umu Aji quarters lost all of his three sons. Also, in Asaba, many women were raped and forcefully "married" by Nigerian soldiers.

2.24 In Rivers State, when the federal troops captured Bonny, many people were allegedly killed because they could only speak the Igbo language, and were by implication regarded as Igbos. People who could not speak the local language of Igbani were considered to be Igbos and summarily executed. Some prominent citizens of the area had to go into hiding for fear of being classified as Biafran sympathizers and dealt with as such.

2.25 On the whole, human rights violations were very rife during the Nigerian civil war. Both the federal soldiers and the Biafran troops were engaged in it, and the nature, scale and magnitude were almost the same.

ABANDONED PROPERTY AS A VIOLATION OF HUMAN RIGHTS

2.26 The issue of abandoned property one of the most controversial issues that arose after the Nigerian civil war. After the end of the civil war, people from Eastern Nigeria alleged that their properties which were abandoned during the war in other parts of the country were taken over by the government or people of those localities. This abandoned property issue has featured prominently in the discussions of post-war reconciliation, marginalization, and national integration. The abandoned property issue within the context of the current discourse on human rights has assumed the dimension of property and citizens rights.

2.27 In the case of the Niger Delta region, the issue of abandoned property resonates in Port Harcourt, Rivers State. There are claims from some Igbos who were living in Port Harcourt before the war that their property was taken over by the government and people of the present Rivers State, and not returned back to them after the

war. Claims and counter-claims have ensued on the abandoned property issue between Rivers State and the South-East States. Offensive and defensive postures dominate the style of public discussion on the issue that a dispassionate and objective view of the issue is hardly presented to the public.

2.28 While the issue remains quite controversial and emotive, the data gathered from the field were very disappointing as many people were unprepared to comment on the issue. Both the alleged victims and state officials were cautious and refused to discuss the issue in public.

2.29 However, the salient issues in the discourse about abandoned property between Rivers and the South-East States are as follows:

1. The people of Rivers state believe that the whole issue of abandoned property amounts to blaming the victim. The argument is made that the Igbo-dominated Eastern government discriminated against the Rivers people in giving out loans and mortgages. This placed the Igbo who had access to mortgage at advantage. They were able to acquire most of the land in Port Harcourt and developed property. Consequently, Port Harcourt increasingly appeared to be an Igbo town. The civil war only gave the Rivers people the opportunity to reclaim their land that was unjustly acquired.
2. Rivers State is not the only state where the Igbo abandoned their property at the outbreak of the civil war. They also did so in other parts of the country. However, little mention has been made of such.

3. The people of Rivers State and others also "abandoned" their property in Igbo areas. They did not recover them because the Igbo destroyed the houses and built new structures over them.
4. There have been concerted efforts by the Rivers State government, East Central State and the Federal Government to settle the matter. Most of the houses which were occupied by individuals were returned to their owners. Those whose properties could not be released because they were being used by government were compensated. All these were gazetted.
5. Soon after the war, Commander Albert Diete Spiff, military administrator of Rivers State, had said that since Rivers State was a one-city state, government needed the property. Thus, priority was given to compensating the owners of property which had been converted to public use while returning those occupied by private persons to their owners.
6. Rivers people did not benefit as they were made to pay monthly rents for the houses. Those who could not pay were ejected.

2.30 Mr. Iyelakeme Bruce Edwards, former secretary to the Property Administration Unit, the agency that took over from the Abandoned Property Authority, supported the above submissions.[5]

2.31 Three things can be inferred from the foregoing on the issue of abandoned property. The first is that the issue is a very complex one, and not as straightforward as it appears. Second is that the issue is rooted in the historical relationship between the Igbo community and the indigenous people in Rivers State, in which the latter raises claims of marginalization and domination by the former in the area. The third is that resolving the issue of abandoned property, which is an important human rights issue, should take a national

dimension in which the Nigerian state will play an active role in order to ensure justice and fairness to those involved.

VIOLATIONS OF HUMAN RIGHTS OF COMMUNITIES

2.32 Most human rights violations in the south-south zone are those which involve communities. This is against the background of what was earlier noted as the marginalization, domination and injustices that the area suffer in the Nigerian federation. The dimensions of rights violation range from land and resource alienation, destabilization of the social system, and violent repression of community protests by security agents. The following are the sources and nature of the rights violations that the communities suffer in the Niger Delta:

1. Incidences of neglect and unfair treatment by the oil-producing multi-national corporations of their host communities.
2. Inhuman treatment, violence and repression meted out to communities when they protest against environmental degradation, and neglect of their area by the Nigerian state and the oil-producing companies. The violence, which is usually effected by the police or the military, may be at the instance of the state or the oil multinational corporations. The latter often prefer inviting the security agencies whenever their operations are threatened by the local people, rather than engaging them in genuine dialogue.
3. Oil multinational corporations often use divide and rule tactics among the communities especially with regard to giving token compensation that they sometimes give to their host community. In the process, the oil multinational corporations play communities, groups and even youth elements or organizations against each other in order to promote their interest. The result is usually violent conflicts amongst communities and groups.

4. The Nigerian state also uses divide and rule tactics to prevent a unity of action by the oil-producing communities and maintain control in the area. This is done through various public policies and political decisions by the state. The most potent of these are the creation of local governments and the citing of local government secretariat.
5. The general atmosphere of militarization that characterize the Niger Delta region. In virtually all parts of the Niger-Delta, an army of occupation is stationed by the federal government to "keep peace" and facilitate the oil exploitation by the oil companies. These fierce-looking military officers largely deny the rights of the citizens to free movement, association and speech. In several instances, those forces unleash terror on the local people. They kill, maim, rape and destroy properties in those communities in the real tradition of an army of occupation.
6. The last dimension of human rights violations is the social effect of the activities of oil multinational corporations in the area. Due to the lopsided wage structure in which the oil workers in the area earn "abnormal salaries" that do fit into the wage structure or income levels of the community, social vices like prostitution become rife among the local inhabitants who provide sexual services to the rich oil workers.

2.33 The following are illustrations of the categories of human rights violations in the Delta region identified in the preceding discussion.

EXAMPLES OF COMMUNITY DEPRIVATIONS, NEGLECT AND UNFAIR TREATMENT BY OIL TRANS-NATIONAL CORPORATIONS

a. The people of Eket, Esit Eket, Onna and Ibeno local government areas of Akwa Ibom state accuse Mobil Producing Nigeria Unlimited, which started oil exploration in the area in 1969, of denying them of their resources and opportunities for peaceful development. They said Mobil did not pay for the land and has not recognized their rights to their property. Mobil denies their sons and daughters of employment opportunities. The people also allege that during the January 1999 Edip oil spillage, they were not adequately compensated. Mobil is also accused of complicity in communal clashes in the area. The Ekid people of Esit Urua claim that Mobil supported Ibeno with logistics and arms during the Ibeno-Esit Urua clashes in 1993.
b. In Ekot Abasi (Akwa-Ibom State), Aluminum Smelter Company Nigeria Plc. (ALSCON) has been accused of violating the rights of the people of the area to their property. The company displaced the people of Ete-Ibekwe without adequate compensation and has not rehabilitated the displaced people. The people also allege that ALSCON discriminates against them in employment and award of contracts. Furthermore, they claim that the location of ALSCON in the area has disrupted the socioeconomic system and led to destitution, prostitution and massive unemployment. The same complaints were levelled against STRABAG and other service companies in Akwa Ibom State.
c. Oguluhala, otherwise known as Old Forcades, is an Ijaw town in Delta state where oil has been extracted since 1968. The community perches on the mouth of the estuary of the River Forcados in the Delta region. By the first half of 1999 Oguluhala had over 27 oil locations/installations and the largest export terminal. In 1968 Shell had to relocate this community in order to have unhindered access to oil and gas. However, the community

continues to suffer neglect and deprivation. The pains of the community were highlighted by the tour of the area by a Ministerial Fact-Finding Team (MFFT) of the Abacha government on Saturday, January 29, 1994. This visit undertaken by high calibre state officials, was led by the Minister for Petroleum Resources, Don Etiebet, with other Ministers like Alex Ibru (Internal Affairs), Milford Okilo (Commerce and Tourism), and other relevant Delta State government officials, Nigerian National Petroleum Corporation (NNPC), and oil companies in the team. While the mission saw the neglect and deprivation that the Oguluhala people suffer without basic infrastructure like schools, hospitals, and roads, the visit did not prompt any positive action from the state or the oil multinational corporations. The area still suffers utter neglect and poverty.

d. In Oporoma, Bayelsa State, a road construction by Shell blocked a stream. A Shell sand dump further blocked the stream. Consequently, whenever it is rainy season, the area is flooded, forcing the people to move out only to return in the dry season to renovate their houses. Some have finally abandoned their houses completely and are squatting with relations because they could no longer afford the financial burden of renovating their houses every year. Four children drowned in the area in 1997. About 16 houses were affected and all efforts to get Shell to rework the road and also pay compensation to the victims have been completely ignored by the company.

OF INTER-COMMUNAL OR GROUP CONFLICTS INSPIRED (COVERTLY OR OTHERWISE) BY THE STATE OR THE OIL MNCs

a) In 1996, there was the Bassambiri-Ogbolomabiri crisis in Balyesa state. This crisis which started over the Chieftaincy stool was later compounded by the politics of the creation of Nembe local government area by the federal government. When the local government was created, its headquarters was initially sited at Bassambiri but later moved to Ogbolomabiri. The people of Ogbolomabiri felt aggrieved and protested against it, but to no avail. This later led to full-scale communal war between the two communities. The clashes continued intermittently until the Balyesa State government created a separate local government for Bassambiri in December 1999. Thus, there are now Nembe and Brass local governments with headquarters at Bassambiri and Twon Brass respectively. The death toll and property destroyed were estimated at 1,580 persons and N486 million respectively.

b) A violence of immense proportion flared up in Warri in 1997 over the siting of local government headquarters by the federal government. The immediate cause of the crisis was the decision of the federal government to relocate the headquarters of a local government area from Ogbe-Ijaw, an Ijaw community, to Ogidigben, an Itsekiri community. This was, however, the latest twist of the attempts by government and the oil companies to divide and rule the people.

c) In 1998, there was the Okpomo-Brass conflict caused by the oil exploration activities of Nigeria Agip Oil Company (NAOC). Brass is a major oil export outlet. Okpomo town claimed that the site of the terminal, along with its environs, belongs to them and the people of Twon Brass are their tenants. They argued that they initially leased the land to Tenneco Oil Company (TOCN) in 1953 and collected royalties until the civil war, when Tenneco was alleged to be supporting Biafra. For fear of reprisal, TOCN sold the land to

NAOC. Okpomo community petitioned NAOC of its ownership of the land but to no avail. Instead, the people of Brass reacted by "blocking" Okpomo from benefiting directly from NAOC. In retaliation, Okpomo community intercepted NAOC vehicles and boats, and this culminated in a strained relationship between the two communities, and posed a threat to peace and security in the area. Aware of the build up of tension in the area, NAOC invited military personnel against the Okpomo with the motive of protecting its oil installations. The result was that a full scale war ensued between Okpomo and Brass communities. Eleven houses were burnt in the Okpomo community. The Okpomo people also burnt down Mbikiri fishing settlement in Brass. The land dispute is in court in Yenagoa.

d) There is a conflict between Emadike and Epebu communities that has been directly linked to the activities of NAOC. Although NAOC, pipeline passes through Emadike and Epebu, the field staff reside at Emadike and as such NAOC did not extend its amenities to Epebu. The people of Epebu wrote NAOC on several occasions requesting that the company should provide some social amenities and development projects in the area. There was no positive response from NAOC. In the process, the Emadike community felt that the Epebu were unreasonable in their demands and warned the Epebu community to desist from interfering with their tenants. The Epebu youths reacted and this resulted in a violent communal clash. NAOC then invited military personnel and mobile police and without hesitation they burnt down the two communities. Ten persons were killed from Emadike and Epebu villages. The military personnel denied responsibility and the families of the deceased youths were not compensated.

e) The claims over land ownership and compensation where oil exploitation is being conducted by Shell is also the issue of conflict between the Tungbo and Sagbama communities in Balyesa State. Shell started its operations (exploration and exploitation) in Akpetere bush in Tungbo in 1969. The company used to pay compensation to some families for damages to their farmlands, crops, trees as well as for the construction of access roads to their locations or facilities. There are records that payments were made on the following dates: 8/7/76; 27/5/77; 10/2/79; 2/12/93. These payments were an obvious acknowledgement of the fact that the land belonged to some families in Tungbo. However, nothing was paid to the community itself. With the insistence of the community for payment, Shell promised to pay. But just at that point, the Sagbama community suddenly made claims to the land. In the midst of this counter-claims and confusion, Shell refused to make any further payment to the families until the matter was resolved. There is a strong suspicion that the counter claim by the Sagbama community was inspired or sponsored by Shell in order not to pay the families or the Tungbo community that was making a claim for it. Shell later informed the Tungbo community that it had deposited £708 with the Accountant-General of the then Rivers State for compensation to the community pending the settlement or resolution of the conflicting claims. Curiously, the community has not received any information on this from the office of the Accountant- General.

INCIDENCES OF BARE-FACED REPRESSION

a. On October 30/31 1990, youths from Umuechem in Ikwerre local government area of Rivers State protested at a shell facility. On November 1, police, in a bid to stop the demonstrations, invaded the community. Eight persons were killed and about 495 houses destroyed. The commission of inquiry set up to investigate the incident blamed the police for rashness and recommended compensation. There are still grievances in the community that they were not adequately compensated.
b. In Gbaran oil field (Rivers State), villagers who were protesting were killed and maimed while seeking to stop Wilbros, a Shell contractor, from constructing a causeway in 1999. The causeway usually resulted in blocking of rivers, and flooding, which deprive the people of their sources of livelihood.[6]
c. In June 1998, three oil companies - Elf, Saipem and Ponticelli - in collaboration with Mr. Joseph Wehabe, project manager of Ponticelli, commander of Rivers State Internal Security Task Force and Commanding Officer of Mobile 19 Squad, moved against protesters in their host communities in Egiland. Some of those who were arrested , tortured and detained include (1) Mr. Nnandi Igila (2) Mr. Gideon Amadi (3) Romeo Ordu (4) Chidi Joshua (5) Princewill Obulor (6) Gospel Ogbuikwu (7) Confidence Igwe (8) Uche Victor (9) Bright Uchendu (10) Prince Ugo (11) John Ejah. All of them were arrested for protesting against the neglect and exploitation of their area. Mr. Ozuruke was stabbed to death by a mobile police officer. His crime was that he confronted the officers who indecently dispersed protesting Egi women.
d. The resistance of the Ogoni people under the auspices of the Movement for the Survival of the Ogoni People (MOSOP) to exploitative relations with the federal and state governments and multinational corporations attracted state repression. In the

aftermath of the murder of 4 Ogoni leaders in 1994, the state government set up the State Internal Security Task Force. The leader of the force, Major Paul Okuntimo, was reported to have told the media that they had only used 9 out of the several ways of killing people in Ogoniland. The communities in Ogoniland experienced several raids aimed at fishing out the Ogoni activists. In the process, several people lost their lives and property. Many Ogoni people had to go into exile during the Abacha period after the murder of Ken Saro Wiwa by the junta. Several Ogoni activists like Ledum Mitee, Bariara Kpalap, Batom Mitee, Patrick Kpalap, Deacon Nwiedoo and many others have on various occasions been arrested. In the heat of this repression, violent clashes suspected to have been instigated by the state security erupted between the Ogoni and their neighbours such as the Andoni, Okrika and Afam. The death toll of the clashes, which is enormous, is yet to be ascertained.

e. Ijaw youths in Balyesa State have also been victims of heavy state repression in the Niger Delta. The genesis of the crisis has to do with neglect and deprivation. After several fruitless demands for amenities, employment, and development projects from NAOC, Shell, Texaco and Chevron since 1958, when crude oil was first exported from Oloibiri, 500 representative Ijaw (Izon) youths from 5,000 communities in the Niger Delta gathered at Kaiama on December 11, 1998 and made specific pronouncements known as the "Kaiama Declaration." The thrust of the declaration is resource control. The Ijaw youths gave the federal government and the oil companies a deadline of December 31, 1998 to stop further exploration/exploitation in Ijawland. As there was no discussion or negotiation by that date, some Ijaw youths, known as the *Egbesu* youths went on peaceful rally at Yenagoa. The federal government

reacted by deploying over 2000 soldiers to the area. No less than 150 people were killed in the process. The incident spilled over to Kaiama town, and the rampaging soldiers killed another 250 youths. The government sent in soldiers and mobile policemen who conducted searches for members of the Egbesu. Often, persons who have tribal marks on their bodies were accused of being members of "Egbesu cult." Many innocent people have been killed in the process. In addition, there is restriction of movement of persons and social activities and associations in the area.

VIOLATIONS OF HUMAN RIGHTS OF INDIVIDUALS

2.34 There were gross violations of the rights of individuals in the Niger Delta region either by the state, fellow citizens or those who hold the levers of power in the area or the state. Those violations include intimidation, arrests, torture, detention, dispossession of property improper dismissal from service and extra judicial killings. A few of these cases will be reviewed below.

a. Mr. Ndarake Ekanem, a 53 year old businessman in Uyo, Akwa Ibom State was arrested and detained for about one year on the orders of the state government. He is one of the contractors of Akwa-Ibom State who came together to form a loose association following the refusal of the state government to pay them their outstanding entitlements. During the administration of Navy Captain Joseph Adelusi, the association of contractors took their case to the press by placing public paid announcements in the newspapers to call for justice. Mr. Ekanem was not only arrested, but the government owned media made several unprintable comments on him. Government impounded his lorry and car for the period he was in detention. His wife who was a civil servant was transferred out of Uyo as a punitive measure. When he was

eventually released after the administrator left office, no charges were levied against him.

b. Mr. Patrick Naagbanton of the Rivers Coalition and Civil Liberties Organisation (CLO) and Mr. Uche Okwukwu of the Niger Delta Human and Environmental Rescue Organisation (ND-HERO) were arrested and detained from November 7-17, 1996 for distributing leaflets calling on students in Uyo to commemorate the killing of the Ogoni nine.[7]

c. Drs. Edwin and Bene Madunagu and Mr. Bassey Ekpo Bassey were summarily dismissed from the public service in 1978. This followed their being implicated in the nation-wide Ali-Must-Go students uprising that rocked the country in 1978.

d. A policeman shot Mr. Kingsley M. Anam on May 7, 1999 in Cross River State. The policeman, Corporal Harrison, framed the deceased as an armed robber. The fact was that he had a misunderstanding with the deceased over a girl, Miss. Theresa Sabat who preferred friendship with the deceased to marriage to Harrison.

e. Miss. Egbeinde Ogini and Miss. Mary Alagoa, both about 15 years old, went to Emakalakala, a neighbourhood village on April 2, 1999 (night of Good Friday) for a wake-keeping. On their way back in the early hours of Saturday morning, April 3, 1999, around 4.30 a.m., a group of boys from Oloibiri attacked, assaulted and raped them at gunpoint. Those who perpetrated the act were identified as Arikpawabia Igbe alias Egbuda, counselor-elect, Oloibiri ward, and Sunday Nyingifa, alias Ozuzu. The Opume community promptly lodged a complaint with the police at Ogbia town. The DPO took the statements of the victims without arresting any of the accused persons. Miss Alagoa later collapsed and was rushed to a private clinic in Ogbia town. This development was reported to the DPO by the Opume community, which insisted on the arrest of the

suspects. The DPO was alleged to have treated the issue with levity and told them that it was the Opume community that could carry out the arrest of the suspects and not the police. The complications which arose from Miss Alagoa's condition eventually resulted in her death on April 6, 1999. The second victim also became ill and was admitted for medical treatment. The two suspects were later arrested but escaped from police custody a day after appearing in court for a hearing.

f. In Rivers State, Mr. Christian Akani, a student activist was arrested on May 22, 1991 at his residence in Port Harcourt. By the time he was released on August 22, 1991 after being moved from different detention camps, he had lost his mother who died out of the shock of his arrest.

g. Some activists like Mr. Anyakwee Nsirimovu, Mr. Azibaola Roberts, Isaac Osuoka, and Felix Tuodolo have at various times been arrested and detained for leading popular resistance in the Niger Delta. The offices of Environmental Rights Action, Institute of Human Rights and Humanitarian Law, and the residence of Dr. Moffat Akobo, chairman of the Southern Minorities Commission, have at various times been invaded and ransacked by the SSS.[8]

VIOLATIONS OF ENVIRONMENTAL RIGHTS

2.35 The violation of environmental rights has to do with the destruction of the environment which the Niger Delta region suffers from the effects of oil exploration/exploitation and gas flaring in the area. The violation of this right is as old as the oil industry in Nigeria, of which two principal actors are responsible. These are the Nigerian state and the oil multinational corporations (MNCs). While the former provides the fertile legislation and cruel strong arm tactics in dealing with the oil communities via structural violence, the latter, the oil

MNCs driven primarily by profit motive, often ride on the back of the federal 'tiger' cognizant that it would never be devoured or made accountable for its activities because the federal government owned majority equity shares through Joint Venture Partnership. The following are the major oil companies in the Niger Delta: Shell, Agip, Elf, Pan Ocean, and the Nigerian Petroleum Development Company.

2.36 The Environmental Rights Action (ERA) in a publication entitled "Shell in Urhobo Land" in 1998 documents the environmental problems associated with oil/gas exploration. These are:

1. Destruction of flora and fauna.
2. Destruction of food and cash crops.
3. Destruction of medicinal herbs.
4. Destruction of other forest resources which are of interest to science.
5. Destruction of wild life.
6. Unplanned canalization.
7. Despoliation of wetlands and forest vegetation.
8. Loss of aquatic life.
9. Impact of oil spillage and pollution of land and water.
10. Ecological change.

2.37 The above environmental rights abuses manifest in the following consequences:

1. Devastation of the environment.
2. Acid rain that fall on the communities.
3. Diseases caused by gas flaring.
4. Erosion caused by oil exploration and production.

5. Pollution of water bodies in rivers, creeks, streams, lakes, wetlands caused by pollution arising from process upsets like spills.
6. Degradation of the environment.
7. Pollution of the environment.
8. Destruction of aquatic life, vegetation and farmlands.
9. Continuous day and light heat and noise and emissions from gas flaring.
10. Damage of sacred and ancestral lands and waters.

2.38 The statistics provided by the Department of Petroleum Resources (DPR) give a good picture of the extent of damage to the environment by the activities of the oil MNCs in the Niger Delta. According to it between 1976 and 1996, about 4,835 incidents resulted in the spillage of 2,446, 322 barrels of oil into the Niger Delta environment.[9] In the largest spill in the country in 1980, 200,000 barrels of oil polluted the creeks of the Niger-Delta. Virtually all the oil-producing communities in the Niger-Delta have experienced one form of environmental rights abuse or the other, of which the effects on their lives have been quite devastating.

2.39 Some incidences of oil spillage and other forms of environmental rights abuses would be analysed below:

a. On January 12, 1998, a spill of more than 40 barrels of crude oil leaked from the pipeline linking Mobil's Idoho platform with its Qua Iboe Onshore Terminal in Akwa-Ibom State. About 20 communities with an estimated population of one million located at the mouth of the Pennington River were worst hit through the spill spread hundreds of kilometers.[10]

b. There was oil spillage in Olugbobiri, Bayelsa State, in 1986, 1987, 1988, for which AGIP, the company responsible for it, did not pay any form of compensation. According to Chief Benson Feneyefah, the Sibiri of Akpuekeme and Chairman of the Health and Sanitation Committee, in 1996 there was an oil spillage. Instead of paying the community the N80 million being claimed for damages, the oil company, AGIP, insisted that it was sabotage. The company alleged that some prominent people in the community were involved in the sabotage by drilling a hole in the pipe that caused the sabotage. These people include Mr. Benson, the General Secretary of Olugbobiri community, and His Royal Highness Chief N.S. Orianze, the clan head of Olodiana, A. A.D. Peter and K. Vincent. Consequently, they were taken to Yenagoa where they were threatened, intimidated and detained for some days before being released. The community of Olugbobiri employed the services of some consultants to evaluate the damages that oil spillage has done their environment over the years. They put the estimated damage at about N50 million. AGIP initially offered a paltry sum of N20,000 and later raised it to a mere N50,000. At this point, the community decided to refer the matter to the (then) Rivers State Governor, Rufus Ada George. This was done through the special adviser on petroleum matters. The governor advised that the matter should be settled out of court. AGIP and the community could not arrive at any agreement until 1998 when AGIP agreed to pay N12 million, which it did and also bought two speedboats for the community. The 12 million was paid to the community for environmental damage. However, claims by individuals for damages to their fishing, equipment, farmlands, crops, etc. were completely ignored by AGIP till date.

c. Four communities in Ekeremor local government area of Bayelsa State, - Sokebelo, Obotobo, Ofogbene and Ekeremor, sued Shell Petroleum Development Company (SPDC) over a spill that occurred in 1983. It was in 1997 (i.e. 14 years after the spill) that the Ughelli High Court ruled in favour of the communities and awarded them N30,298,681. Instead of paying the amount, SPDC decided to appeal against the court decision. Having experienced Shell's antics of influencing judges in delaying cases affecting them, and afraid that the case may drag on for another 20 years, the people gave Shell an ultimatum to either pay the award or move out of their land. Instead, of resolving the matter, SDPC reverted to its characteristic threat of military invasion of the type which the people of Ogoni in Rivers State were subjected.

d. At Koko Creek Flow station owned by Shell, an oil spill occurred in July 1997. Shell alleged that the spill was caused by sabotage. The spill was cleaned up by depositing contaminated soil in pits. One year later, during the rainy season, the oil was released into the water.[11]

e. In Aleibiri (Bayelsa State), an oil spill occurred in August 1997. The spill was not cleaned up until a year later as Shell, which initially attributed it to sabotage, said consultations with various interests groups and the conflict in Warri delayed the cleaning up process.[12]

f. The incident that happened at Jesse on August 17, 1998 is perhaps the most horrific of the dangerous impact of oil spillage in the environment and life of a local community. Oil was discovered at Jesse in 1956 by Shell. Thus, the company has operated in the area drilling oil and causing various forms of environmental hazards. However, a debilitating dimension entered the process when in August 1998 a pipeline that traverses Jesse at Atiwor that had a leakage eventually caught fire killing over 1,000 people and injuring

over 1,500. The actual cause of the burst of the pipeline has remained very controversial. Whether the pipeline developed a mechanical fault or was vandalized by some people with nefarious intention is yet unknown. However, it is doubtful whether the Jesse people could have connived overnight to break the precision-engineered pipeline, and unleash the sea of petrol that flowed in all directions for days, which the people then seized the opportunity to fetch from. It is true that most of the pipelines used by the many of the oil MNCs in Nigeria are rusty, old and not well serviced. As such, they are prone to leakage and easy vandalisation by aggrieved youths. Two points must be underscored in the Jesse incident. First, is the high level of poverty that ravages the area. The fact that local inhabitants could be very happy to take advantage of a burst pipe to scoop petrol in order to augment their income shows very clearly that the level of poverty in the area is unimaginable. Indeed, the local people were not oblivious of the possible dangers of their action, but this became imperative in the midst of abject poverty. Second, the incident shows the negligence and poor information network of Shell in its operations in the area. Ordinarily, it would have been expected that any burst pipe could have been easily detected through the information and technology network of the company. Unfortunately, this was not the case. The leakage went on for days, with the people scooping for petrol from it, until it turned into a carnage for the people. In its characteristic manner of a defence of the oil MNCs, the Nigerian Government absolved Shell of any blame in the incident. The government, in a reckless manner, blamed the victims for their "irresponsibility," thus preventing itself or Shell from paying any compensation for the incident or attending to the needs of the people as a result of the incident.

g. On March 27, 1998, there was an oil spill at Shell's Jones Creek Flow Station in Delta State. Twenty thousand barrels of oil flowed into the water killing fishes and other aquatic animals.

h. At Abiteye on the Escravos River, Chevron has for years pumped hot untreated water formation into the mangrove rivers.

i. In Orhoakpor community (Delta State) was a very sad incident of how two children, Stephen and Omote Anigboro Idoghor, died in a Shell company waste pit at Orhoakpor in Urhoboland in 1993. The waste pit was negligently abandoned by Shell after using it for its operations. The pit became a death trap for the community. Indeed, the agony, pains, shock and injury imposed on the parents of the children and the community at large is enormous. However, Shell remains insensitive to this problem as the waste pit is yet to be covered in spite of the incident.

j. In Eleme, Rivers State there is environmental pollution caused by gas flaring from the petrochemical complex, the Eleme flow station as well as the Port Harcourt Refinery complex.

k. In Ogoniland, there have been several claims and incidences of oil spillage, one of which is the oil spill in Yorla in 1994.

CULTURALLY-BASED VIOLATIONS OF RIGHTS

2.40 The patriarchal culture that subsists in most parts of Nigeria including the Niger Delta region continues to promote various forms of human rights abuses especially against women. Women are generally denied equal rights with men and treated like second class citizens in the community. Also, cultural values and practices are sometimes harsh to other categories like youth and children. Two examples will be cited of rights violations based on culture in Cross River State.

a. Master Effiom Edem, 13, who was accused of stealing money from a neighbour's house in Odukpani was asked to dip his hand into a boiling pot of palm oil in order to prove his innocence. The right hand of the boy has since been deformed for life.
b. Madam Ene Awan Ekpeyong lost her life after taking the poisonous *esere* beans administered on her by the clan head of Etomkpe, Akpabuyo. This was done in order to prove that she was not a witch and was not responsible for the death of her six children. Sadly, an NGO later discovered that the children died of sickle cell anaemia.

SUPPLEMENTARY REPORT ON THE OGONI CASE

2.41 The experience of the Ogoni is the most dramatized and perhaps one of the most sordid cases of human rights violations in the Niger Delta. Their plight has attracted attention and sympathy worldwide. The Ogoni is a minority ethnic group in South-South Nigeria. The problem of the Ogoni began in the late 1960s when oil was struck in Ogoniland in commercial quantity, and the subsequent incursion of the oil companies into the area for oil exploration and exploitation. The company that secured oil mining leases for the area was Shell. Oil exploration succeeded in disrupting the socioeconomic and cultural life of the Ogoni. For over thirty years, the people of Ogoni protested against the seizure of their land and the degradation of their environment. Nineteen hundred and ninety was a turning point in the history of the struggle of the Ogoni. The Ogoni adopted a Bill of Rights, which was presented to the president of the Federal Republic of Nigeria. The Ogoni Bill of Rights, *inter alia,* demanded the right to self-determination for the Ogoni as a distinct people of the Nigerian federation; adequate representation of Ogoni in all national institutions; the right to use a fair share of the economic resources of

Ogoniland for the benefit of Ogoni people, and the right to control their environment.

2.42 The two years that followed the adoption of the Ogoni Bill of Rights were one of intense mobilization of the people. By 1992, the Ogoni were poised to stop exploitation. On November 3rd of the year, a thirty-day ultimatum was issued to the oil companies to pay royalties to the Ogoni people. The federal government and the oil companies ignored this demand. Consequently, on January 4, 1993, the Ogoni joined and celebrated the United Nations Year of the World's Indigenous Populations. The catalyst of these changes in Ogoniland was the formation of the Movement for the Survival of the Ogoni People (MOSOP), an umbrella organization of all community, gender, and professional groups in Ogoni.

2.43 In 1993, MOSOP mobilised the people to boycott the presidential elections of June 12. This act and other efforts by the Ogoni to hold oil companies responsible for environmental degradation in their area and insist on the restructuring of the Nigerian federation that would allow local areas to control their resources elicited sharp reactions from the state. The tendency by the Nigerian state was to criminalize the struggle of the Ogoni people as an attempt to "secede" from the Nigerian federation, block its source of revenue (i.e. oil) and also create a precedent for the other oil-producing communities to follow in resisting the federal government and the oil companies in the exploitation of their environment. The Nigerian state could not tolerate this. Various tactics were therefore deployed to contain the Ogoni "uprising." These include, the deployment of an Internal Security Task Force to the area made up of military personnel, and the promotion of divide and rule tactics amongst the communities and leaders of the

Ogoni movement. The murder of four prominent Ogoni leaders on May 21, 1994 in a mayhem in Giokoo, Gokana provided ample opportunity for the state to round up some other Ogoni leaders who were active in the organization, including Ken Saro Wiwa. They were alleged to have inspired the killing of the four Ogoni leaders. However, the Nigerian state, under a vicious military dictatorship led by General Sani Abacha, subjected those arrested nine Ogoni leaders including Ken Saro Wiwa to an unfair trial process, sentenced them to death, and speedily carried out the order. The act of sentencing those nine Ogoni leaders and eventually executing them was widely condemned globally as extra-judicial murder by the state. It is this singular act that led to the suspension of Nigeria from the Commonwealth of Nations, as such conduct was considered to be uncivilized and barbaric.

2.44 Various local groups and international organizations, including the United Nations, have sought to investigate the plight of the Ogoni as the area elicited international attention especially after the murder of Ken Saro Wiwa and the Ogoni 8. Organizations like the Human Rights Watch, Civil Liberties Organization, the World Council of Churches, the Rapporteur for the Commission on Human Rights, and a U.N. Mission to Nigeria in 1996, have all done extensive reports detailing the level of human rights violations in Ogoniland. Apart from the problem of environmental degradation, the Ogoni people have suffered immensely from killings, torture, arbitrary arrests and detention, rape, destruction of property, and a general atmosphere of siege and militarism by state security forces. Attached is an appendix of the list of some people who were victims of human rights abuses.

CONCLUSION

2.45 The crisis in the Niger Delta region and the extent of human rights violations in the area go beyond a legal and judicial issue, and touches on the moral conscience of the Nigerian state and society. Successive regimes in Nigeria, especially military regimes have displayed high-handed treatment, insensitivity and poor judgment in dealing with the problems of the Niger-Delta region or the South-South zone. While the region remains the live wire of the nation's economy through the oil resources that it spins, the activities of the state have been characterized by neglect, deprivation, violence and repression against the people of the area. The activities of the oil multinational corporations complement that of the state. Those oil MNCs, which through their activities; considered to be largely below international acceptable minimum standards, destroy the ecology and social system of the oil-producing communities and the basis of material livelihood of the people. The unabashed arrogance and insensitivity of many of those oil companies is premised on its collaborative alliance with the Nigerian State. To summarize, life in the Niger Delta is nasty, short and brutish.

OBSERVATIONS AND RECOMMENDATIONS

1. This research report in terms of its scope does not cover all the human rights abuses that occurred in the South-South geopolitical zone of Nigeria. It is simply a sample survey of those violations. There may be need to undertake a more comprehensive investigation in the future in which the core human rights problems of the area can be further analyzed and appropriate modes of remedial action, medium and long-term arrived at.
2. The arguments and strong feelings, which the abandoned property issue continues to elicit, even till today, suggest that there is need

to open up an informed debate about the value of Nigerian citizenship. Citizenship rights (e.g. rights to residence, employment, trade, education, etc anywhere in the country) need to be properly specified and popularized, especially now that micro-nationalism of ethnic and theocratic varieties are on the increase.

3. Individuals, families and villages that were victims of gross human rights abuses during the civil war in the South-South zone should be revisited with a view of recommending state apology and some form of compensation.
4. Individuals who were unjustly dismissed from work during the period covered by the investigation should be reinstated and subjected to due retirement process.
5. Pro-democracy and environmental rights activists in the South-South zone who suffered unjust punishment (including death) in the hands of the authoritarian state should be compensated and honoured as some of the true heroes of Nigeria's democratic struggles.
6. The remains of Ken Saro-Wiwa and other members of the Ogoni 9 should be released to their families.
7. Communities' anxieties and instances of excessive use of force by the state which abound in this report indicate that there is an urgent need to demilitarize the zone.
8. The report indicates that there is need to reorient the police force in its relationship with the local communities. The posture of an occupation force in the area does not suggest that the people are in a free society in the area.
9. The report indicates that the Nigerian state and the oil MNCs in the oil and gas industry do not sufficiently appreciate environmental rights as important aspects of human rights of the people and communities. It is therefore recommended that a review of existing

legal framework regulating the exploration and production of oil and gas should be undertaken in order to ensure accountability to the people with respect to their right to live in a safe and healthy environment. In other words, the oil MNCs must be made to operate according to internationally acceptable minimum standards as they do in the developed or their home countries. Companies that do not observe this rule should be appropriately sanctioned.

10. The composition of the state environmental protection agencies should include democratically elected representatives of the oil and gas producing communities in order to ensure that the agencies perform their tasks with responsibility and integrity at all times.
11. The Nigerian state should evolve a comprehensive and holistic plan that would include the local oil communities in its formulation for the development of the Niger Delta region. This development plan must go beyond the previous tokenism often given to the Niger Delta region. It should be a detailed and inclusive plan that addresses the issues of social amenities, employment and general development of the area; a process that should be locally driven rather than the state thinking for and acting on behalf of Niger Delta people.

CHAPTER THREE

NORTH-CENTRAL ZONE

INTRODUCTION

3.1 The North-Central zone comprises the six states of Benue, Kogi, Kwara, Nasarawa, Niger and Plateau that historically formed the core of the Middle Belt that was the bastion of ethnic (and religious) minority nationalism within the old Northern region. It has continued to be a hotbed of dissenting and opposition politics, as is evident in the efforts to reassert Middle Belt identity by, for example, insisting on calling the zone by its old name rather than North-Central. But partly arising from contestations over power, privileges and resources among the numerous ethnic and sub-ethnic groups encapsulated within the states, and partly due to the excesses of prolonged undemocratic rule, especially by the military, the zone has also been host to riots, protracted internal conflicts, and insecurity of lives and property. This state of affairs has been conducive to human rights abuses and violations at the individual and group levels.

3.2 The human rights violations investigated in the zone and discussed in this report – defined as acts that violate the range of human rights implicit in and guaranteed by Nigeria's constitution(s) and statutes in operation at the time of violations – cover a broad spectrum and fall into two broad categories: those of individual rights and those of group or collective rights. The individual rights that were most problematic in the zone included the right to life, right to property and adequate compensation in the event of acquisition by the state, right to fair hearing, right to equal citizenship and equality of treatment, access and opportunities, right to just and humane

conditions of work, protection from discrimination and illegal and unlawful arrest and detention, as well as torture or inhuman and degrading treatment.

3.3 Rights belonging to the group and collectivity (ethnic group, religious group, women), which are not as explicitly stated as those in the category of individual rights enshrined in the constitution and are therefore mostly implied, include those of language, religion, culture, participation, non-discrimination, development, equality of access and opportunity, justice, and self-determination. Violations of collective rights, as we shall see, generally have to do with systemic (local level, state level and federal level) deprivations and discriminatory practices. Many of these are embedded in histories of unequal relations between groups, which have been perpetuated over the years by authoritarian regimes of colonialism and military rule.

3.4 Investigations in the North-Central zone showed that the following were the most important sources of human rights problems, violations and abuses in the area:

- Contestations over traditional institutions and practices
- Systemic deprivation and discrimination
- Perceptions of varying levels of marginalization and neglect
- Labour-related violations
- Excesses and lack of respect for human rights by the security and law enforcement agencies
- Abuse of office and partisanship of highly placed public officials

The specific abuses and violations based on the report for the zone will be highlighted and discussed under these broad themes, after a brief discussion first, of the methodology of

report and, second, of the background and context of human rights violations in the sections which follow.

METHODOLOGY OF RESEARCH REPORT

3.5 The African Centre for Democratic Governance (AFRIGOV) was commissioned to investigate and document the extent, types, patterns, victims and perpetrators of human rights abuses and violations in the North-Central zone between 15 January 1966 and 28 May 1999. The Centre had a team of seven researchers, comprising one coordinator and six researchers each of who covered one state. Data for the report were collected from primary and secondary sources. Primary data was obtained through interviews and questionnaire administration. The questionnaire sought to elicit responses on the nature of violation, which was operationally defined as deprivations – personal deprivations (of right to life, right to human dignity, women's rights, etc.), community/group deprivations (of cultural, political, social and economic rights) and systemic deprivations (resulting from neglect and exclusion, including environmental neglect).

3.6 Secondary data was collected from scrutinizing reports of panels and commissions of enquiry, government white papers on the reports, published and unpublished documents and records of various levels of government, newspapers and magazines, publications and annual reports of civil liberties/human rights organizations, annual reports of state branches of the Public Complaints Commission, documentation of human rights abuses and injustices, including petition files, by the National Orientation Agency, and petitions by individuals, communities and organized groups. Most of the documents from these sources were compiled into volumes of

appendices, which form the basis for much of what is contained in the present report. The methodology encouraged a fair balance between official-governmental and non-governmental perspectives, which tend to tell different, and often opposing stories. In this regard, the annual reports of the Public Complaints Commission, a body which is often forgotten and not accorded its rightful place in human rights matters in the country, proved to be a goldmine of valuable data. One of the major recommendations to be made at the end of this report is that there is need to encourage and strengthen the good work of the commission, which has done remarkably well at the grassroots. The commission will certainly be critical to the institutionalisation of human rights investigation.

BACKGROUND AND CONTEXT OF VIOLATIONS

3.7 Human rights regimes are shaped by a constellation of specific historical, social, political, economic and cultural factors. To place analysis of human rights abuses and violations in the North-Central zone in perspective, therefore, we need to identify the factors that made certain violations more prevalent than others in the zone. Ordinarily, this would appear to be a difficult task in a zone where there are six different states, but the states have a lot of common and shared experiences, which have given the entire zone something of a distinct identity in many areas including, in this case, human rights.

3.8 As has already been pointed out, they all belong to the historical Middle Belt region, and together demanded the creation of a separate state of that name from the old Northern region on the grounds of what was perceived to be systemic deprivation and discrimination. Although the Middle Belt state was not created, the states in the zone share similar pedigrees in terms of states creation.

Thus, Benue, Nasarawa, Plateau, and parts of Kogi state were part of the Benue-Plateau state that was created in 1967 and split into Benue and Plateau in 1976. A part of Benue was joined to parts of Kwara to form Kogi state that was created in 1991, while Nasarawa was carved out of Plateau state in 1996. Kwara state is also a first-generation state that was created in 1967, and from which a part was joined to Niger state created in 1976, and Kogi state in 1991. It should be noted that this multiplication of states was largely the product of allegations of systemic deprivation, injustice, oppression and discrimination within existing states by aggrieved ethnic groups.

3.9 The shared but contested political and administrative experiences are reinforced by other historical and cultural commonalities in the zone that have implications for human rights. The first of these is that the Middle Belt, especially the outlying areas of the Niger-Benue confluence, has witnessed massive population movements, migrations and displacements. This explains the rather high-tension ethnic mixes and endemic conflicts among groups in the region, which have long histories of contestations over boundaries, ownership of territory for farming and other economic purposes, over who is “indigenous” and “stranger” or “foreigner”, and over which groups are “superior”, “core” “marginal” and “peripheral”. Another important strand of this history involved the administrative and territorial reorganizations undertaken by the colonial authorities. This was done as a matter of administrative expediency and to facilitate indirect rule, but the reorganizations had lasting and mostly negative consequences for inter-group relations.

3.10 For some groups, reorganisation marked the end of autonomy and “self-determination” as they were placed within larger

administrative units and under more powerful traditional authorities, typically the Emirates. Other problems created by reorganization included the imposition of village and district heads on seemingly "powerless" groups, and the splitting of groups into different administrative units, including the present states. Many of the present-day conflicts and agitation over appointment of indigenous village and district heads and creation of separate chiefdoms, local government areas and even states, in the name of autonomy and self-determination, have their origins in these historical dynamics.

3.11 The second commonality relates to the complex composition of the states in the zone, beginning with the large number of closely related minority ethnic and sub-ethnic groups, some of which have only minor linguistic or dialect differences[1]. Many of these groups and sub-groups are found in more than one state and local government area, which is not surprising given the fluid nature of migrations and settlements referred to earlier. For example, the Alago of Doma in Nasarawa state claim to be the kith and kin of the Jukun of Wukari (Taraba state), the Igala of Kogi state, and the Goemai of Plateau state, who together with other groups of the same stock, constituted the famous Kwararafa empire. Similarly, the Etulo of Benue state have linguistic affinity with the Idoma, Alago and Jukun. Although one or a few ethnic groups are dominant in their respective states – Tiv in Benue, Igala, Ebira and Yoruba in Kogi, Nupe, Gwari, Hausa and Kambari in Niger, etc. – each state is made up of several ethnic and sub-ethnic groups, which belong to the category of minority groups within the overall context of Nigerian politics. The Yoruba of Kogi and Kwara states as well as the Hausa/Fulani who are scattered all over the zone may be the exception in this regard, because their kith and kin in other parts of the country belong to the

category of major groups, but they have also been major actors in the "minority politics" of the Middle Belt.

3.12 Closely related to the complex ethnic diversity is the religious pluralism or mixes of the states, ethnic and sub-ethnic groups. Several families and communities in the zone have adherents of Christianity, Islam and traditional religions, though this has not rendered religion any less politically consequential. By popular acclaim and the extent to which they are implied or cited in political conflict, Christianity and Islam appear to be the more popular religions, but attachments to traditional religion are very deep, and have also had serious consequences for inter-group relations. The attachments resonate in rituals, festivals, taboos, masquerades, cults, and strong beliefs in the potency and power of "juju", all of which are jealously guarded as icons and boundary-setting identity markers.

3.13 The importance attached to the institution of traditional rulers who are regarded as symbols of group identity, cohesion and group worth – group worth being measured by the rank and status of the traditional ruler – is also explained within the foregoing context. Thus, traditional symbolisms and attachments have been important elements in the struggle for supremacy among the various groups, and were conducive to a variety of systemic deprivations and human rights abuses, ranging from tradition-oriented discrimination against women to violations of social, political and economic rights of groups. In some instances, traditional beliefs were a constraining factor in human rights consciousness. As the Report of the Judicial Commission of Enquiry into the Kabba Disturbances of September 1994 noted, there were a number of "sensitive" issues aggrieved

families in the area did not want to go into because of their belief in "mysticism" and the fear of possible fetish repercussions.

3.14 In terms of more recent realities, the zone, like other zones in the country was subjected to prolonged authoritarian rule, especially by the military. However, one of the distinctive characteristics of the zone in the latter part of the period covered by the report (mid-1980s to the 1990s) was the relative absence or underdevelopment of militant and populist civil society organizations with pro-democracy and civil liberties/human rights agenda, that spearheaded opposition to military authoritarian rule and served as human rights watchdogs and defenders in other parts of the country. Local branches of the Academic Staff Union of Nigerian Universities (ASUU) and students unions may be regarded as exceptions in this regard, but these organisations were primarily interested in the interests and welfare of their members.

3.15 The direct consequence of the dearth of militant civil society organisations was that, in comparison to some other parts of the country, especially the South-West and South-South zones under the ultra-authoritarian military administrations of General Babangida and General Abacha, cases of state repression involving assassinations and judicial killings of civil society opponents were not rampant. As is fairly well known, under authoritarian regimes, opposition activities tend to invite repressive and brutal state responses. It may however be noted that partly due to the preponderance of people from states in the zone in the officer corps and rank and file of the military, the zone has had more than a fair share of state terrorism of a non-civil society type in the high number

of military officers and civilians from the zone that have been executed by various military governments for allegedly plotting coups.

3.16 The foregoing provides the necessary background and context for understanding the human rights problems in the North-Central zone. We now turn to the categories of abuses and violations investigated and documented in the report by AFRIGOV.

HUMAN RIGHTS VIOLATIONS

CONTESTATIONS OVER TRADITIONAL INSTITUTIONS AND PRACTICES

3.17 The depth of attachments to traditional institutions and practices in the day-to-day lives of communities in the zone resonates in the contestations over traditional institutions and practices, which were attended by violent riots, conflicts and low intensity communal wars in many cases. Indeed, conflicts of contested traditional terrains were widespread in the region and constituted one of the most important sources of feelings of deprivation and violations of rights of individuals and groups. The contestations took different forms, which can be classified into four: those involving succession and appointment to vacant positions of traditional ruler/village head/district head; those involving festivals, rituals and shrines; those arising from contested claims to land and resources; and disputes of a historical nature, mostly involving long-standing disputes, rivalries and rejection of 'imposed' chiefs or village heads.

SUCCESSION AND APPOINTMENT CONFLICTS

3.18 Contests over succession involved ruling families, houses and clans from among which the traditional ruler, village head or district head was normally selected, usually based on a system of rotation. Typically, problems arose when one ruling house or clan insisted that it had exclusive rights to the position, when an individual or group felt it had been unjustly bypassed or denied its turn, or when there was a perception that higher authorities which played crucial roles in the selection or appointment process – local government, state government, or Emir – were partisan in favour of the wrong but powerful group. In Many cases, especially those in which the contests led to riots and violent conflicts, panels and commissions were instituted, but such interventions very rarely solved the problems. This was because the reports of the enquiries and government white paper on them were either not published or, where they were, the recommendations were not implemented. Such sloppiness tended to cast doubts on the neutrality and credibility of state governments and officials among members of the aggrieved groups. To illustrate the nature of the contests and the deprivations and violations they involved, we shall elaborate on a few cases.

Ohiomata of Odumi (Kogi State)

3.19 The Aroke (Anitekene) family claimed that, following the seniority order of ruling families and clans it was the turn of the family to produce the Ohiomata, which fell due to the Adoto clan. The Ametuo family of the Iyaho clan, which produced the last Ohiomata however refused to hand in the horsetail of the late Ohiomata, symbolising succession, as was customary. Not even a ruling by the Okene Area Court 1 in favour of the Aroke family, and the support of the Ohinoyi of Ebiraland, the paramount ruler of the area, could get

the family to have a change of mind. Instead, they encouraged the Ohuoje-eba family, the next in rank to the Aroke in Adoto clan to lay claim to the position, and proceeded to illegally install the family's candidate in violation of the court ruling. The Aroke responded by installing their own Ohiomata, backed by the law, Ohinoyi of Ebiraland and the elders of Odumi. However, in the struggle for recognition, which involved violent conflicts that inevitably followed, the illegal Ohiomata was confirmed by the chairman of the local government council in 1994, due to what the Aroke family alleges to be the determination of a "mafia" made up of "influential, highly placed unscrupulous sacred cows from our clan who are hell bent on perpetual suppression of our inalienable rights" (a retired Navy Rear Admiral, an ex-Accountant-General, ex-commissioner and serving Director-General were identified as the sacred cows). The situation did not change even after the Aroke family secured further rulings in their favour at the Okene Area Upper Court and the High Court, which upheld the earlier ruling by the Area court.

District Head of Emekutu (Kogi state

3.20 The case of the District Head of Emekutu, although a lot more complicated, is similar to that of Odumi. When the district was created in 1991, it was agreed by members of the four ruling houses of the Emekutu dynasty that the incumbent Onu (beaded chief) who doubled as the "Gago" (head of village area) should be the District Head as was the practice in other parts of Igala land. This position was communicated to the Eje of Ankpa traditional council. In spite of this, one Alhaji Adamu Sule, son of the immediate past Onu of Emekutu, who claimed to have won majority support in a plebiscite organized by the Ankpa Area Traditional Council (AATC), was appointed to the position. His appointment was seen as an imposition

by the AATC, which was accused of meddling in the internal affairs of the Emekutu community. Several petitions were sent to the Chairman of Ankpa local government council, the Director General of Chieftaincy Affairs, and the panel on the appointment of district heads and creation of new clans instituted by the Kogi state government, to protest against the appointment of Alhaji Sule, on the grounds that he was not chosen by the four ruling houses, that he did not meet the stipulated minimum educational qualification of primary six leaving certificate, that he was antagonistic to the overall development of Emekutu district, and that his appointment violated the right of the Emekutu to self-determination and the right of Mallam Mohamadu Odoma Agi, the incumbent Onu Enekutu, to be appointed District Head. However, a panel was later set up in 1997 by the chairman of Ankpa local government area to investigate the facts of the appointment of Emekutu District Head. By this time, however, the four ruling houses resolved that Mr Moses Momo Omale should be appointed District Head and communicated this to the panel. But, surprisingly, the appointment of Alhaji Sule was upheld against the wish of the four ruling houses and majority of the Emekutu community.

Osagye/Osuka of Obi Chiedom (Nasarawa state)

3.21 The third disputed case, that of the Osagye and Osuka of Obi chiefdom, also followed the creation of the chiefdom in 1982. The five autonomous communities that made up the new chiefdom – Adudu, Agwatashi, Assakio, Deddere, Obi and Riri – agreed to stay together on the basis of equality, cohesion and power sharing. Thus, the position of Osagye, the paramount chief in the chiefdom was to be rotated among the ruling houses of the five constituent communities. The rotation began with Ibrahim Atanyi, the Osuko or village head of

Obi village area, who was installed Osagye in 1983. At the time Atanyi was made paramount chief, an appropriate title/designation had not been established for that position – in fact, the title of Osagye was adopted only in 1989 on the recommendation of an administrative panel headed by Halilu Bala Usman. The delay in naming an appropriate title had two unfortunate consequences: (1) it led many members of the Obi village community to assume that the paramount head of the chiefdom was their exclusive right; and (2) it created an anomaly whereby Ibrahim Atanyi doubled as Osuko and paramount chief, even though M Yusuf A.A. Madaki had been selected to replace him as village head in 1985. The latter created problems of succession after Atanyi's death in 1994 as a significant segment of the Obi community, allegedly backed by the Emir of Lafia (who had presided over selection of Madaki in 1985 but turned around in 1994 to declare that his purported election was cancelled) and a clique of powerful civil servants, opposed the ascension of Madaki to the stool of Osuko. This polarized the Obi community and precipitated violent conflicts in 1996 between supporters of Madaki who forcibly moved into the Osuka's palace in 1994 and allegedly unleashed a reign of terror on his enemies, and those opposed to his being made Osuka. The latter insisted that the new Osuka had to be competed for by the four ruling Obi houses, and in various petitions to the chairman of Obi local government council and the Plateau state government, under which Obi was before the creation of Nasarawa state in 1996, threatened to stop paying taxes as long as Madaki was village head. The violent conflicts claimed lives and property, including Madaki's houses. With the advent of party politics in 1998, the bitter rivalry assumed a new and dangerous dimension, with supporters of Madaki joining the PDP and the opposition camp the APP. Finally, following fresh riots in February 1999, the Obi chiefdom was disbanded, Madaki was

affirmed village head, the stool of Osuko was declared vacant and, finally, a judicial commission was set up to investigate the chieftaincy problems in Obi.

The Andoma of Doma (Nasarawa State)

3.23 Dispute was precipitated by the confusion created by constant changes to the mode of selection of new Andoma and manipulation of the process. When the stool became vacant, the traditional procedure was for the four traditional electors (kingmakers), namely the Owuse, Oshata, Okuba and Ogbole, to select a candidate from one of the ruling houses of Obushugu, Ayigogah, Ayigogye, Inumogah, and Inumakwe. However, Andoma Ari increased the number of kingmakers by appointing the Waziri, Tafida and Pakachi, who were not traditional chiefs with designated roles, to join the original four in 1968. He also changed the titles of the other chiefs to Hausa: Owuse became Madaki, Oshata Madauchi, Okuba Galadima, and Ogbole Makwangiji. Furthermore, the selectors were themselves now eligible for appointment as Andoma. Despite protests from the Doma people, the new procedure was approved by the then Plateau state government and used to select Andoma Angara in 1972 and Andoma Onawo after him. However, following the report of a judicial commission of enquiry appointed in 1993, the 1972 order was repealed, and the procedure reverted to the status quo ante. The confusion created by these changes most probably affected the election of Alhaji Yahaya Ari Doma as Andoma following the death of Onawo. Alhaji Doma claimed that his election was conformed with laid down traditional procedure, yet it was challenged by those he alleged were neither indigenes nor princes of Doma. This was sufficient for the Plateau state government to cancel his installation as Andoma in November 1993. Alhaji Doma in his 1998 petition to the then Chief of

General Staff alleged that the state's Attorney-General was counsel to the respondents in the case he filed, which was before the Supreme Court, and feared that he would be denied justice.

The Obaro of Kabba (Kwara state)

3.24 Kabba has witnessed a number of internecine conflicts over the years, the most recent being those of 1987 and July and September 1994. Underlying these conflicts have been deep animosities among the four Owe-Yoruba sub-groups of Kabba: Kabba, Odolu, Katu and Idamori. The fourteen indigenous families that make up the subgroups are further grouped into three families: Akumejila, Ilajo and Idamori or Omodo. Of these, the Idamori are looked down upon by members of the other families, and have consequently suffered systemic deprivation and discrimination over the years. They claim to have been denied access to land and to have been marginalised in the distribution of political and bureaucratic appointments allocated to Kabba. The Idamoris have however fought discrimination in several ways, including rising up against discriminatory deity worship and festivals (see below) and a legal battle with the Kwara state Printing and Publishing Corporation in 1981, over a defamatory article which referred to them as 'strangers'. But perhaps the most fundamental form of discrimination, on which most others hinge, is the exclusion of the Idamori from the stool of Obaro, the paramount ruler of the Owe-Yoruba, to which only the Akumejila and Ilajo can aspire. The Idamori however play a crucial role in the succession to the stool when it becomes vacant: they are responsible for divining and announcing the next incumbent. This places them in a precarious position vis-à-vis the Ilajo who claim the Obaro stool as a birthright, having monopolised it until 1957 when the Akumejila challenged them for the first time, and the Akumejila

who insist the stool should rotate between the two families. The bitter contests had necessitated the setting up of panels of inquiry in the past, notably, the Ekundayo panel on chieftaincy declaration and review (1978), Justice Olagunju's commission on the Obaro chieftaincy stool (1983) and the Justice Gbadeyan's Kabba disturbances tribunal of enquiry (1987), yet no lasting solution could be found. Indeed, the Judicial Commission of Inquiry on the Disturbances of September 1994 found that the tussle over the Obaro stool was one of the remote causes of the 1994 disturbances, with the Akumejila alleging that Mr M.F. Olobayo was imposed on them by the government and also that he "bought" Idomari support by promising them traditional titles and participation in Ebora worship. In the search for lasting peace, the Report of the Judicial Commission recommended that the principle of rotation between the Ilajo and Akumejila should guide succession to vacant Obaro stool as well as ascension to the two Ololu titles of Obajemu and Obadofin, which belong to all three family groups; and that to reduce if not eliminate discrimination against the Idamori, there should be legislation recognising them as the fourth group and fourteenth family of the Owe-Yoruba.

CONTESTATIONS INVOLVING FESTIVALS AND RITUALS

3.25 These contestations also proved to be crucial to human rights violations, not only because they were exclusionary and discriminatory in ways which people were sometimes afraid to talk about, but also because they provoked violent riots and conflicts. The major cases from investigations carried out in the zone were those over the Egungun and Ebora in Kabba and over festivals in Ebiraland.

Contestations in Kabba

3.26 We have already described how the Idamori of Kabba suffer systemic deprivation and discrimination in the hands of the Akumejila and Ilajo families. In addition to being excluded from aspiring to the throne of Obaro, the paramount ruler of the Owe-Yoruba as we saw above, the Idamori and other "non-initiates" were excluded from the worship of Ebora, the deity worshipped by the other subgroups, and forbidden from participating in the Ebora festival. This exclusion reinforced the discrimination against the Idamori, though the Idamori on their part worship the Egungun and celebrate the Oro festival. The differences in deity worship and festivals became ready instruments for continuing the animosities between the Idamori and the other subgroups. This was the case in July 1994 when the disruption of the Ebora festival supposedly by "stubborn" Idamoris who refused exclusion led to widespread rioting, and provided a smokescreen for the September riots when the Egungun worshippers were supposed to hold the Oro festival. Not surprisingly, the Idamori who believed that deep-rooted hatred for them by members of the other sub-groups was the main factor for the riots bore the brunt of losses and destruction wreaked by the riots. While 24 houses belonging to Idamoris were destroyed and 63 partially destroyed, only 8 houses belonging to members of the other groups were destroyed. The report of the judicial commission of inquiry into the Kabba disturbances of September 1994 found that the entry of the National Union of Road Transport Workers and negligence on the part of the police who simply refused to act promptly worsened the situation, but still found it necessary to recommend that celebration of the Ebora festival be restricted to the hills or groves and that of Oro to the shrine, to minimize contact and disruptions between rival worshippers.

Contestations in Ebira land

3.27 The celebration of festivals in Ebira land was a constant source of violent conflicts. This was due to a number of conflict-generating factors: (i) the existence of rival festivals and masquerades – Ikede/Aahe, Ekuechi and Echeanne festivals; (ii) discrimination against women who were forbidden from seeing masquerades while they were dressing, except they were recognised Onoku or Epahi (titled women); (iii) discrimination against non-Ebira who were forbidden from being custodians of masquerades; (iv) the use of songs, banners and flags by masquerades to insult and provoke rival masquerades and groups, and the use of whips to flog victims; and (v) the production of charms and lethal weapons by herbalists and blacksmiths for use by rival groups during festivals. These factors were affirmed by the report of the Peace Committee on the Peaceful Celebration of Traditional Festivals in Ebira land, which was instituted in March 1996. The Government White paper on the report accepted most of the recommendations of the committee. These included the stipulation of rules for masquerade accreditation, which included indigeneity, registration with traditional council, payment of registration fees, and police permit; establishment of a code of conduct for masquerades, which restricted the use of whips, charms, lethal weapons and hate songs; the holding of all festivals in Ebira land simultaneously over three days and the restriction of masquerades to their wards and to daytime displays to reduce clashes and revenge attacks; and the stipulation of punishment for offenders, which was however discriminatory against women: while fines and jail terms were prescribed for male offenders, female offenders – who sighted the Ekuechichi masquerade or impersonated Onoku/Epahi was to be punished "traditionally".

CONTESTATION OVER LAND AND RESOURCES

3.28 The case that exemplified this form of contestation was between the Kwenev and Ayande Uvir of Benue state over the ownership of a fishpond in Agbaka village. The Kwenev obtained judgments at the Gbajimba Grade 1 Area Court and the High Court in Makurdi in 1996, which declared them rightful owners of the pond, and gave them the writ of possession. But notwithstanding, they were violently prevented from taking possession of the pond by the Ayande Uvir who subjected them to various forms of intimidation and physical attack. These were allegedly done with the backing of the police and senior officials of the state government. The Kwenev alleged that the state government planned to take over the pond as a subterfuge for giving it to the Ayande Uvir, and that none of their petitions to the police, local government and state government was responded to. They believed that only a full execution of the court ruling could solve the problem.

CONTESTATIONS OF A HISTORICAL NATURE

3.29 These were long-standing disputes over the sanctity of traditional rule involving groups, which claimed to have been displaced or overthrown by "alien" rulers, and demanded restitution of old historical order and traditional self-rule. Most of the cases in this category came from Kwara state where the Yoruba who claim to be descendants of Afonja, the old ruler of Ilorin, demanded the establishment of an alternative ruling House to that of the Ilorin Emirate, which was regarded as 'alien'. Other Yoruba subgroups such as the Afon and Moro also demand the creation of autonomous Emirates or traditional councils in each local government area and the removal of "foreign" district heads allegedly appointed by the Emir of Ilorin.

Afonja Descendants Vs. Fulani Ruling House in Ilorin

3.30 According to Afonja descendants, Ilorin was a Yoruba town founded by the legendary Ladein, who established a ruling dynasty. The Yoruba however lost control of Ilorin under Afonja who was betrayed and treacherously murdered by Mallam Alimi, an itinerant Fulani Muslim leader, whose descendants subsequently usurped power and established the Fulani ruling house. As was the pattern in most parts of the north, the colonial regime supported and reinforced the system of "internal colonialism". Since then, the descendants of Afonja struggled to reassert themselves and reclaim what they regarded as their rightful heritage. They demanded the establishment of an alternative Yoruba (Afonja) ruling house through the restoration of the chieftaincy tradition that existed before the imposition of Fulani rule, as was done in Offa where the Olugbense and Anibelerin were established as alternative ruling houses in 1972.

3.31 The case of the other Yoruba subgroups who alleged that non-indigenous district and village heads were imposed on them and that their traditional rulers were not recognised or, where they were, were made to play second fiddle to the Emir, was articulated in the proposal for the establishment of an Emirate or traditional rulers council for each local government area presented by Hon. Wole Oke to the Kwara State House of Assembly in 1982. Oke argued that every traditional ruler was as important as the other, and that it was unjust for communities to be represented by traditional rulers and district heads with whom they had no traditional or historical connection, as was the case in Moro, Orere, Asa, Owode and Osin local government areas where non-indigenes held sway. He then proposed the establishment of traditional councils for each local government area

as a way of ensuring the autonomy and self-determination of the various groups. Although the proposal was described as a threat to the "cultural unity" of the state by the state government-owned *Nigerian Herald*, it represented the views and demands of most Yoruba subgroups in the state, as articulated by the Afon Youth Progressive Union and various Asa and Moro 'nationalist' groups (it is instructive that Asa and Moro local government areas used to be part of the Ilorin Emirate).

SYSTEMIC DEPRIVATIONS AND DISCRIMINATION

3.32 There were basically two forms of systemic deprivation in the North-Central zone: those that derived from the discrimination between indigenes and non-indigenes, and those based on perceptions of systemic marginalization, neglect and discrimination.

INDIGENES AND NON-INDIGENES

3.33 One of the endemic sources of systemic deprivation and human rights violations in Nigeria is the distinction often made between indigenes and non-indigenes of communities. It involves denying so-called non-indigenes (also called 'strangers', 'visitors') access to political representation, participation, land and other economic resources, and subjecting them to discriminatory treatment in matters like admission of children to school, notwithstanding their length of stay or residency and the fact that they pay tax and perform other obligatory citizenship duties. Discrimination against non-indigenes has been reinforced by official and legal provisions (the constitution for instance) and practices (such as different school fees for indigenes and non-indigenes), which privilege indigenes. Regionalism, statism and localism represent critical stages in the contemporary consolidation of this form of discrimination, but at the

local level, the indigene/non-indigene cleavages are embedded in contested histories of migration, settlement and territoriality. This is most clearly dramatized in the North-Central zone, which has been a centre of massive migrations, population displacements, and resettlements. The following cases show the nature of human rights problems that have arisen from this situation.

The Plight of the Eggon Peoples

3.34 The Eggon people are strewn across most local government areas of Nasarawa state, but are most preponderant in Nasarawa-Eggon, Lafia, Keffi, Obi, Doma, Keana, Karu, Kokona, Akwanga and Awe. With exception of Nasarawa-Eggon local government where they form the majority, (Eggons believed the local government was so named to create the impression that all Eggon are from there – they wanted it named Akun), the Eggon are treated as non-indigenes in the other local government areas. Furthermore, they allege that the creation of village areas and districts was manipulated to deny Eggon communities autonomous units, thereby subordinating them to alien rule, and denying them (communal) voting rights, political participation and access to education, land, employment and other economic resources.

3.35 For instance, Eggons who were redeployed to their 'local governments of origin' (in this case Keffi) following the abrogation of the local government unified staff policy were either rejected or had their jobs terminated on the grounds of being non-indigenes, even where they had certificates of indigeneity or had sworn affidavits that they were indigenes of Keffi. Eggon children in schools also suffered discrimination as non-indigenes. In the Alagye district area of Doma local government area, the "indigenes" of Rwan Baka and Ungwan

Kalana protested the sale and allocation of farmland to Eggons who they regarded as "strangers" who "just came to look for rice land to farm". To share land with them, the indigenes argued in petitions to the local government authorities and the police, amounted to "depriving them of their birthright".

3.36 These various acts of discrimination and deprivation were regarded as acts of 'ethnic cleansing' on the part of the state and local governments, which were accused of deliberately keeping the Eggon oppressed, excluded and marginalized from political and bureaucratic power at the federal, state and local levels. Comparing their case to those of the indigenous Gbagyi in Kaduna and Niger states, Kataf in Kaduna, Bassa in Nasarawa and Seyawa and other minorities in Bauchi, the Eggon further alleged that there was a grand design to perpetuate the age-long domination of indigenous groups by powerful external forces in the north. To redress these injustices, which underlay the Agyaragu riots by frustrated Eggon youths in April 2001 who were protesting against the imposition of a village head by the Emir of Lafia (the brutal repression of the youths was cited as another instance of ethnic cleansing), Eggon elders and leaders of thought demanded reinstatement of all Eggon whose jobs were terminated by the Lafia, Keffi and Awe local government councils on the grounds that they were non-indigenes; creation of Eggon village areas and districts in all the local governments where they live; fair and equitable representation of Eggon in government at all levels; and end to ethnic cleansing through denial of indigeneity to Eggons in several local government areas, systematic removal of Eggons from positions in the public service, and brutal repression of Eggon youth.

The Case of the Bassa

3.37 The Bassa people of Nasarawa state have a long-standing battle for supremacy with the Egbura, whose claim to superiority and overlordship they dispute based on historical evidence that the two groups had autonomous kingdoms before colonial rule. Although conversion to Islam gave the Egbura an advantage over the "pagan" Bassa in the Northern regional system that privileged Islam, the Bassa hoped that the emergence of secular administration would liberate them. That opportunity came when the government of the then Plateau state decided to resuscitate traditional institutions, create/upgrade chiefdoms, village areas and districts. But while the chief (Chimeze Panda) of Egbura was restored as a third class chief, the Bassa were denied restoration, thus reinforcing the Egbura claim to being overlords.

3.38 Furthermore, the Bassa felt cheated in the power configuration of the proposed village areas and district councils in Toto local government area where they were in majority – of the 74 village areas and 17 districts respectively in Toto local government area, only 12 and 2 could be headed by Bassa. In various petitions to the governments of first Benue-Plateau and later Plateau and Nasarawa states, Toto and Nasarawa local government councils, and Emir of Nasarawa, representatives of the Bassa community demanded the restoration of Bassa traditional and chieftaincy rights and the equitable sharing of village and district heads; protested against the elevation of Toto district, which had large Bassa population, to a chiefdom headed by another Egbura traditional ruler – Ohinoyi Ogye; protested against the use of Egbura officials for evaluation and payment of community tax to the exclusion of Bassa chiefs; protested against appointment of Egbura as village and district heads in areas

dominated by the Bassa, and the suspension of the salaries of Bassa village heads; etc. The Bassa also refused to pay taxes, levies, rates and donations to Egbura heads.

3.39 In response to the long-standing 'Bassa problem', several panels and commissions of inquiry were set up, but their reports either did not see the light of day or were not implemented. This heightened the tension that imploded in incessant riots and violent clashes between the Bassa and Egbura communities. Those of 1997 and 1998 in the Toro local government area were particularly devastating for the Bassa, who had over 93,000 displaced people that fled to the Federal Capital Territory and neighbouring states, and lost an estimated 3000 people who died in the clashes. Finally, in 1998, the search for lasting peace, which included the setting up of a reconciliation committee of traditional rulers, led the Nasarawa state government to create the autonomous Bassa chiefdom of Turunku in Toto local government area, headed by paramount Bassa ruler, the Aguma Bassa, a third class chief.

The Case of the Etulo

3.40 The Etulo of Benue state are a minority group who claim to have once lived together under the centralized authority of the Otse Etulo, but were strewn across several clans, districts and local government areas by administrative reorganizations since colonial times, thereby transforming them into 'micro-minorities'. This made it possible for their interests to be subordinated to those of the more educated Tiv who constituted the majority in the districts and local government areas, and to be submerged in Benue state where they, alongside the Tiv, Idoma and Igede, constitute the major ethnic groups. Indeed, the Tiv were accused of treating them as "visitors" and

second-class citizens and of depriving them of access to land and employment in the local and state governments, and location of amenities provided by government. For instance, because the Otse Etulor was not a member of the state traditional council (the Etulo needed to have their own local government area for this to happen), he had a lower status than the chiefs of other ethnic groups in the state. The discrimination went on, allegedly with the connivance of the local government, police and area courts, in spite of court rulings. To reduce constant friction with the Tiv who regarded them as "visitors" (such as the violent clashes over land between the Mbagen and Etulo in 1985) and satisfy their yearning for self-determination, sense of belonging, and political empowerment, the Etulo demanded reunification of the Etulo in Gboko with those in the homeland of Katsina Ala. The guidelines for the 1976 local government reforms, which recognized the need to preserve the organic unity of extant local units, were clearly supportive of their demand. In fact, the Nuhu Bayero panel on the creation of more local government councils in 1976 actually recommended the merger, which the Benue state government white paper only "noted". Later, when village areas and districts were being reorganized, the Etulo in Gboko, who claimed to have the requisite population contrary (17,398 which they counted themselves), demanded that the Etulo district be split into two Etulo districts to maximize benefits accruing from administrative spread.

The Case of the Abakwa

3.41 The Abakwa and Etulo peoples have lived together and inter-married for a long time, having been merged together in the Utur clan, now called Etulo clan, in the colonial period. Nevertheless, the groups remain culturally distinct, and the Abakwa claim to have suffered deprivation, discrimination and oppression in the hands of

the majority Etulo, who ridicule them as "strangers" and "slaves". They were deprived of farmland; government projects (post office, health centre, electricity, community secondary school) were concentrated in Adi-Etulo; and were shut out of headship of the clan, which was made the exclusive preserve of the Etulo. For the sake of justice and equity, and to be liberated from Etulo oppression, they demanded a separate Abakwa clan.

The Case of Rev O. of UMCA

3.42 This case clearly shows the deprivation and injustice that go with being a non-indigene. Rev O. was born in Afon in Asa local government area of Kwara state. His father was from Igbeti in Oyo state, while his mother was from Ilorin. He had lived all his life in Ilorin and Jebba, and his children were born and bred in Ilorin. They were however denied certificate of indigeneity by the Ilorin local government area, which asked them to go to Afon – where they had no blood relations – for that purpose. The children were therefore denied the right to gain admission into Kwara state schools as indigenes of Kwara state. Rev O. believed that he and his children were discriminated against because they were Christians in a local government area which promoted Islam.

PERCEPTIONS OF MARGINALISATION AND NEGLECT

3.43 The other form of systemic deprivation and discrimination derives from perceptions of deliberate acts of marginalisation and neglect on the part of the state – federal government, state government or local government, as the case may be. Although such perceptions are pervasive, as should have been clear from the several cases considered above, there were a number of cases where systemic neglect and marginalization and consequently violation of rights were

alleged. Two of these cases involved the Kakanda district of the then Kwara state and the Kogi state government.

The Kakanda Case

3.44 Kakanda, one of the six districts that made up the former Kogi Division, was home to the Kakanda people whose paramount chief was the Aganchu of Budon. The people alleged that after the district was relocated from the old Koton Karfe Division in the 1950s, there was no further development in the Kakande area. The police post that used to serve the district was closed, the only dispensary and primary school in the area were run down, and government failed to provide electricity and to construct roads and bridges linking the district. The people accused the then Kwara state government and the local authorities of systemic neglect and discrimination against the Kakande group.

The Case of Kogi State Government

3.45 In its memorandum to the National Reconciliation Committee entitled National Integration and Patriotism in Nigeria: Kogi State Perspective, the Kogi state government alleged systemic neglect and marginalisation in the federation in terms of (i) the dearth of federal social, educational, health and industrial facilities; (ii) underdevelopment of road, rail and air transport in spite of strategic location of the state in serving as a link between the north and the south; (iii) discrimination against staff and students from the state in university appointments and admissions respectively, even in those universities for which Kogi state was part of the catchment area; (iv) neglect of the Ajaokuta Steel Company, the largest federal concern in the state; (v) failure to resettle Kogi people displaced by the Ajaokuta project, Itakpe iron ore mining project, and the Okaba coal mining

project; (vi) lack of electricity and potable water in most parts of the state; (vii) retardation of the cultural development of ethnic groups in the state due to the preference given to dominant ethnic groups in the country; and (vii) lack of compensation for deprivations of farmland suffered as a result of the damming of the River Niger at Jebba and Kainji. The state government attributed these acts of discrimination to the fact that Kogi was a state of minorities and rejected the clamour for so-called true federalism by certain elements of the dominant ethnic groups, which it argues, "is borne out of the desire to keep other Nigerians from sharing from the development and benefits generated by a long tradition of lopsided allocation of resources in their favour". To remedy the injustices, the memorandum proposed, among others, the establishment of ten-year federal equalization development plan to redress imbalances caused by neglect, and the establishment of a development agency to address the problems of states affected by the damming of the river Niger (Kwara, Kogi and Niger. The memorandum however missed out the essential point of the rights of states in a federation, which includes the right to (self) development.

LABOUR-RELATED VIOLATIONS

3.46 Labour related violations were rampant in the North-Central zone, as reflected by the fact that most of the human rights cases investigated by the Public Complaints Commission (PCC) and covered in the annual reports of state branches were labour cases. They ranged from wrongful termination of appointment to unjust work and retirement conditions. The commission found that the problems partly emanated from lack of familiarity with the labour code and working conditions and partly from the inefficient machinery for processing pension papers. Another case, which highlights fairly

different dimensions of labour problems and therefore deserves separate treatment, was that of the Academic Staff Union (ASUU) of the University of Ilorin, which accused the university authorities of contravening laid down rules on the appointment, promotion and welfare of academic staff, thereby violating the rights of staff inherent in those rules.

EXAMPLES OF CASES OF UNJUST CONDITIONS/TERMINATION/RETIREMENT

3.47 We shall treat these in two categories: those which the PCC intervened in and was able to resolve in favour of the complainants for the most part, and others which did not go to the PCC.

Examples of Cases Investigated by the PCC

3.47 In a good number of the cases investigated by the PCC, the workers who alleged wrongful termination of appointment and/or unjust treatment by employers were found to be at fault. The case of Mr A., an employee of the federal ministry of labour in Minna who alleged maltreatment and suppression by the chief labour officer is typical. Mr A. claimed that his salary was stopped after he had an accident in the course of official duty and was hospitalized, and that his appointment was eventually terminated. Upon investigation, the Commission found him to be dubious and roguish and concluded that his employers acted rightly. There was also the case of Mr O., teacher in the employ of the Kwara Local Schools Management Board, who alleged wrongful retirement and downgrading of salary from grade level 05 to 04. The Commission found that retirement on grounds of poor record of performance was justified, but ensured that his old salary was restored. Also, a worker in Minna who complained that his employer had refused to pay him half salary after placing him on

suspension was found to have stopped coming to work after he stole the company's property worth N3189.50 and was arrested by the police. The other case that bears highlighting is that of Mrs J.O.A. female worker with the Ilorin Agricultural Development Project who alleged wrongful termination of appointment because she refused advances from her boss and male colleagues and also that the statutory one month salary due to her in lieu of notice was not paid. The commission found the allegation of sexual harassment to be baseless and termination justified, but got employer to pay the one-month salary. There is no need to go any further into these cases because they were not genuine. The examples listed below are those in which wrongful termination was proven and the commission took steps to ensure redress.

1. A female worker with the Kwara Transport Corporation had her job as bus conductor terminated because she got pregnant after marriage, even though when she was employed there were no clear conditions of service. The Corporation agreed that there were no conditions of service at the time she was employed, but that she was not married at the time of employment, that there was no way she could effectively carry out her duties while pregnant and even afterwards, and that the corporation did not want the other 22 female bus conductors in its employ to be encouraged to do the same. The Commission found these reasonable, but advised the corporation to expeditiously formulate a policy on pregnancy.
2. The PCC intervened to ensure the reinstatement of Mr Bala Adamu Kuta who alleged politically motivated termination of appointment with the Niger State Broadcasting Corporation. Mr Kuta was alleged to have campaigned for the Nigerian People's Party in the 1983 election, but this was not proven.

The military sacking of the Second Republic helped his reinstatement.

3. Mr P., a staff of the Minna branch of an insurance company alleged that his employers stopped paying his salary for no just cause for 8 months. Investigations by the PCC showed that his salary was reduced (not stopped) due to declining productivity on his part. The company was persuaded to pay Mr P. all outstanding entitlements after deducting the money he owed the company.
4. The PCC intervened to ensure the payment of contract gratuity to Mr E.A. Olaniyan by the Niger state ministry of education which had withheld it for over 5 years, during which time Mr Olaniyan made fruitless long journeys from Akure to Minna.
5. A night watch man who worked with a private company in Minna for 11 years and was forced to leave by reason of illness complained of non-payment of gratuity. Investigations showed that employee was not entitled to gratuity under the company's rules because he had not reached the age of 50 and/or had not worked for 20 years. This was clearly a case of ignorance, for which the commission could not do anything.
6. A worker with the Minna branch of a leading company complained that the company stopped his salary for the period October 1981-February 1982, while he was sick and on admission at the Ahmadu Bello University Teaching Hospital, in spite of the fact that he obtained the company's permission. The company claimed to have placed the worker on leave without pay since he had no official sick note. Commission however drew the attention of the management to the labour code, and the company then agreed to pay the complainant N277.28k.

7. Mr RMS, an employee of NEPA, Ilorin, complained that he was down graded from salary grade level 12 to level 10 on the basis of malicious allegation of theft of the sum of N560. After one year when he expected restoration to his former salary grade, as was the normal practice, he was compulsorily retired with only 14 days left for him to qualify for the payment of pension. His appeals to the management of NEPA for restoration to level 12 and payment of gratuity and pension yielded no results. The PCC succeeded in getting NEPA to pay him his entitlements.

3.48 The foregoing examples show that the PCC played an important role in the defence of workers rights. Its readiness to take up cases and investigate them, sometimes by getting employers and aggrieved workers to talk things over, made it a valuable institution for workers seeking redress, especially those who lacked the means to seek redress in court.

Alleged Unjust Termination/Retirement: Non-PCC Cases

1. Mrs Umaru, Mustapha Galadima, Joseph Inarigu and Mrs. Ashatu Mohammed were acting Permanent Secretaries in the Nasarawa state civil service. In 1999, they were compulsorily retired on the grounds of "restructuring of civil service from top to bottom" and public interest, even though none of them had reached the mandatory retirement age of 60 or 35 years of service, or been found guilty of any offence or wrongdoing, and without regard to relevant civil service rules. Since the post of acting permanent secretary was not an establishment post, on which post were they retired? The affected senior civil servants challenged their retirement on these grounds.

2. Mr E.E. Loko, a staff of First Bank Bukuru branch, had his job terminated over fraudulent withdrawal from the account of the Christian Health Association of Nigeria. This was in spite of Mr Loko's several petitions to the management of the bank pleading his innocence, explaining that he acted in conformity with standard banking procedure, and asking for reconsideration of his case in the light of (i) a voluntary confessional statement by one of fraudsters, which showed that Mr Loko was not party to it; and (ii) his discharge and acquittal by the court which tried the matter for three years.
3. In violation of the freedom of the press and freedom of expression, one Mr Olaniyan was sacked as editor of the Kwara state government owned Sunday Herald for publishing an editorial that supported the principle of rotational presidency. This was considered too pro-south and inimical to the interests of the north, which the paper was supposed to protect. Olaniyan had earlier been accused of portraying the revered Emir of Ilorin in bad light.

3.49 Unlike cases handled by the PCC, there is no evidence that these workers got the redress they sought.

THE CASE OF ASUU-UNIVERSITY OF ILORIN

3.50 The ASUU of the University of Ilorin engaged the university authorities on a variety of issues with serious human rights implications. The issues fell into two categories: retrenchment of academic staff, and appointments, promotion and welfare issues. The human rights dimensions of these issues, as we shall see below, had largely to do with the extent to which the actions of the university conformed to laid down statutes and procedure (as set out in the

University of Ilorin Act) or were otherwise arbitrary, vindictive and discriminatory.

Retrenchment of Academic Staff

3.51 ASUU objected to the retrenchment of 65 academic staff (of which 56 were dismissals) in 1998 on a number of grounds: (i) it was based on Decree 17 of 1984 which was a violation of the autonomy of the university council as set out in the University Act – that in fact, competent courts had decided in cases involving Professor Itse Sagay and Dr Festus Iyayi of the University of Benin and Professors Toye Olorode and Idowu Awopetu of Obafemi Awolowo University that Decree 17 cannot legally be applied to academic staff; (ii) that the retrenchment violated the principles of justice, fairness and due process in that staff who never had any disciplinary case, those who had, but whose cases were yet to be decided, and those who already retired, had previously been reprimanded or had their appointments terminated by council, were among the retrenched, leading to what was described as "double jeopardy"; and (iii) that the retrenched list included those who were dismissed for being away without leave or failing to return at expiration of leave.

3.52 ASUU further accused the authorities of differential treatment and arbitrary application of the rules: while some had their salaries stopped or appointments terminated, others had their cases taken to the Appointments and Promotions Committee (AP&C) or to council, and while some on unapproved leave were given only 48 hours within which to return to work, others were given one month. These violations of rules were attributed to the deliberate victimisation of union leaders and activists, the application of obnoxious rules (such as that limiting the proportion of staff on sabbatical leave to 5

per cent) without consultation with senate and workers unions, and the illegal take-over of functions of the staff disciplinary committee by the AP&C. For instance, while Dr Abdul Rasheed Na'Allah who had enjoyed a three-year leave during which he obtained a doctorate degree and two promotions was given 8 weeks within which to resume duties after his application for a two-year leave extension was turned down, Dr Alana who was on a post-doctoral fellowship in South Africa was asked to return within 48 hours after the vice chancellor refused to give executive approval to his application for leave.

3.53 Although the contrasting treatment in this example illustrates the point ASUU was making, it also points to one feature that was common to most of the cases cited as victimisation: the fact that the staff concerned were away without approved leave. ASUU argued that their applications were supported by the relevant departmental and faculty committees and that this provided "sufficient confidence" and "reasonable excuse" to go on leave, especially as the AP&C, which normally gives final approval for leave, could not meet at the time. But what happens when the AP&C finally meets and turns down the application or in a situation where the vice chancellor, allegedly for reasons of victimisation, failed to grant the executive approval that is normally used to fill the gap, which was what happened in many cases? This question is without prejudice to the critical issues raised by ASUU, but there was obviously need for a thorough investigation to separate issues of due process from those of externally directed retrenchment based on the obnoxious Decree 17. ASUU itself made the point that objection to retrenchment did not also imply objection to disciplinary procedure.

Appointments, Promotions and Welfare

3.54 The authorities were accused of unilaterally changing the rules governing promotions, such as increasing the minimum period for promotion from two to three years; rejection of professional certificates as a criterion for promotion (how do you employ staff on the basis of such qualifications and turn around to reject them for promotion?); turning applications in for initial screening by the registry, which contradicted the rule that allowed a lecturer to put himself or herself up for promotion and carried the danger of possible discrimination; rejection of promotion cases from some faculties on the grounds of late submission; and take-over of the responsibility for determination of quality of journals and assessment of papers, which belonged to the faculties by the AP&C. There was also the strange decision that there would be no promotions to positions whose incumbents had died, even if as happened in two cases, the promotions had not been completed before death. On welfare, ASUU alleged, among others, undue delays in the disbursement of car and housing loans and refunds of service charge that had been paid by staff living in university quarters.

3.55 The problems and issues raised by ASUU and the problems it had with the authorities of the University of Ilorin show how difficult it is to run a university in a manner that suggests arbitrariness or excessive use of power, which seemed to have been the vogue in most Nigerian universities under military rule. ASUU accused the authorities of explaining things away, forgetting that logic, rationality and institutional order are at the core of university organisation. In particular, a university abhors "zealous attempts to impose policies that deprive academic staff in particular of their rights, privileges and entitlements".

VIOLATIONS OF INDIVIDUAL RIGHTS

3.56 Several cases of violation of individual rights were reported in the North-Central zone. The milieu of endemic conflicts and riots, abuse of office, excessive use of power (of which the most rampant was the flouting of court orders) and basic lack of respect for fundamental human rights and rule of law by overzealous law enforcement and security agencies, and authoritarian military rule were major underlying and reinforcing factors in this regard. These violations took the form of unlawful arrests and detention, torture, terrorism and intimidation. Another category of human rights violation involved the non-payment of adequate compensation to individuals, families and groups whose landed properties were compulsorily acquired by the state.

UNLAWFUL ARRESTS, DETENTION AND DEPRIVATION OF LIBERTY

3.57 The police were the major culprits and perpetrators here, as the selected examples below show. But, in addition, excessive show of power by overzealous public officials was also a problem. Most of the problems staff and students had with the University of Ilorin authorities, for example, emanated from a perception that the vice chancellor was high-handed and overzealous. This was similar to the University of Agriculture, Makurdi whose vice chancellor had an agenda of suppressing members of other groups to favour his Tiv people. But there were more direct cases of excessive and overzealous show of power. For example, Lt. Col. Rasheed Shekoni, military administrator of Kwara state ordered the arrest and detention of 27 school children for jubilating over the death of General Sani Abacha in June 1998. The administrator before Shekoni had ordered the closure of three Christian schools in Ilorin, which were protesting the imposed

teaching of Islamic studies barely 48 hours to the junior secondary school certificate examinations in 1996. In another case, it was abuse of power and bias on the part of the police and public officers that were problematic. An area court judge in Minna ordered the arrest and detention of a father and his five sons who were alleged to have maltreated their daughter/sister, without hearing from the offenders and not minding that the children were under-aged – in fact, the judge had to go out of his way to persuade the prison authorities to admit them. The order was made on the basis of an allegation by the girl's aunt who was said to be very close to the judge, and had threatened to use her 'connections to deal with the father. The following cases highlight some of the more serious and dramatic instances of the deprivation of individual rights.

1. Mike Jukwe was arrested by the police in Gboko, Benue state, on June 15 1995 without warrant. He was held in detention without being told what his offence was for over one month, and was finally arraigned before the chief magistrate court in Makurdi for conspiracy and armed robbery on July 18 1995. The facts of the case were however that citizen Jukwe was unlawfully arrested, detained and refused bail at the instance of the Managing Director of the Benue Cement Company, Gboko, who alleged that his life and those of senior managers of the company had been threatened in an anonymous letter suspected to have been written by Jukwe. The police linked Jukwe with various acts of sabotage and destruction that subsequently took place in the company (three giant generators were set on fire, oil was drained from the kiln ostensibly with a view to destroying the production system, etc.), and the robbery and assassination of Mr Olaleye, a manager with the company. Mr Jukwe filed a suit of Harbeas Corpus seeking release from detention or bail in the

high court of justice at Makurdi. In his judgement, the state chief judge, Hon. Justice A. Idoko observed that arrest on mere suspicion "collides violently with the basic human right of liberty" and that clamping a suspect in detention for the purpose of subjecting him to scrutiny was a violation of the intention of the law. He declared Mr Jukwe's detention grossly unlawful because the police failed to observe the requirement of prompt arraignment, but had to dismiss the case because robbery was an offence for which bail could not be granted.

2. Ioguma Kpev, Tyonongu Mbachilin and Kunya Iornem, members of the same family at Uchem, Usamba in Makurdi local government area of Benue state, were arrested by a detachment of the police force that invaded their family compound on March 24, 2000. They were subsequently clamped in detention at the CID headquarters in Makurdi, without being told what their offence was. They claimed to have been underfed, tortured and dehumanized in detention.

3. Lovina Okwara was employed as a typist by one William Ndulue, a timber merchant in Makurdi. Ndulue had forced sexual intercourse with her, as a result of which she became pregnant. He then forced her to have an abortion and subsequently subjected her to dehumanizing and harrowing experiences, including being forced to eat the liver of an unknown animal administered by a herbalist, being detained for two weeks in a sick state in Ndulue's house where his houseboy was detailed to keep watch over her, and being unlawfully arrested and detained for six days at the Railway police station on the orders of Ndulue. Lovina's petition to the Benue state police commissioner yielded some dividend as Ndulue was ordered to pay her medical bills at the Federal Medical Centre in Makurdi. But shortly after,

Ndulue, with the assistance of his houseboy, sales manager and messenger, tied Lovina up and forcibly administered (sprayed) substance believed to be acid on her private parts. While on admission in hospital, Ndulue reported to police that Lovina had poured acid on him in an attempt to kill him, and caused this to be broadcast on Radio Benue. Upon discharge from hospital, Lovina was arrested by the police, detained for four days in her sick state, and subsequently arraigned for culpable homicide, although no statement had been taken from her. It took the intervention of the Inspector General of Police to whom she appealed after being rebuffed by the state commissioner of police and the AIG zone 4, pleading innocence, for the police to withdraw the case and for her to be discharged in court. But the acid attack had left Lovina deformed and incapacitated. She then filed a suit against William Ndulue and three others for trespass, assault, mischief, grievous bodily harm, and loss of opportunity to get suitable man for marriage. The police clearly aided and abetted the deprivation suffered by Lovina Okwara.

4. Kulugh Selah and eight others, all members of one family, were beaten, wounded and arrested by men of "Operation Scorpion", a special police anti-crime squad, on August 27 1998, at Tse Agarnor, Taraku, in Benue state. Although they were not told what offence they had committed, they were taken into indefinite detention at Makurdi, and refused bail.

5. In Rafi local government area of Niger state, one Bala katako was arrested and detained on the orders of the Divisional Police Officer (DPO) for plucking mangos in the DPO's residence. All efforts to secure bail, including a plea by the Emir of Kagara, failed. Finally, when Katako was arraigned in court for trespass and theft, and remanded in prison custody, there was rioting by

the youth who were fed up with the excesses of the DPO and the police.

6. 102 students of the University of Agriculture, Makurdi, alleged that their expulsion or rustication for acts of misconduct in the illegal demonstration by students of the university in January 1999 was unconstitutional and illegal, especially as the criminal charges of rape, arson, willful damage and theft leveled against them were not proved beyond reasonable doubt. They further alleged that they had been denied the right to fair hearing and justice because the vice chancellor and members of the senate who determined their cases were biased, having been victims of the violent demonstrations, and that they faced the senate panel as witnesses and not accused persons.

7. Students of the University of Ilorin and a group called the Campaign Against Victimization and for Independent Student Unionism, which claimed to be an "offshoot of NANS solidarity group struggling to reinstate victimized student activists accused the vice chancellor of high-handedness, insensitivity and various acts of oppression and repression including: (i) the arrest and detention for 37 days of 11 student activists for protesting an 'unjustifiable' increase in school fees; (ii) the indefinite suspension of two of the students without having been found guilty of any offence; (iii) the emasculation of student unionism, stifling of freedom of speech, and use of the university security to "witch-hunt" and "brutalize" antagonistic staff and students, especially those that opposed the government of General Sani Abacha; (iv) the withholding of the results and NYSC call-up letters of final year students with disciplinary cases in violation of court injunction; and (v) the degenerate and unacceptable state of amenities in student hostels.

CASES HANDLED BY THE PUBLIC COMPLAINTS COMMISSION (PCC)

3.58 Although most of the cases handled by the PCC had to do with payment of compensation for land acquired by the state and the economic trees and other resources on them, the commission also dealt with a few cases involving the police. The significant thing about the latter cases was not so much that they further confirmed excessive, arbitrary and unlawful use of power by the police (and soldiers in one case at least), but that such excesses could be checked and redressed if oversight and regulatory agencies worked effectively. In many cases, the commission succeeded in getting apologies and reassurances on behalf of those whose rights were brutalized. In one case, the commission got the Kwara state commissioner of police and the Divisional Police Officer (DPO) at Offa to agree to deal with a policeman who beat his co-tenant (who was hospitalized) in a naked show of power. Similarly, following complaints of brutality by soldiers posted to keep the peace during the sale of 'essential commodities' (there was the case of Mrs O. who was mercilessly beaten by three soldiers for no just cause), the commission received an apology from the commander of the armoured brigade in Ilorin and a reassurance that adequate steps had been taken to avoid reoccurrence of such ugly incidents. The importance of the commission's work in seeking redress for victims of excessive use of power by law enforcement agents cannot be overemphasized, especially when one takes into consideration the impunity with which court orders were habitually disobeyed by government and its agencies in the period under review.

3.59 As we have indicated however, most of the violations of individual rights handled by the PCC had to do with the payment of compensation for land and economic resources on land acquired by

the state government for barracks, housing estates, hospitals, educational institutions, and infrastructure like roads. The commission also dealt with a few cases of contractors who were shortchanged and those whose payments were unduly delayed, as well as non-payment of insurance claims, but we shall focus on problems of compensation by government. Many of the demands for compensation were made after the promulgation of the Land Use Decree 33 of 1976 – some long forgotten cases were resurrected in the erroneous belief that fresh compensation was to be paid. In a few other cases, the claims were found to be frivolous, even fraudulent. For example, one complainant alleged that NEPA had not compensated him for the destruction of the economic trees on his land that it acquired for a project. Investigations by the PCC however showed that he had been paid a compensation of N236, which he admitted.

3.60 But where the cases were genuine, the commission helped the complainants to get compensation or some response from the appropriate authorities as shown by the following selected examples.

1. A family whose land was cut in half by construction work on the Minna-Kakaki road sought compensation for the whole land because it was dangerous to continue to live on the remaining half of the road which was too close to the new road. The family complained that the construction company hired soldiers to harass them each time they demanded for compensation. Through the intervention of the PCC, the federal ministry of works recommended payment of compensation for the entire land, which was made. 2. Alhaji A.O.'s land was compulsorily acquired by the Kwara state government in 1976 and later returned to him because the state had no further need of it. He was however

denied compensation for the economic trees and crops already destroyed in the land. The PCC persuaded the government to reconsider the matter.

3. A family in Ilorin complained that its land was acquired in 1976 by the Kwara state government, but were denied compensation even after the industrialist to whom the land was allocated had paid some money to government with which to settle compensation. The PCC successfully retrieved the compensation in 1988, 12 years after the land was acquired.
4. A fairly different kind of compensation was that demanded by victims of the Cameroun dam flood in 1994 and 1996 in Benue state for the loss of houses, farmland, crops, and other resources. The victims claimed that the federal government had released money for this purpose and that victims in other states – Borno, Taraba, and Cross River – had been paid, and that their petitions to the Tor Tiv, the environmental protection agency, Benue state government and federal government were not responded to. Investigations by the PCC revealed that the federal government had not responded to several enquiries and reminders by the state government, but received assurances that victims would be settled once money was received from the federal government.

3.61 In a few cases however, compensation could not be paid because the complainants were at fault. One such case involved Mr B.I. who demanded compensation for economic crops destroyed on his land acquired by the Kwara state government in 1988. It was found that Mr B.I. failed to heed government's announcement on radio and television advising owners of the land to be acquired stop farming after the 1987 planting season. So he was not entitled to compensation.

3.62 Once again, the foregoing examples show the important role played by the PCC in defending the rights of common people. This was in spite of the fact that it did not always enjoy the cooperation of the relevant authorities. In one case where the then Kogi local government council of Kwara state government failed to honour its agreement to compensate Alhaji W. of Lokoja for the land acquired in 1976, and the economic trees on it, the commission was forced to remind the state government that such actions were a threat to the credibility of the role of the commission as a defender of people's rights.

CONCLUSIONS AND RECOMMENDATIONS

3.63 Having discussed the highlights of human rights abuses in the North-Central zone based on the report submitted by AFRIGOV, what can be said by way of conclusion? First is that by the very nature of the complex ethnic composition of the zone and a history of migrations and displacements, which are still on-going, it was an area of endemic conflicts. Secondly, tradition was a very strong component of human rights deprivations. Third, the excesses of the police, military and security agencies, as well as the excesses of overzealous and highly partisan state officials, which were facilitated by military authoritarian rule, were the major sources of human rights violations.

The following recommendations flow from the report.

1. The rights of citizens resident in areas and communities other than their own – so-called non-indigenes – should be guaranteed

and vigorously promoted. Discrimination of this form should be punished as appropriate.

2. Steps should be taken to study the nature, history and dynamics of ethnic groups and inter-group relations, for an adequate understanding of the conflicts among the groups, with a view to promoting interethnic harmony.

3. As much as possible, demands of groups for local political autonomy – chiefdom, district, village area, recognition of traditional ruler, etc. – in the name of asserting the right to self-determination should be responded to promptly. In this regard, the findings of the various panels and committees that have investigated the crises at different times, and the government white papers on them should be published and made accessible to all.

4. There is need for an intensive re-orientation of the police, military, security forces, intelligence agencies and other law enforcement agencies with a view to making them more human rights and rule of law friendly. At the same time, there is need for public enlightenment campaigns and human rights education for all segments of people, especially those in the rural areas

5. The need for government at all levels to be fair, unbiased and credible cannot be overemphasized. In this regard, overzealous and excessive public officials, especially judges and those who flout court orders, should be promptly checked, and victims encouraged to make maximum use of judicial channels of redress. As this report has shown, the PCC has proven to be a very useful agency in the defence of the rights of aggrieved

ordinary people. This commission and, indeed, all other such bodies should be strengthened as institutions for strengthening and consolidating democracy and human rights.

END NOTE

1. For the complexity of the ethnic composition of the zone, see Mvendaga Jibo, Antonia T. Simbine, and Habu S. Galadima, Ethnic Groups and Conflicts in Nigeria, vol 4: The North-Central Zone (Ibadan: Programe on Ethnic and Federal Studies, University of Ibadan, 2001

CHAPTER FOUR

NORTH-EAST ZONE

INTRODUCTION

4.1 This zone comprises six states, namely Borno, Adamawa, Yobe, Taraba, Gombe and Bauchi States, located in the north-eastern part of Nigeria. Its climatic conditions traverse the northern arid zone and the upper Benue valley, which is a rich agricultural area. It is also characterized by a complex mix of ethnic and religious groups. Some of the states, such as Adamawa, Gombe and Bauchi, were part of the pre-colonial Sokoto Caliphate, although with significant populations of diverse non-muslim nationalities. Although Borno and Yobe were independent of the Caliphate under the pre-colonial Bornu Empire, they have closer religious and socio-cultural affinity to the north-west zone. Many of the characteristic features of these areas are, thus, in many respects similar to those of the north-west zone.

4.2 In the sense that a significant portion of the zone shares many socio-cultural and historical political characteristics with the northwest zone, the pattern of human rights violations are also similar. These can be discussed under the following categories:

1. violations of land rights
2. violations of community rights
3. violations of right to life.

VIOLATIONS OF LAND RIGHTS

4.3 Cases of the violations of land rights of peasant farmers who constitute the majority of the population of this part of Nigeria mean the violation of their means of life and the basis of their survival.

Once deprived of this important means of livelihood, their lives are degraded, they are disempowered and marginalized.

4.4 Many of these cases of dispossession are related to activities of agricultural development projects, which, like the river basin authorities, have been very active state agencies of intervention in the agriculture-based areas of Nigeria, especially the rural segments. Below are some cases of violations of land rights in the North-East Zone:

1. The seizure of land from Muhammadu Lawan Kwando and 17 others by the Gombe State Agricultural Development Project (GSAP) at Kwando village, Yamaltu-Deba LGA, Gombe State. Their 6,000 hectare land was taken on loan by the Gombe Agricultural Development Project in 1975 for seedling multiplication and distribution to farmers. However, no seedlings were multiplied rather Officials of the project converted the land into their personal uses. The rightful owners demand for a return of their land was ignored by the officials, even though the agreement they signed with the ADP was for only five years. Hence, Malam Kwando petitioned the HRVIC for assistance to get back their land. Two letters affirm this seizure, the letter to the Human Rights Violations Investigation Commission dated 7/11/2000 and a letter to Muhammadu Lawan and 17 others by the Programme Manager, Gombe State Agricultural Development Project, dated 8th May 2000.

2. The seizure of land from Audu and Umaru Sarkin Karofi at Gombe by Gombe Local Government, Gombe State 1977. Their land was forcefully acquired without any compensation

and all their entreaties for a return of their land fell on deaf ears, until they decided to petition the HRVIC. This seizure was witnessed to by a letter to the Human Rights Violations Investigation Commission dated 10/10/2000.

3. The land seized from Babadidi Bolari at Gombe, by Gombe Local Government, Gombe State, 1977. He claims that the local authorities compulsorily took over his land and sold it. He wrote to the Human Rights Investigation Commission, on 10/10/2000 seeking redress.

4. The seizure of land from Hajiya Ya Fanta by Alhaji Mala Kachalla, at Nganaram village, Maiduguri, Borno State in 1977. Four evidences prove this seizure. The letter to Alhaji Mala Kachalla by Hajiya Ya Fanta's lawyers dated 21st May 1997; the letter to the Permanent Secretary, Ministry of Land and Survey, Borno State, by Ya Fanta's lawyers dated 11th February 2000; extracts from the judgment of the High Court of Justice, Maiduguri and a letter to the Attorney-General, Borno State, by Ya Fanta's lawyers dated 15th August, 2000.

VIOLATIONS OF COMMUNITY RIGHTS

4.5 Cases of the violations of community rights clearly overlap with land rights. CEDDERT documented 30 cases of these violations committed essentially by government agencies and even arms of government established to ensure the development of these communities. Few cases below are on record in the North-East:

1. The seizure of farmland in June 1997 from the Tiv community of Mayo-Kam, Bali LGA, Taraba State. Two witness cases lend credence to this seizure. The report against Yakubu (Serkin

Dawa) of 18th July, 1997 by Mr. James Wakili Imetsugh and nine others. And the letter No. BLG/S40/Vol.I of 21st July 1997 from the Chairman Bali LGA to Mr. Wakili Jame, Imetsugh.

2. Violent attacks on the Zudai cattle rearers of Bali LGA of Taraba State in February 1999. Two letters support these attacks. A letter of Appeal of 3rd March 1999 to the Military Administrator of Taraba State by the Zudai village pastoralists signed on their behalf by Alhaji Manu Bature. The other letter is the one of 14th April, 1999 to the National Chairman, Miyetti Allah Cattle Breeders Association by Alhaji Manu Bature.

VIOLATIONS OF THE RIGHT TO LIFE

4.6 The cases of the violations of the right to life in Nigeria in general and the North–East, in particular, became overt following the events of Saturday, January 15, 1966 when the country witnessed the first military coup in which prominent civilian and military public office – holders were killed in coldblood. Other modes of violations also occurred from 1966 to 1999. Below are some examples of the said violations:

i. The disappearance of Nigerian soldier Mahmudu Alkali Na'Biyu from Yola South LGA, Adamawa State, in 1968 following the outbreak of the Nigerian civil war is one case held as a violation of the right to life. The petition of 20th October 2000 by Mohammed Bello, Abubakar M. Malabu and Aishatu M. Alkali is an attestation to this.

ii. The killing of Alhaji Saidu Gomna by military and police personnel in Operation Damisa at Hausari ward, Maiduguri, Borno State on 15th January 1991. Letters written by Balarabe Saidu Saleh on 20th May 1996, 15th October 1996, 21st October, 1996, 25th August, 1998 and 11th February 1999 to the Chairman, National Reconciliation Committee, the Brigade Commander, 21 Army Brigade Maiduguri, the Civil Liberties Organisation, North-East Zone, Maiduguri, the Secretary, Human Rights Commission Abuja and the Commission for Public Complaints, Maiduguri, respectively, are witnesses to this killing. Other evidences include a letter, No. PCC/BOS/2/99/17, of 1st March 1999 from Commissioner of Public Complaints, Borno State, to the Brigade Commander 21 Army Brigade, Maiduguri.

iii. The killings of Sheikh Hassana Abdullahi and Bulama Buba on Wednesday, 20th May 1998 on the Bidelli – Ambuliya Road, Kala, Balge LGA, Borno State, is another case. There are four proofs to this killings. The Caroner's Reports of 8th June 1998 on Sheikh Hassana Abdullahi and Bulama Buba by Dr. J.C. Amala Obi, Principal Medical Officer i/c General Hospital, Ngala Borno state. The other two proofs are the petition of 22nd July 1999 from Abdullahi Hassan to the Chief Judge of Borno State and the letter of 10th September, 2000 from Barrister Abdullahi Hassan to the Attorney General of Borno State.

OTHER CATEGORIES OF VIOLATIONS

4.7 In 1980, there was a celebrated case of an attempt to deport an opposition party stalwart, Alhaji Shugaba Darman of Borno

State. The then Minister of Internal Affairs of the ruling party under the second republic, in a naked display of power and its abuse, used the resources at his disposal, especially the immigration and the police, to deport Alhaji Shugaba to Chad on very flimsy grounds. It took a scandalous public uproar and strong opposition, plus the intervention of the courts, to save Shugaba from deportation.

4.8 In the 1990s, most of the cases of violations relate to infringements on citizens' rights by overzealous police and security operatives, especially arbitrary arrests, detention and harassment. Indeed, there were a few reported cases of extra-judicial killings by the police, especially pertaining to attempts to clamp down on increased militancy of Muslim fundamentalist groups, the Maitasine type millenarian groups, as well as alleged armed robbers.

CONCLUSION

4.9 Again, like the case of the north-west zone, the reported cases of violations probably barely scratch the surface. There is a lack of vibrant civil society groups, which can monitor and document such violations; there is little if any media outlets for reporting and agitating against these violations; and victims hardly ever try to seek redress in courts. Consequently, many cases just do not get recorded or reported.

4.10 In any case, it is important to ensure that citizens become enlightened and mobilized to protect and defend their rights from especially violations by the state and its agents or agencies. Those violations of community and land rights need to be thoroughly investigated and where necessary reprieve granted to the victims.

CHAPTER FIVE

SOUTH-WEST ZONE

INTRODUCTION

5.1 The report presents the findings from the investigation of human rights violations in South-Western Nigeria from 1966- May 1999. A total of 568 cases of human rights violations that occurred in the region for this period were reviewed. The cases are divided into seven categories. These are extra-judicial killings, political assassinations and attempted assassinations; unlawful arrests and detention; violation of human dignity as reflected in inhuman treatment, torture, extortion and other forms of brutality; freedom of expression and Press freedom; Political and Citizenship rights; social and economic rights including violation of property rights; and academic freedom and state of University. These categorisations of rights violation do not follow any strict pattern, but designed only to capture the various dimensions which rights violations assumed in South-Western Nigeria.

5.2 The report takes a global view of the issue of human rights drawing from a broad range of perceptions and understanding of it and relies on legal instruments, both local and international as basis for its pursuit and legitimate claims. Essentially, human rights is viewed in more liberal terms as the demands and claims that individuals and groups make on society and protected by the law or considered as aspirations to be attained by society. The legal sources of these rights include the Nigerian constitution, African Charter on Human and Peoples Rights, and the Universal Declaration of Human

Rights. The range of rights dwelt upon are; civil and political rights that include right to life, freedom of speech, movement, and association, religion, freedom from torture and inhuman treatment, right to liberty and security, right to fair trial, right from slavery and forced labour, right to marry and own a family, and right to participate in one's government either directly or indirectly through freely elected representatives and the right to nationality and equality before the law.

5.3 The second category of rights are Economic, Social and Cultural Rights, which include right to work, right to fair remuneration, adequate standard of living, right to organise and join trade unions, right to collective bargaining, right to equal pay for equal work, right to social security, right to property, right to education, and right to participate in cultural life and enjoy scientific progress.

5.4 Some of these rights are fundamental human rights and are protected by most statutes. These are mainly the civil and political rights that include right to life, freedom of expression, association, religion, freedom from torture and inhuman treatment and fair trial. However, most of the social and economic rights constitute mere aspirations and are non-justiceable. That is, they are not rights that can be claimed in a court of law. This is the case in Nigeria. Successive Nigerian constitutions classify the economic and social rights like right to employment, shelter, education, and social security as part of the "Fundamental Principles of State Policy," which the state aspires to achieve. They are therefore non-justiceable rights.

5.5 While human rights were violated under first civilian regime (1960-1966), the high points of human rights violations started

with the military incursion into politics in 1966. A significant part of that process was the civil war period when flagrant violations of human rights occurred in a war situation. The trajectory of human rights violations peaked under the Abacha regime, with cases of alleged state sponsored assassinations, extra-judicial killings, arbitrary arrests and detentions, and general high handedness by the state. As such, most of the human rights violations recorded herein occurred under military regimes.

METHODOLOGY AND SCOPE OF REPORT

5.6 The terms of reference of the report indicates that the report was to cover the following areas:

- The effect of the 1966 coup and its impact on governance in Nigeria.
- The after-effect of the Nigerian civil war on the concept of unity in Nigeria.
- The solution to abandoned property problems.
- Military rule and democracy.
- Human rights violations consequent on i-iv and
- Any other related issues.

5.7 The methodology adopted to unravel human rights violations by the report was to classify it into five main categories hitherto identified. These are:

- Right to life and Respect for human dignity
- Freedom of expression and press freedom.
- Political and citizen rights.
- Social and economic rights.
- Right to own property.

5.8 The report relies essentially on secondary sources as the basis of its data. Data sources include newspapers and magazines, annual reports of government and non-governmental organizations, and informal discussions held with officials of some human rights organizations in the region. For each case, information was obtained about the name and age of individuals involved, the date and place(s) where it occurred, the number of persons involved, the official/institutions involved, and a brief details of the incident. A table is presented to give a graphic illustration of nature, type and extent of those human rights violations. The documentation sources relied upon include the annual publication and reports of organizations like the Civil Liberties Organization (CLO), Committee for the Defence of Human Rights (CDHR), Empowerment and Action Research Centre (EMPARC), and the Constitutional Rights Project (CRP).

EXTRA-JUDICIAL KILLINGS AND POLITICALLY MOTIVATED ASSASSINATIONS

5.9 In the period of military rule especially between 1984-1999 there were rampant cases of extra-judicial killings and political motivated assassinations. Reported cases of extra-judicial killings in south-western Nigeria was eighty-five (85). There are two patterns to this. First are those perpetrated by security agencies of the police, soldiers and other security forces against the citizens either in the course of their duty through acts of negligence and force or in informal contexts. The second category is the politically inspired murders and assassinations, which are perpetrated against political figures in the society, with wide speculation and belief that there was the complicity of the state in such cases. A few of these cases will be mentioned. On February 11, 1995, a hapless citizen, Idris Adeleke Ilumoka was shot and killed at Alhaji Masha Roundabout, Surulere, Lagos, by some

soldiers led by Staff Sergeant Williams of the Internal Security Platoon of the Army School of Ordinance. Ilumoka was shot while he was returning from a social function at Aguda, Surulere in the early morning of February 11, 1995. He was shot in his car together with five persons two of who were seriously wounded when he was shot.[1] Similarly on August 5, 1996, a citizen, Salawa Ayinla, was shot by a policeman at Mangoro Bus stop, Ikeja, while returning from work. The next day, August 6, 1996, the victim died as a result of wounds sustained from the shooting at the Ikeja General Hospital where he was taken to by the police[2].

5.10 With regard to political assassination and murder, some prominent political figures opposed to military rule were gunned down by unknown assailants in questionable circumstances. These include Alfred Rewane, who was murdered in cold blood at his GRA residence in Lagos in October 1995. He was then a leading member of the opposition, the National Democratic Coalition (NADECO) engaged in the struggle against military rule and the revalidation of the annulled June 12, 1993 presidential election. Alhaja Kudirat Abiola, the wife of the detained politician and winner of the annulled June 12, 1993 presidential election was assassinated on June 4, 1996 at Ikeja on her way to the Canadian High Commission, Victoria Island. A curious thing about her murder is the role played by some soldiers who arrived the scene, upon being alerted at the nearby security post, as reported. One of them, it was said by eye witness accounts, felt Kudirat's pulse and upon discovering that she was still alive, chased away the sympathisers who were beginning to gather. Another one of them was said to have commandeered a minibus with which Kudirat, her injured driver and Dr. Olufemi Adesina, her personal assistant, were conveyed to the EKO hospital, Ikeja.[3] Another case of such

assassination was that of Alhaja Suliat Adedeji who was gunned down at her GRA residence, Iyanganku in Ibadan on November 14, 1996 by unknown assailants. On November 1996, Dr. Shola Omoshola and his cousin Nelson Kazeem were killed along Airport Road in Lagos in a bomb blast planned by unknown persons.

ATTEMPTED ASSASSINATIONS

5.11 During the military era, especially under the Abacha regime, apart from cases of what appeared to be politically motivated murders, there were attempted assassinations of prominent political figures in the country. Examples of some of these would suffice. On June 14, 1997, unknown gunmen attempted to assassinate Senator Abraham Adesanya at ELF filling station near Sura Market on Lagos Island, about 200 meters to his law chambers at 12 Simpson Street, Lagos. Eight bullets were shot into his Mercedes Benz car. He however escaped being killed in the attack. Alex Ibru, the publisher of the Guardian Newspaper, was also attacked on February 3, 1995 with the intent of being killed by unknown assailants in Lagos. While he narrowly escaped death, one of his eyes was badly affected by the attack. He had to be flown abroad for medical treatment.

UNLAWFUL ARREST AND DETENTION

5.12 Unlawful arrest and detention was a hallmark of military rule in Nigeria as military decrees often empower the state and its security agencies to detain citizens without trial in violation of their fundamental human rights. While all military regimes in Nigeria share this characteristic, the most bizarre of such was under the Abacha regime. Three hundred and eighty-nine (389) cases of such rights violations were recorded from 1966 to May 1999 in South-western Nigeria, a list which is by no means exhaustive. Some of it was

politically motivated, while others were based on the reckless and arbitrary powers often exercised by security officers in the country especially the police, the army and the state security service. A few examples will be cited. On May 1, 1998, the United Action for Democracy (UAD), a pro-democracy organization organized a rally in Ibadan, Oyo State, to commemorate the May Day for the year. Security operatives stormed the venue of the rally and arrested twenty-three people who were mostly civil society and political activists. The list of those arrested and detained includes Bola Ige, Lam Adesina, Ola Oni, Segun Mayegun, Ayo Opadokun, and Femi Adeoti.[4] On May 25, 1995, Chief Michael Ajasin and forty other leaders of Afenifere, a socio-political organisation representing the interests of the Yoruba ethnic group, and which was then involved in the pro-democracy crusade especially to de-annul the June 12 presidential election won by a Yoruba man, Chief M.K.O. Abiola, were arrested and detained at the Owo home of Chief Ajasin while they were having a meeting of the group. The names of those arrested include Olu Falae, Ayo Fasanmi, Abraham Adesanya, Ganiyu Dawodu, Ade Adefarati, Abudulazeez Afolabi, M.A. Baruwa, Ayo Adebanjo and Rafiu Jafojo. Chief Ajasin, who was 89 years old was released after a day in detention, while the others were released ten days after, June 5, 1995.[5]

INHUMAN TREATMENT, TORTURE, EXTORTION, AND OTHER FORMS OF BRUTALITY

5.13 Incidents of torture, inhuman and degrading treatment, extortion and various forms of brutality in all its ramifications persisted in South-Western Nigeria in the period studied. Torture as a method of investigation was very rife in the police and other security agencies. Those security forces often employed the use of electric shocks, whips, cigarette burns, manacles and other means of torture.

Extortion of citizens by force is another way through which the security agencies especially the police violate the rights of the citizens. There were no less than 28 reported cases of inhuman treatment and degradation and five reported cases of extortion in South Western Nigeria between 1966- May 1999. A few examples of this will be cited. On April 7, 1995, Mr. Lekan Ogeroju was attacked and beaten up by two military officers in Ibadan over a complaint that there was no diesel to generate electricity in the government house in the event of power failure. The man pleaded that he should be allowed to contact his subordinates in order to make arrangement to provide the diesel but this fell on deaf ears as the soldiers maltreated him by kicking him with boots and fists until he started bleeding from his nose.[6]

5.14 There were situations in which the brutality and torture of the police on suspects resulted in the death of the detainees. Two cases of this will be cited. The first is that of Mr Fakayode, a student who was arrested at home by two plain-cloth, policemen from Onimode police station in Ondo State on December 5, 1991. He was accused of having participated in a robbery incident and charged to court. But he was released on bail the following day. However, on December 9, 1991, he was re-arrested. Two days later he was admitted to the state hospital unconscious and with bruises on over his body. He died a few hours later. Detainees at the police station confirmed that the suspect was severely beaten by the police during interrogation.[7] The second example of inhuman torture leading to death of detainees is that of Mr. Elechi Larry Igwe, a businessman who was killed in police custody at the Surulere Police Station in Lagos State on December 20, 1990. He was arrested on December 19, 1990. The official police account is that Mr. Igwe was killed with other occupants of his car who were suspected to be armed robbers in a gun

battle with the police. However, the car taken into custody, as the Civil Liberties Organization documents allege, had no bullet holes.[8]

5.15 Apart from incidences of detained persons, the police in South-Western Nigeria also subjected law-abiding citizens to inhuman treatment and extortion. Policemen at check points usually take the law into their hands as they accost citizens at random demanding to search their bags. Those who dare refuse are mercilessly beaten or threatened with being shot. A case will suffice in this regard. In 1997, a citizen, Mrs Kemi Pedro was accosted at Cele Bus Stop on Apapa-Oshodi expressway in Lagos by the "Operation Sweep" men, a special anti-crime patrol team in Lagos. One of the soldiers in the team demanded for her bag to be searched, but she refused. For daring to refuse, the woman was flogged all over her body with horsewhip and the contents of her bag confiscated. The confiscated items include her one-month's salary, international passport, bracelets, and other personal effects. Mrs Pedro petitioned the National Human Rights Commission to cause an investigation to be conducted on the matter. She demanded for a public hearing for all victims of "Operation Sweep" misdemeanour in view of the large-scale abuse of citizens' rights, which they undertake in a regular basis. Her petition was never treated.[11]

VIOLATIONS OF FREEDOM OF EXPRESSION AND PRESS FREEDOM

5.16 An area of human rights that came under serious attack in South-Western Nigeria particularly in the era of military rule was freedom of expression and the rights of the press. Military regimes in Nigeria were notorious for promulgating obnoxious decrees meant to curtail freedom of expression and the right of the press to inform and

investigate public issues. Such was the passage of Decree 4 of 1984 under the Buhari regime under which two journalists, Tunde Thompson and Nduka Irabor, were jailed. Since there is a large concentration of the print media, particularly private ones in South-Western Nigeria, the region came under severe pressure from the military in this regard. The media in South-Western Nigeria, often referred to as the "Lagos-Ibadan Axis press," is often dreaded by military regimes given the critical stance of some of these media organizations on public issues.

5.17 Methods adopted to curtail press freedom and freedom of expression include, arrest and detention of media practitioners, their arraignment before the court/tribunal on spurious charges, proscription of newspapers, invasion and occupation of media houses, arson attack on media houses, confiscation of newspapers and magazines, and intimidation and harassment of journalists and their families. Indeed, some of the media houses had to go underground in order to continue publishing in what was then generally referred to as 'guerrilla journalism'.

5.18 There were fourteen reported cases of violations of press freedom between 1966 - May 1999. A few examples will be cited. On July 15, 1995, Lekan Otunfodunrin and Babafemi Ojudu, editors of *The News*, and *AM News* respectively, and Sesan Ekisola of Ray Power, a private radio station in Lagos, were arrested by the men of the Lagos State Police Command. Their arrest followed a report by their newspapers and radio that a Nigerian resident in the United States was killed and his foreign currency stolen by the men of the Makinde Police Station, Oshodi, Lagos. While Messrs Otunfodurin and Ekisola

were released days after their arrest, Mr Babafemi Ojodu was released only after two weeks in detention.[12]

5.19 In terms of the closure of media houses, several media houses were closed in South-Western Nigeria especially under the Babangida and Abacha regimes mostly as aftermath of the June 12, 1993 presidential election crisis. These include *The Guardian*, the *Punch, and Concord* Newspapers on December 12, 1994 by the state security service personnel. The closure of those papers had to do with their consistent position on the June 12, 1993 election. Anti-riot policemen were stationed at the gates of those media houses to prevent both staff and customers from entering the premises of the organization. The media houses were closed for about six months. The government in flagrant violation of the law disobeyed court orders issued with respect to the suit instituted by the management of *The Guardian* newspaper to challenge the closure.

Similarly, the Broadcasting Corporation of Oyo State was closed on February 8, 1995 on the orders of the Oyo State Military Governor, Colonel Ike Nwosu. In addition, Nwosu ordered the suspension of fifty workers of the corporation. The Governor's action was a reprisal against a strike action embarked upon by the workers over management problems.[13]

5.20 Another dimension in the intimidation of the press in south western Nigeria was the use of arson against media houses. Some media houses were set ablaze by unknown arsonists. These include *The Guardian* Newspaper in December 16, 1995 and *The News* publishing house in December 31, 1995. Some print media also suffer heavy economic losses due to the confiscation of their newspapers and

magazines by state security agents. Whenever newspapers and magazines carry editorials or stories that are considered uncomplimentary by the state, security agents are let loose to either confiscate that edition of the paper or harass their the editors of those newspapers. For example, on December 17, 1995 security operatives raided the premises of the Academy Press in Lagos and seized 55,000 of the week's edition of the *Tell* magazine captioned "Abiola's Freedom: The World Waits for Abacha." The same feat was repeated the following week when the December 23, 1995 edition captioned "Abacha is Adamant, Terrorises the Opposition" was confiscated from vendors and magazine sellers. No less than 50, 000 copies were seized.[14]

5.21 The political environment was generally inhospitable for press freedom and freedom of expression under military rule, particularly under the Babangida and Abacha regimes. Some civil society and political activists were hounded into self-exile by the state during this period when there was apparent threat to their lives given the critical views that they hold on national issues. A large number of those individuals were from the south western Nigeria that include Wole Soyinka, the Nobel laureate for literature, Lt.General (rtd.) Alani Akinrinade, Anthony Enahoro, Tokunbo Afikuyomi, and Ahmed Bola Tinubu.

VIOLATIONS OF POLITICAL AND CITIZENS RIGHTS

5.22 There were gross violations of citizens and political rights in south western Nigeria and the nation generally in the period 1966-May 1999. This was more pronounced in the era of military-authored political transition programmes, especially under the Babangida and Abacha regimes. With regard to political rights, it was rampant to

disqualify some politicians from standing for elective office, denying citizens the right to form their own political parties through foisting parties on the people, and annulling election results. The agenda for those regimes was to perpetuate themselves in power through manipulating the political process. In the Babangida transition programme, several politicians were banned from contesting for elections, and those considered by the regime to be 'radicals' were also disqualified for 'security reasons'.

5.23 The most criticised of such political rights violation was the annulment of the June 12 1993 presidential election, which was won by Chief M.K.O. Abiola, a businessman from Ogun State, south western Nigeria. The violations of Chief Abiola's right was not restricted to his political rights to claim his electoral mandate, he was also detained between 1994 and 1998. Abiola died in very mysterious circumstances in the custody of the state. Recent revelations point to the fact that there was the complicity of the state in his death.

VIOLATIONS OF SOCIAL AND ECONOMIC RIGHTS

5.24 Social and economic rights encompass those rights designed to protect the social and economic advancement and dignity of the citizens, especially the underprivileged in society. Some of these rights include the rights of workers' (rights of association, collective bargaining, discrimination in employment, and freedom from forced labour), right to education, especially basic primary education, shelter and decent living. Although most of these rights are advocated and by international conventions and declarations, they do not form part of the enforceable legal rights of the citizens in many countries including Nigeria.

5.25 The violation of social and economic rights in south western Nigeria took various forms. These include the denial of workers' rights to unionise and undertake strike actions, illegal dismissal of workers, arbitrary increase in school fees which imposed greater burden on students and parents, the destruction of the houses and shelter of helpless citizens in the society and a general deteriorating living condition for the people arising from the policies of the state.

5.26 Between 1966- May 1999, there were fourteen reported cases of the violation of workers' rights. A few of those violations would be cited. In 1995, Colonel Ahmed Usman, the military Administrator of Oyo state dismissed 68 primary and secondary school teachers in an attempt to break a strike declared by the state's Association of Classroom Teachers. The striking teachers were demanding the payment of the arrears of their salaries and leave bonus for a period of three years and the implementation of increases in emoluments granted by the federal government since October 1994.[15] Between October 1991 and May 1994, there were disagreements between the workers' union of the Nigerian Security Printing and Minting Corporation and the management over the upward review of salaries of workers, a situation which provoked high-handedness by the management leading to the dismissal of 1,000 workers in the corporation, the dissolution of the union of the workers, and the arrest and detention of some workers.[16]

5.27 With regard to the rights to basic education, the minimum core components of that right were not protected. These include right to free and compulsory primary education, adequate and effective provision of secondary and tertiary education, equal enjoyment of and

access to educational facilities, academic freedom and freedom from inhuman treatment in schools. Over the years, successive Nigerian governments, especially military regimes, have largely reprioritized education such that conditions for learning in the schools have, deteriorated. This significantly which has adversely affected the standard of education in the country. In many primary and secondary schools in south western Nigeria, children had to buy and carry their own desks and chairs to school daily, and basic instructional materials like chalk, blackboards, and pencils are hardly available or grossly inadequate. Yet, the level of school enrolment continues to increase.

5.28 Inspite of this harsh learning condition, in many states in south western Nigeria school fees were either introduced or increased at a time when the economic crisis was more excruciating from 1985 to 1999. A few examples will suffice. In 1995 in Oyo state, a N100 levy was imposed on primary school pupils and primary school pupils seeking admission to secondary school were to pay a levy of N1,500. The excuse given was that the state could no longer bear the burden of financing primary and secondary education alone. Also, in Osun State in 1995, the military administrator, Commander Anthony Udofia, announced a fee of N150 per student in all public secondary schools. He claimed that the fee became necessary in order to improve the quality of education as the government can on longer singularly fund education. This fee imposition was quite significant, as the minimum wage at this period was only N250.[17]

5.29 Another instance of socioeconomic rights violation is in the area of housing and shelter. Under military rule, many citizens living in slums were dispossessed of their abode under the pretence that

such structures were either illegal or that the state wanted to undertake reconstruction work in those places. In most cases, the dispossessed was neither resettled by being given alternative accommodation nor were they given compensation for their demolished structures. For example in July 1990, over 300,000 people were forcefully evicted and displaced from Maroko, a sprawling slum community in Lagos by the Lagos state government. Following the forced eviction, many of the victims who could not afford to rent an accommodation in Lagos took refuge in uncompleted buildings, and abandoned government housing projects, while others had to leave for their villages, thereby disrupting their social life including the education of their children. While the Lagos State Government gave a very nebulous excuse for the demolition, that the location was unsafe for habitation and therefore needed to be taken over by the state, the area has since been re-developed and parcelled out to the rich and influential in the society, including retired military officers, civil servants, businessmen and politicians.

VIOLATIONS OF ACADEMIC FREEDOM AND THE STATE OF THE UNIVERSITY

5.30 Tertiary institutions and particularly the university constitute an area which came under siege during military rule. The rights of scholars, both academic staff and students, to associate and exchange ideas, make demands as regards their interests and constituency and air their views and protest on public policy were flagrantly violated by the state or authorities of tertiary institutions, or both in collaboration. The attack by the state on this social category was due to the fact that the group constitutes one of the most vocal and critical voices in the civil society against military rule. At different times, academic staff union, and students' associations were banned,

their leaders arrested, dismissed or rusticated, and policemen placed at the gates of the universities in order to curtail or prevent any demonstration or agitation against the state. The law enforcement agents sometimes display extreme use of force during students' demonstration which in some cases led to students being killed, maimed or injured by those security forces. In virtually all these cases, the students never got justice as most investigation panels instituted by the state to unravel those incidents either do not see the light of the day, in terms of their reports being released or made public, or a verdict of 'not guilty' is passed by those commissions on the state and its agencies in their reports.

5.31 There are several cases in which students have been victims of the high, handedness of the state or its security agencies in tertiary institutions in south western Nigeria. A few of this would suffice. On February 1, 1971 at the University of Ibadan, a student Kunle Adepeju, a student of the Faculty of Agriculture was shot dead by the police inside the University. The conflict arose as a result of demonstration by students over feeding arrangements in one of the halls of residence, Nnamdi Azikwe Hall. Although the students wrote a petition to the Vice Chancellor on this issue insisting that the manageress of the Hall cafeteria should be removed for alleged corruption, inefficiency, poor productivity, and poor public relations, the school authorities appeared to have been insensitive to their demands, a situation which later led to demonstration by the students. To curb the students protest, the Vice Chancellor invited the police, who handled the issue with extreme force using live ammunition against defenceless students. A similar scenario recurred during General Olusegun Obasanjo regime in 1978 when the popular "Ali Most Go" uprising by students was brutally supressed. In that

crisis, students from tertiary institutions in Nigeria were protesting over the hike in the cost of accommodation and feeding by the government. While the students first undertook a boycott of lectures for about one week in April 1978, they later resorted to public demonstrations when the government did not heed their demands. In the process, many students were killed, injured, arrested and detained by the police. One of those who lost their lives was Akintunde Ojo at the University of Lagos.

5.32 The 1978 crisis provided ample opportunity for the state to unleash repression and victimisation against academic staff of universities affected by that crisis. Government alleged that some academic staffers were behind the incitement of the students. Consequently, some lecturers were dismissed from the University of Ibadan by the state. Those dismissed include Drs. Bade Onimode, Wale Adeniran, Ola Oni, Akin Ojo and Omafume Onoge.

5.33 During the Structural Adjustment Programme (SAP) period of the Babangida regime, the Nigerian state was very vicious in its dealings with the students and their organisation, the National Association of Nigerian Students (NANS). The students and their organisation were viewed as one of those restive forces in the civil society that wanted to derail the implementation of the Structural Adjustment Programme of the regime.[18] The fact that SAP adversely affected the educational sector as statutory allocation to tertiary institutions declined in real terms and the galloping rate of inflation in the country negatively affected the students as most of them could not eke out a decent living, forced the students to rise up against SAP. From 1988 to 1991, students' demonstration mostly against the economic policies of the Babangida regime became an annual event. It

is either the protest is directed against increase in prices of petroleum products, the excruciating effects of SAP or the deteriorating condition in the educational sector. At a point, the students began to make explicit political demands insisting that military rule be terminated in the country. The students' organization began to work in tandem with other civil society groups to promote the cause of democracy in the country. The reaction of the state to this action of the students was to unleash repression on them and their organisation. Their organization was banned, their leaders frequently arrested, tortured and detained many of them were rusticated, killed or maimed by the security agencies. Between 1986 and 1994, at least no less than 1,000 students were arrested and detained by the state, while over 600 were rusticated or suspended. The peak of this state repression was in 1992, when Olusegun Maiyegun, the NANS president was arraigned together with some pro-democracy activists before an Abuja magistrate court on charges of treason after being kidnapped and detained for 19 days. Maiyegun's offence, which was classified as treason, was that he was distributing leaflets calling for the return of the country to civil democratic rule.[19]

5.34 The Academic Staff Union of Universities was also a victim of human rights violations by the state as the organisation was banned, salaries of academic staff stopped when they exercise their labour right of a strike action, and their leaders intimidated, harassed and detained.[20] In July 1988, the Academic Staff Union of Universities (ASUU) went on strike over salary matters. The introduction of an Elongated Salary Structure (ESS) by the state in the public service meant that in practical terms the higher pay enjoyed by academic staff over the civil service structure had been undermined without any intention by government to review the salary of academic staff

upwards. This situation compelled the lecturers to go on strike. The response of the government was to proscribe the union, eject lecturers from their quarters, and harass the officials of the union. Some of the union leaders, like its president Dr. Festus Iyayi were illegally dismissed from their jobs. It took a protracted court process before Festus Iyayi regained his position back in the university.

5.35 In 1992 at the Lagos State University, the university authorities illegally dismissed some academic staff and students for their critical views in the management of the school. Those dismissed were mainly union leaders of the academic staff union and the students' association. Both the chairman and secretary of the local branch of ASUU in the university, (Dapo Asaju and O.A.K. Noah were among those illegally dismissed from the university). This situation precipitated a prolonged crisis in the university as the academic staff of the university went on strike enunciating the principle of "sack one, sack all," while the students embarked on incessant demonstration to protest the rustication of their colleagues. The consequence was the closure of the school for about one year. Those demonstrations led to confrontation between the police and the students, as policemen were stationed at the gates of the school. In the fracas, stray bullets killed a student, Kunle Sonowo.

5.36 In all these cases of the violations of rights of staff and students, the government remained quite unrepentant, and virtually all the committees and commissions set up by the government passed a verdict of guilty on the state even in cases where life ammunition was used against the students. In cases in this did not happen, the government white paper on such panels or commissions usually

absolves the government of any blame and sometimes justify the use of firearms against defenceless students.

OBSERVATIONS AND ANALYSIS

5.37 The scope of human rights violations covered by this study is not exhaustive as there are many cases of human rights violations that are not reported, either due to the factors of poverty, ignorance, general apathy, complacency or fear of further reprisals. It is only those cases that caught the public glare through media coverage and reportage or in which the victims cry out that are documented. Even all the documentary sources of human rights violations in south western Nigeria cannot be covered. What has therefore been presented in this report is a sketch of the nature, types, and trends of human rights violations in the region.

5.38 The following are the main features and trends of human rights violations in south western Nigeria between 1966 - May 1999:

1. The level of human rights violations in Nigeria tended to be higher under military regime especially under more vicious and repressive military administrations as witnessed under the Buhari, Babangida and Abacha regimes.

2. Almost all the cases of human rights violations covered by the study involved government agents directly or indirectly.

3. The right to life and respect for human dignity was the most widely violated aspect of human rights in south western Nigeria. For instance out, of a total of 568 cases covered by the study, those that constitute a violation of the right to life and human dignity were 513. The next to it is the social and economic rights including

the right to property (35) followed by violations of press freedom (14), while the violation of political and citizenship rights was 6.

4. Out of the 513 cases of violations of right to life and respect for human dignity, 389 fall into the sub-category of unlawful arrest and detention. There are widespread stories and reports about how the rights of suspects and detainees were flagrantly violated by the police. Particularly disturbing are stories about the violation of the right and dignity of women through allegations of gang- raping of women suspects and torture of detainees. There are even stories, which suggest that men of the underworld might have infiltrated being police units. There are stories of killings and bodies of the dead been disposed off to interested searchers from the underworld. Although the study could not establish the veracity of these stories, however, there is need for serious and systematic investigation to be conducted into such alleged activities of the police force.

5. While the study covered cases of human rights violations in south western Nigeria, it did not cover follow up actions or activities to those violations. It did not unravel the details as to in which cases redress was sought and obtained, and cases, which were not.

RECOMMENDATIONS

5.39 The nature of governance or type of government has a direct relationship with the observance and respect for human rights of the citizens in any political community or society. Governments and regimes that have little or no respect for the rule of law and the constitution of the country are more likely to have less respect for the rights of the citizens. As such, democratic governance in which the participation of the citizens in the political process is elicited and the

rule of law upheld is more likely to respect and protect the rights of citizens than military ones. This has been well explicated in the study of south western Nigeria. This does not mean that democratic regimes do not violate the rights of citizens. However, the possibility of redress is present in a democratic order.

5.40 The following are the recommendations proposed in order to promote a new culture of respect for the rights of the citizens in Nigeria.

1. (a). There is need for systematic, sustained, and multi-faceted approach to promote civic and political education. Indeed, the curricula of Nigeria's educational system from the primary to tertiary level should provide for the teaching of human and citizens' rights.

(b). At the secondary school level, human rights and the constitution of Nigeria should be integrated into the syllabi of subjects like Government, History, and Social Sciences.

(c) There is need for public enlightenment campaign through the media for the purpose of sensitising the public on the issue of human right and in particular their rights as citizens. Established state institutions and departments like the National Orientation Agency, and the Ministry of Information may need to be involved in the campaign.

(d). The institution of Ombudsman should be reactivated so that the people can have an avenue to complain and redress their grievances without having to go through a tedious court process.

2. At the tertiary institutions, multidisciplinary research on human and citizens rights should be encouraged in order to promote greater understanding, knowledge and awareness on those issues.
3. There is need for rebuilding and reorienting national institutions and agencies like the Nigerian police, the state security service etc. to make them people - friendly and serve the interest of society rather than those of the ruling regime or government. There in need to inculcate human rights values in those institutions and for them to appreciate that national security transcends the security of individual regimes. National security imperative should include the security of the people.
4. The National Assembly and the executive should expedite action in ensuring that all obnoxious laws are repealed, and the law reform process in the country is carried out with thoroughness.
5. The state should ensure that victims of human rights violations are recompensed either through public apology or tangible compensation. In cases where state officials were involved and victims lost their lives or suffered heavy loses, detailed investigations should be carried out and the officials involve, if found guilty, should face the full wrath of the law.

CHAPTER SIX

SOUTH-EAST ZONE

INTRODUCTION

6.1 The southeast zone is one of the relatively more homogeneous geo-political zones in Nigeria. It is home to the Igbo (Ibo, Ndigbo), one of the three most populous and dominant ethnic groups in the country – official estimates put the Igbo population at about 13.5 million, but unofficial sources, which are believed to be less politicized, put it at 40 million. Although the five states of the South-East – Abia, Anambra, Ebonyi, Enugu, and Imo – are the main homeland of the Igbo, Igbo subgroups are also found in Delta, Rivers, Akwa Ibom and Cross River states. Historically, the zone was the core of the old Eastern region, which it shared with the ethnic minorities of present-day Akwa-Ibom, Bayelsa, Cross River, and Rivers states. Following the abrogation of the erstwhile regions and the reorganization of the country into 12 states in 1967, the Igbo core of the former Eastern region was restructured into a single unit, the East Central state. It was from this state that the five states that now make up the zone were created: first in 1976, it was split into Anambra and Imo, from which two other states, Abia and Enugu were created in 1991 and, finally, in 1996, Ebonyi state was created.

6.2 By far the single most important event that has shaped political relations between the Igbo and other groups in the country, and which has also had serious and enduring implications for human rights in the zone is the civil war, which was fought between 1967 and 1970. The immediate cause of the war was the attempt by the Igbo-led Eastern region, which declared itself the Republic of Biafra, to secede

from the federation. The war consequently had the southeast as the main battlefield, and was ostensibly fought to keep the country one. Although the federal authorities declared at the end of the war that there was no 'victor' and no 'vanquished', most Igbo believe they were the vanquished, and attribute the problems they have suffered in the country since then, including what is perceived to be systemic marginalization and transmutation from a major group to a minority group, to deliberate efforts to punish them for the 'sins' of the war. Indeed, the war, which was preceded by a pogrom of genocidal proportions against Igbo and Easterners in different parts of the then Northern region, was seen as the height of a history of hatred and persecution against the Igbo.

6.3 It is in terms of the foregoing that the civil war has served as backdrop for analyzing abuses and violations of human rights in the southeast, which are defined as contraventions of relevant human rights statutes, mainly those embodied in the constitution(s) of the Federal Republic of Nigeria, Universal Declaration of Human Rights, the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, and other human rights statutes and conventions to which Nigeria is signatory. The tendency has been to treat most violations, including those of the rights of individuals, as variants of group persecution. The inescapable question this raises is whether the rights of individual Igbos were violated simply because they were Igbo. While the structural discrimination suffered by Ndigbo who live outside their home states (as 'non-indigenes'), as well as the bitter experiences of victims of the pogrom, civil war and (anti-Igbo) riots in the northern parts of the country may suggest that this was the case, they have to be balanced with the deprivations and violations suffered by individual Ndigbo in the southeast and elsewhere as a result of

police brutality, military authoritarianism, and other systemic factors. For example, the unlawful arrest and detention of activist Ndigbo involved in the long-drawn battle against military dictatorship by pro-democracy and human rights movements had little to do with the fact that the activists were Igbo.

6.4 To this extent, and without ruling out the possibility of individual violations being instances of targetted group persecution, human rights violations in the southeast fell into two major categories: violations of individual rights and violations of group rights. The latter basically had to do with equity and justice, and the rights that accrue to Ndigbo as (majority) members of the Nigerian federation, which were violated by what were perceived to be systemic deprivations, neglect, marginalization and discrimination against Ndigbo in the post-civil war power configuration and competition for scarce national resources. The major sources of violations of individual rights, on the other hand, included systemic discrimination against 'non-indigenes' by 'indigenes', prolonged authoritarian military rule, occasioned by repression, excessive use and abuse of power, and lack of respect for human rights by security and law enforcement agencies.

6.5 The remainder of this review report is structured as follows. In the next section, we critically discuss the methodology of the investigations of human rights violations in the South-East zone. This is followed by an analysis of the background and context of violations and then a detailed examination of the causes, nature and categories of gross violations. The final section presents the conclusion and recommendations.

METHODOLOGY OF RESEARCH REPORT

6.6 Dr Arthur Agwuncha Nwankwo was commissioned by the Human Rights Violations Investigation Commission to ascertain or establish the causes, nature and extent of all gross violations of human rights committed in the southeast zone between January 15 1966 and May 28 1999. Dr Nwankwo's investigations and findings are contained in a two-volume report: volume one covers the period between 1966 and 1980, while volume two covers that between 1980 and 1999. The report relies heavily on secondary data on the Igbo and its relations with the rest of Nigeria from colonial records, anthropological accounts by Simon Ottenberg, Daryle Forde and G.I. Jones, extant works on Nigeria's political history, especially those by Alexander Madiebo, and Emma Okocha on the civil war, accounts of contemporary political events in British and Nigerian newspapers and magazines, the Report of the GCM Onyuike Panel of Enquiry into the Massacre of the Ndigbo in Northern Nigeria, 1966, Report of the International Commission of Jurists and the Report of the International Commission on Genocide in Biafra, and annual reports and other publications of the Civil Liberties Organization (CLO), Committee for the Defence of Human Rights (CDHR) and the Constitution Rights Project(CRP). Primary data was obtained from interviews with various categories of Ndigbo, personal accounts of those who witnessed and/or were victims of the 1966 pogrom, civil war, and riots in which the Igbo were major targets, and the qualitative analytical insights of the author, who is himself a notable human rights activist and Ndigbo leader, public affairs commentator, and publisher.

6.7 What is immediately striking about the sources of secondary data employed in the report is the slant in favour of works

by Ndigbo – in fact, with the exception of a few references to works by British journalists and commentators, the publications cited are exclusively by Ndigbo. Although this slant has the obvious advantage of presenting and strengthening a more "authentic" and sympathetic Ndigbo story, as it were, the use of works by other Nigerians and foreign authors would certainly have provided a more rounded picture of the plight of the Ndigbo.

6.8 The other methodological limitation derives from the conception (or misconception) of Ndigbo as a homogeneous group, and the Nigeria-wide context within which the investigations were conducted. These conceptions engender the essentially globalist view of human rights that draws examples of human rights violations heavily from the north and southwest rather than the southeast. Again, while this approach makes it easier to prove systemic discrimination against Ndigbo in Nigeria, it underplays the violations in the Igbo homeland itself, which (from the few cases in the report) suggest that at the level of individual rights at least, Ndigbo are subject to the same threats and violations of human rights as Nigerians elsewhere. A corollary of this is that the report is thin on critical details about the southeast zone. We are, for example, unable to see the specific complexion of human rights problems in the zone and also whatever varieties might exist among its constituent states. Moreover, no consideration is given to sub-group diversity and conflicts, such as that between the north and south, and between the Wawa and others in the old Anambra state in the Second Republic, which gave rise to the allegations and perceptions of marginalization and domination that underlay demands for more states and local government areas in the zone.

BACKGROUND AND CONTEXT OF VIOLATIONS

6.9 The southeast zone, as has already been indicated, is home to the core Igbo of the old Eastern region. The relevant background therefore lies, first, in understanding Ndigbo social formations and the nature and consequences of the relations between Ndigbo and the other groups in Nigeria and, second, in the nature of the emergence of the Nigerian state. Ndigbo have been described as self-confident, aggressive, enterprising and competitive people with a strong commercial bent – the last factor explains the large numbers of Ndigbo traders, artisans, contractors, and so on, found all over the country. Finally, as several anthropological and sociological accounts have it, the Igbo were perhaps the most receptive of all Nigerian groups to socio-cultural change ((Western) education, urbanization, Christianity, labour migration and mobility, etc.) brought about by contact with Western civilization.

6.10 These defining elements of contemporary Igbo social formations had important consequences for their relations with other groups in the country, as we shall see shortly, but two related factors were particularly critical. These were high population densities in Igbo settlements, which gave rise to what is usually referred to as land hunger, on the one hand, and the high level of emigration from Igbo land to other parts of the country, on the other. An elaboration of the latter point has it that Ndigbo are in the habit of making wherever they find themselves home (and expect non-Igbo who settle in Igbo land to do the same), but it is precisely this orientation, in combination with the aggressiveness, enterprise and commercial bent referred to earlier, that often set Ndigbo on collision course with their host communities. For instance, the presence of over 1.5 million Ndigbo 'emigrants', many of who ran successful commercial, medical, educational and

hospitality enterprises, in various parts of the then Northern region was often seen as symbolic of Igbo aggrandizement, and provoked hostility from their hosts. The anti-Igbo sentiments expressed by some members on the floor of the Northern regional House of Assembly between February and March 1964, to the effect that title deeds to land and hotel licences belonging to Ndigbo should be revoked, were instructive. Indeed, such sentiments and hostility were constant remote factors in riots targetted against Ndigbo – the 1945 riots in Jos, 1953 riots in Kano, the 1966 pogrom, and the Bauchi, Kaduna, Zaria and Kano riots of the 1980s and 1990s.

6.11 The other critical background factor had to do with the origins of the Nigerian state and the role of the Igbo as one of the three dominant ethnic groups and first-order claimants to power in the country. As far as Ndigbo are concerned, the state inherited from the British colonizers was flawed not only on the ground that it was imposed, but also that it was designed to privilege the conservative Northern dominant classes as power holders, as evidenced by the alleged manipulation of the 1952 census exercise to give the Northern region the politically decisive population edge (the region had 55.3 per cent of the country's total population), and of the 1959 general elections in favour of the region's political party. The manipulation of population figures, involving the under-counting of Ndigbo and Southern populations, which continued in 1973 and 1991 when fresh census exercises were conducted, amounted to a violation of human rights because (i) groups and persons are thereby reduced to a status of non-existence; and (ii) it constituted the basis for Ndigbo marginalization and partly explains the under-representation of Ndigbo in federal establishments, why the south east continually had the least number of local government units of the 6 geo-political zones,

and why Ndigbo states and localities received relatively low allocations of revenue from the federal government. The Igbo found themselves having to confront these forms of structural lopsidedness and disempowerment in the power game of the post-independence order.

6.12 But Ndigbo had another problem: arising from the championing of the militant strand of nationalism by its more nationally oriented political leadership, they were treated with a great deal of suspicion by the other major groups in the country, especially the dominant classes of the north. As the forces of regionalism triumphed, the ethno-regional leadership in the north and to a lesser extent the west found playing on popular fears of Igbo 'domination' and attacks on Ndigbo (for reasons of the nature of Ndigbo settlements outside the Eastern region referred to earlier) expedient instruments for mobilizing political support. The Western regional government, for instance, published photographs of shops and stores run by Igbo merchants in 1964, which suggested that Igbo 'strangers' had dispossessed Westerners of their rightful resources. It is claimed that the leaders of the other regions even extended this to the ethnic minorities of the Eastern region who were soon polluted with the "gospel of Igbo hatred".

6.13 The foregoing was the background to the various forms of discrimination and malicious attacks in riots suffered by Ndigbo in different parts of the country. However, relations between the Igbo and the Hausa/Fulani-led Northerners especially, deteriorated rapidly following the military coup d'etat of January 15 1966, which overthrew the First Republic. Although the coup was initially welcomed all over the country as reflected in newspaper reports and statements credited to leading politicians in the Northern region (cf. Zana Buka

Dipcharima, leader of the Northern People's Congress) and Western region (cf. Alhaji Dauda Adegbenro, leader of the Action Group), the intelligentsia, traditional rulers, and conservative political and bureaucratic classes in the north, whose political privileges were most directly threatened, seized on the preponderance of Igbo officers in the coup and the fact that most of the politicians and top military officers killed in the coup were from the north to declare it an Ndigbo coup and mobilize the people of the region against the military government headed by General J.T.U. Aguiyi-Ironsi an Igbo.

6.14 The promulgation of Decree 34 of May 1966, which abrogated the federal system and established a unitary system in its place and seemed to confirm northern fears of Igbo "take over" of the federation, provided the alibi the northern conservatives needed to unleash what most Ndigbo believe were long conceived and well orchestrated plans to annihilate them. This began with spontaneous riots in which Ndigbo were the target, and was followed by the so-called Northern counter-coup of July 1966 whose immediate goal was to avenge the killings of Northerners in the January coup, and finally a full-scale pogrom against Ndigbo that lasted till September 1966. Ndigbo and other Easterners were forced to relocate to the safety of the Eastern region. It was the deterioration of this situation, especially the failure of the new federal military government headed by General Yakubu Gowon to halt the massacre of Igbos, that led to the declaration of the sovereign state of Biafra and civil war. As was pointed out earlier on, the civil war marked the critical dividing line in the human rights history of the southeast zone in that the war and its aftermath became the backdrop for discussing human rights issues.

HUMAN RIGHTS VIOLATIONS

6.15 The human rights violations in the southeast zone will be discussed along the lines of the format of the report of the investigations. The report is presented in two volumes, which cover the periods 1966-1980 and 1980-1999. In the first period, the major violations were those involved in the pogrom, the civil war, the issue of abandoned property and pervasive marginalization. Violations in the second period involved aggravated perceptions of marginalization, structural discrimination and gross violations of the rights of individual Ndigbo. We shall discuss each of these in turn.

THE POGROM

6.16 Most Ndigbo regard the pogrom of May-September 1966 as the culmination of a regime of hatred against them by Northerners. To the extent that it involved the annihilation of Ndigbo, the pogrom grossly violated their collective right to existence, freedom and security. The regime of hatred saw the Jos riot (1945) and the Kano riot (1953) in which Ndigbo were the main targets. One of the immediate causes of the pogrom was the so-called Igbo coup of January 1966, which led to the establishment of the military government headed by General Ironsi. The counter-revolutionary opposition to the Igbo and Ironsi's government that ultimately resulted in the counter-coup of July 1966 and the pogrom was mobilized through anti-Igbo sentiments in mosques, New Nigerian, Gaskiya ta fi Kwabo, structures of the defunct NPC, Radio Kaduna, Spotlite, a newsletter edited by Umaru Dikko, and students of Ahmadu Bello University. At least 95 Ndigbo officers and other ranks were killed and hundreds wounded by Northern soldiers in the counter-coup in various military formations, especially in Ikeja, Abeokuta, Ibadan, and Kano. One of those killed was the head of state, General Aguiyi-Ironsi.

6.17 The pogrom on the other hand saw the death of over 100,000 Ndigbo and other Easterners in several Northern cities, notably, kano, Gombe, Katsina, Zaria, Kaduna, Makurdi, etc.[1] Of those that survived, over 2 million fled to the safety of the Eastern region to become displaced persons and refugees, with the federal government refusing to pay the salaries of those amongst them who were civil servants. The bestiality visited on Ndigbo was likened to "the final solution to the Jewish problem". Hotels, shops, residential buildings and churches belonging to Ndigbo were looted, destroyed and set on fire, human heads were chopped off, wombs of pregnant women were ripped open, girls and women were raped, eyes were plucked from their sockets, people were buried alive, and so on.

6.18 Evidence obtained from survivors reinforced the strong view that the pogrom was orchestrated. It was reported that Emirs, village and district heads, and politicians were involved in the planning and execution of the attacks, that the police, especially the Native Authority police, were actively involved, that the plans had the blessing of the British, and that Northerners of the Middle Belt, especially Tiv and Idoma, partook in the massacres. Considering that the pogrom was closely tied to the so-called Igbo coup of January 1966, the question many ordinary Ndigbo are still searching for answers to, is why they were made to suffer for what was clearly a military affair. Why, for instance were the kith and kin of Colonel Buka Dimka who led the unsuccessful coup of February 13 1976 that saw the assassination of General Murtala Mohammed not punished for the "sins" of their officer brother? The only answer they can find is hatred of Ndigbo.

THE CIVIL WAR

6.19 The violation of Ndigbo rights was a defining element of the Nigerian civil war. To begin with, the declaration of the independent Republic of Biafra was forced by the imperative of survival and self-defence in the face of threats of extermination. Then there were the wartime deprivations and sufferings caused by federal blockade, severe food shortages, starvation, and disease. In fact, starvation was officially perpetrated through scorched earth policy and economic blockade – over 1000 Ndigbo are estimated to have died from starvation. But by far the worst cases involved the violations of conventions and rules of war, which were shielded because the federal military government tried as much as possible to keep out international observers from behind battle lines where the atrocities took place. But the atrocities were generally well known, and the International Red Cross was particularly critical of the excesses of federal troops and the reckless contravention of the Geneva Convention. In response to critical international opinion and outcry, the federal government was forced to draw up a code of conduct for soldiers, but this did little to reduce the atrocities.

6.20 The atrocities involved attacks on civilian populations and the horrendous manner in which groups of innocent people were massacred. The horrors that federal troops perpetrated in the liberation of the Mid-West region from the 'rebels' especially in Asaba and Ibusa, as well as the in the 'liberation' of Onitsha, Aba, Ihala town, Ibagua, Lejja, and Okigwe stand out clearly in this regard. For example, an estimated 8000 Ndigbo were killed in the Mid-West, mostly in Asaba and its environs, and over 2000 in Aba. Some of the more dramatic accounts, as recorded by foreign correspondents and survivors, included the following:

- Sadistic execution of men, youth and women who had warmly welcomed federal troops to Asaba with gifts;
- Massacre of 35 members of the Apostolic Church who chose to pray for peace in the church rather than flee Onitsha when federal troops came;
- Killing of defenceless hospital workers and patients at the Joint hospital in Oji river; the killing of over 100 relief workers, missionaries, women and children in Okigwe;
- Bombing raids "like mad" on what federal commanders called "bastard" civilian targets in Arochukwu, Aba and other places;
- "Operation totality" which saw the total destruction of whole villages – human lives, habitation, livestock, farmlands – around Onitsha, Owerri and Nsukka;
- The rape and molestation of women and girls – many were made sex slaves in war camps, and some of those killed had long sticks poked through their external genitals; etc.

6.21 The treatment of Biafran soldiers, especially the cold-blooded murder and execution of prisoners of war, represented another face of the atrocities. Even soldiers who laid down their arms after the formal surrender of Biafria were killed at will by federal troops who were in charge of disarming them, as were scores of civilians. The question is, why were the federal troops so brutal and excessive in a war that the federal military government called a 'war of unity'? Part of the answer is provided by the International Commission on the Investigation of Crimes of Genocide. After extensive research, which included interviews with 1,082 people representing various shades of opinion in the Nigerian crisis, the commission's chief investigator concluded that, "the hatred of the Biafrans and a wish to exterminate them was a foremost motivational factor". This was

consistent with the Ndigbo belief that hostility toward them by many groups in the country is borne out of deep-seated hatred.

ABANDONED PROPERTIES

6.22 The problem of abandoned properties was one of the major fall-outs of the civil war. It had to do with the properties Ndigbo left behind when the war forced them to flee to the Igbo core of the Eastern region. The problem was most pronounced in Port-Harcourt, which was practically an Igbo city before the civil war, and Calabar and other parts of the then South-East state. In both places, members of the minority groups – who appeared to have found an opportunity to finally liberate themselves from "Igbo domination" – were allegedly instigated by the state governments and federal authorities to take possession of Ndigbo property. Those that showed up to reclaim their property were either brutally assaulted or killed. This was how Ndigbo lost property – buildings, undeveloped plots of land and petrol stations – worth 56 million Naira in the 1970s in Port-Harcourt. In the South Eastern state, property lost included 1371 houses, 219 undeveloped plots of land, 22 hotels, 55 items of plant and machinery, and 545 farms and plantations. One fairly peculiar case was that of the Ikwere-Aro-Ikwere, an Igbo sub-group in Rivers state, whose members were practically forced to live in refugee camps after their houses and other properties in Aluu, Agwa, Ozuiba and other homeland settlements were utterly destroyed.

6.23 Entreaties made to the federal government to deliver Ndigbo from these acts of grave injustice and deprivation failed to change the situation. This was in spite of favourable recommendations by panels set up to review the issue (the panel headed by Col. S.F. Daramola for instance recommended the rehabilitation of dispossessed

Ndigbo), and a Supreme Court ruling that declared a Rivers state edict authorizing take-over of abandoned properties unconstitutional. What the federal government offered in the name of "appeasement" was a far cry from what Ndigbo demanded. It authorized the compulsory acquisition of Ndigbo property in Rivers and South Eastern states, the payment of arrears on confiscated buildings for the period 1970-75 on the basis of a flat rate of 500 Naira per year, and the sale of landed properties not acquired by the federal or state governments to indigenes of the states on the payment of "fair" prices to original owners.

MARGINALIZATION

6.24 Ndigbo feel that since the civil war, there has been a deliberate attempt by the federal government, which has been led and controlled by the Hausa/Fulani and Yoruba, to marginalize and disempower them simply because they lost the war. This marginalization is said to be real, not imaginary or "Bermuda mentality", and manifested in six crucial spheres or sectors – politics, economy, military, education, media and bureaucracy. The emergence of an omnipotent central government, which virtually destroyed Nigeria's federalism, facilitated the allegation of marginalization. The defining elements of war-induced marginalization included the following.

- The insincerity and failure of the programme of rehabilitation, reconstruction and reconciliation declared by the federal military government to ensure the accelerated re-integration of Ndigbo. Offers by countries, humanitarian organizations, foreign missions and church organizations to assist in the programme were turned down ostensibly because they had supported Biafra. The result was neglect of destroyed and run down infrastructure – roads, schools,

health centers, communication infrastructure, etc – especially as the administration of Ukpabi Asika in the then East Central state was allegedly starved of funds.

- The disadvantaging of Ndigbo in revenue allocation through the assignment of greater weight to the criteria of population and equality in 1970, and the corresponding diminution of the weight previously assigned to the principle of derivation which Ndigbo believe was done to prevent them from enjoying the full benefit of the large oil deposits located in the old Eastern region. To support this view, it is pointed out that derivation was only restored in the 1990s after the south eastern states had been excluded from the category of oil-producing states.
- Unjust punishment and discrimination against Ndigbo. Decree no 16 of 1970 denied reinstatement or re-absorption of Igbo officers into the armed forces, police and prisons. This was very injurious as it not only denied Ndigbo who were in desperate need of re-settlement the critical source of livelihood but also created a deficit of Igbo officers in later years, thereby reinforcing the group's marginalization in appointments under military rule.
- In the political sphere, a coalition of Northern and South Western ethnic nationalities dominated the federal government and its agencies, to the virtual exclusion of Ndigbo. The ethno-geographical spread of incumbents of the position of head of state and other top political offices (military governors, ministers, membership of the Supreme Military Council/Armed Forces Ruling Council, the highest organs of government under the military) after the civil war clearly showed dominance by the Jawara, Angas, Hausa/Fulani, Gwari, Kanuri, and Western ethnic nationalities.
- In the economic sector, the compulsory closure of Ndigbo bank accounts, and the paltry flat sum of 20 pounds given to all previous

account holders, as well as the ban in 1971 of the importation of secondhand clothing and stockfish, which were the main commodities for Igbo traders, made re-entry of Ndigbo into the national economy very difficult. This was especially because the process of indigenizing the economy through the sale and transfer of key enterprises to Nigerians was initiated in 1972, only two years after the war, and at a time Ndigbo lacked the wherewithal to compete with members of other groups for control of the economy and industrial sector. Ndigbo were also systematically excluded from employment and participation in important government economic agencies established shortly after the war, namely, the Nigerian Agricultural Bank (1971), Nigerian Standards Organization (1971), Nigerian National Petroleum Corporation (1971), and Nigerian Bank for Commerce and Industry (1973).

- Educational institutions destroyed during the war were not reconstructed or rehabilitated, with the result that school children had to take classes under trees in some cases. The same deliberate attempt to strangulation Ndigbo educational enterprise also led to the neglect of wartime science and technology feats recorded by Biafra – the famous Biafran Directorate of Research was taken over by the federal government and promptly strangulated. The failure to site one of the six federal polytechnics created between 1976 and 1979 in Igbo land was also seen as a continuation of the strangulation strategy.
- The creation of more states and localities as well as boundary adjustments that accompanied them were also used to perpetuate the structural basis of Igbo marginalization. The South East zone continually lagged behind the other major ethnic groups in the number of states and local governments. For example, in the 1976 exercise that increased the number of states in the federation to 19,

there were only 2 Ndigbo states in comparison to the Hausa/Fulani and Yoruba who had five each. With states serving as distribution outlets for allocating federal resources, the disadvantage suffered by the Igbo can be well imagined. Ndigbo further allege that the process of boundary adjustment was used to transfer oil-rich parts of Igbo land – such as the Ndoni/Egbema and parts of Ndoki south of the Imo river, which is said to harbour the highest oil deposits in the country – to Rivers, Cross River and Akwa Ibom states.

- Igbo marginalization was by far mostly clearly seen in the distribution of key federal projects whose locations were expected to follow the principle of balance. All the 5 steel rolling mills in the country were located in the north and west; the South East was the only zone without a functioning electricity plant as the Oji river thermal station was abandoned; and the zone was also left out of the oil industry in spite of oil being found before the civil war in Nsukka by SAFRAP, a federal government oil company, and that Ugwuoba is said to have the largest reserve of natural gas in the country.

AGGRAVATED MARGINALIZATION

6.25 The marginalization of Ndigbo got even more pronounced in the period after 1980, for basically the same reasons highlighted above: the disadvantage in the number of Ndigbo states and local government areas, the dearth of Ndigbo officers in the armed forces, police and security agencies following the mass purge at the end of the civil war, and what many Ndigbo considered to be hatred and persecution by most other Nigerians. In terms of the first three factors, the attempts made by the federal authorities to redress Ndigbo disadvantage and structural marginalization did little to change things. Thus, although the number of states in the South East was

increased to five in 1996, this was still lower than the number of states in the other majority zones. Also, the short-lived appointments of Igbo officers as Chief of General Staff and Chief of Naval Staff were considered too tokenist to obviate the dearth and marginalization of top Igbo officers in the military, police, security, bureaucracy, parastatals, and other key institutions.

6.26 The Second Republic, which held much hope for Ndigbo because of the relative seriousness with which President Shehu Shagari sought to apply the federal character principle and balance the interests of all groups, was unfortunately overthrown. Similarly, the hope for change under the presidency of Chief MKO Abiola for who Ndigbo voted massively (65 per cent) was also aborted by the annulment of the June 12 presidential election. The key indicators and processes of marginalization included the following.

- The under-representation of Ndigbo in important federal establishments and their exclusion from headship – chief executive of NEPA, Governor of Central Bank (Paul Ogwuma broke the chain of exclusion by serving as Governor between 1993 and 1999), minister of defence, which was virtually monopolized by Northerners, secretary to federal government, chief executive of Nigerian Security and Minting Company, chief of army staff, Inspector-General of Police, head of Customs and Excise, minister of FCT, minister of internal affairs, etc. Under the administration of General Sani Abacha especially, most important offices in the federal government were occupied by Northerners. The marginalization continued under the civilian administration of Chief Olusegun Obasanjo, as the south-east had the lowest number of ministers of cabinet rank and ministers of state among all the zones in the federal executive.

- Discriminatory practices against Ndigbo who live in states outside the south east and, as 'non-indigenes', pay different taxes and fees from the 'indigenes' of those states, and are excluded from enjoyment of the privileges provided by the state. This is despite the fact that the large numbers of Ndigbo in these states have swollen the populations and revenues of the host states. The worst situation has been in the northern states where Ndigbo feel they are less protected by the law than any other group in the country. The Islamization of many of these states, occasioned by the introduction of the sharia legal system has been a major factor in this regard. In addition to denying non-Muslim Ndigbo the right to freedom of worship and association, Islamization has provided the justification for the so-called religious riots – notably the Kano riots of the 1980s and 1990s, Bauchi in 1991, Kaduna and Zaria in the 1980s and 1990s – in which thousands of Ndigbo were killed, thousands more lost huge investments and property (hotels, churches, trading stores were particularly targeted), and several victims were turned into refugees and displaced persons. One of the most horrifying specters of these riots was the case of Mr. Gideon Akaluka, who was abducted from police custody, killed, and his severed head was paraded around the streets of Kano for what was alleged to be desecration of Islam.
- The criminal neglect and non-maintenance of federal roads in the south east, notably the Onitsha-Nnewi-Owerri road, Okigwe-Isikwuato-Arochukwu road, Oji river-Awgu-Okigwe road and Aba-Owerri-Nekede road. Other forms of economic discrimination and deprivation included
    (i) The inequitable allocation of projects to the south east by the Petroleum Trust Fund (PTF), which allocated

twice as much of the Fund's projects – roads, education, health, food, water supply and so on – to states in the north western zone (Jigawa, Kaduna, Kano, Katsina, Kebbi, Sokoto and Zamfara), than it did to the Ndigbo states. In the area of road rehabilitation, which was one of the PTF's key projects, only 5.06 per cent of the roads rehabilitated was in the south east. The actual figures tell the whole story: while south east states had a total of 877.9 kms of road, zone 4 had 4699.44 kms, zone 3, 5020 kms, and zone 5 had 4551 kms. Yet, when the PTF was liquidated, the states of the south east were required along with others states to offset the huge debt of 25 billion Naira accumulated by the fund.

(ii) Continued abandonment of the Oji river thermal station and the Enugu coal mine; denial of petrochemical and iron and steel industries to the south east, despite satisfying the raw material, market, transport, and other requirements for their operation; and the non-location of any of the operational 91 federal industrial projects in Igbo land;

(iii) The refusal of the federal government to assist in the rehabilitation of the burnt Onitsha market, which is reputedly the largest in West Africa, at a time when 1.6 billion Naira was given to the Kaduna international trade fair project. Similarly, the federal government committed huge sums to the desertification, locust control and flood relief projects in the north, but failed to address the chronic erosion problems of the south east;

(iv) The failure of the federal government to dredge the river Niger, build a second bridge and an inland port over the river to actualize the vast industrial potential of the Onitsha-Nnewi-Aba axis. This was part of the regime of strangulation of Igbo development.

VIOLATIONS OF RIGHTS OF INDIVIDUAL NDIGBO

6.27 The main violations here involved the right to life and fair hearing as well as unlawful arrest and detention. The police was the main culprit in these violations, using power excessively and recklessly to arrest, detain and engage in extra-judicial killings and criminal acts. In one of the most sensational cases mentioned in the two-volume report, a robbery victim, Mr. George Mgbor of Enugu, found that the policeman at the station where he went to report the incident, was actually one of those that robbed him! The complicity of the police cannot therefore be overemphasized. But the milieu of authoritarian military rule provided the anchor for these abuses, as it was the source of the enabling draconian decrees under which opponents of the regime(s) were detained. It is not surprising therefore that violations of individual rights are catalogued in the second volume of the report on the south east, which covers the high points of ultra-authoritarian rule by the military.

6.28 Indeed, a significant number of Ndigbo whose rights were violated either belonged to pro-democracy and human rights organizations that were in the forefront of the long-drawn struggle to oust military rule, or were involved in action that was calculated to thwart military takeover. To the latter category belonged Senators Polycarp Nwite, Okoroafor Amadi and four others who were arrested and detained for issuing a statement signed by then Senate President

asking senators to reconvene apparently to oppose the takeover of government by General Sani Abacha. Senator Nwite was subsequently arraigned on a trumped up charge of plotting to blow up the NNPC depot at Ejigbo. In the category of pro-democracy activists were Olisa Agbakoba of CLO, Arthur Nwankwo of NADECO and Udenta O. Udenta of Eastern Mandate Union (EMU).

6.29 Although most of the violations of the rights of individual Ndigbo cited in the report took place outside the southeast, notably in Lagos and the north, it would not be entirely correct to regard them as suggesting the targeting of Ndigbo[2]. This is because, with a few exceptions that had to do with religious and ethnic discrimination, the few abuses cited from the southeast were not qualitatively different from those suffered by Ndigbo outside the zone. So, in classifying and highlighting the various violations suffered by Ndigbo, nothing is made of where they occurred. The abuses and violations are catalogued according to the following categories.

ILLEGAL ARRESTS AND UNLAWFUL DETENTION

6.30 This was by far the most widespread of the violations, though most of the cases reported had political undertones. They were perpetrated by police and security agents of the unpopular military governments, using decree no 2 and other obnoxious legal instruments authored by the governments, to suppress opposition. Examples included the following:

- Arrest and detention in Lagos of Olisa Agbakoba, Chima Ubani, Franklin Ihedoro and their associates in the Civil Liberties Organization, Campaign for Democracy and Constitutional Rights Project at several times over their anti-military and pro-democracy activities – Franklin Ihedoro, for instance, was

arrested for attempting to post a complaint to the African Human Rights Commission against the trial, conviction and sentencing to death of Ken Saro-Wiwa and 8 other Ogoni minority rights activists;

- Arrest, detention, trial and conviction of three Ndigbo journalists, Chris Anyanwu of TSM magazine, George Mba of Tell magazine, and Ben Obi of Classique magazine, for being accessories to the fact of treason following the alleged coup of 1995. They were tried without proper legal representation, and sentenced to life imprisonment, which was later commuted to 15 years imprisonment. The curious thing about the case is that the stories of the coup they were supposed to have known were denied by government when they were first published;
- Arrest and detention of Arthur Nwankwo of NADECO and Udenta Udenta of EMU along with several other anti-military activists in June 1998;
- Arrest and detention of Joshua Ogbonna, publisher of The Rising Sun in Lagos on the orders of a police officer apparently over 'damaging' publications on Chief Kanu and his son Daniel, who were avowed supporters of the Abacha administration;
- Arrest and detention for several days at the Oguta police station of two journalists, Chidi Nwaokpara and Douglas Njoku, for "espionage" following their visit to an oil flow station in 1998;
- Arrest, detention and subsequent arraignment of Charles Okoro, a newspaper vendor in Lagos, and two civil servants for reading offensive news item in The News magazine at the height of the tension over annulment of the June 1993 presidential election – interestingly, their Hausa friends who were reading with them were not arrested;

- Arrest and detention of Chris Okolie, editor-in-chief of Newbreed magazine, and four others for publishing falsehood, whereas no action was taken against the Hotline, a northern magazine, which published a similar story.

6.31 *Police/Military Brutality and Killings* The cases here were of three types: (i) killings by military and police patrol teams who terrorized ordinary people with excessive use of arbitrary power; (ii) extra-judicial killings (or so-called unexplained deaths) of detainees in police custody; and (iii) disappearances from police custody. Type (i) cases included the following:

- The killing of Peter Ekuensi by an army patrol team from the 302 field artillery brigade in Onitsha for no clear reason;
- Okezie Amaube, publisher of Newsservice magazine was shot dead by members of the Operation Vigilance team in Enugu, who claimed to have mistaken him for a printer they were trying to arrest;
- Obinna Isaac Okeh, a revenue collector with the Isiala local government council was shot and killed by police of the anti-crime patrol team, who later declared him an armed robber;
- Godfrey Chukwu, a newspaper vendor in Lagos, was killed by a shot from men of the Operation Sweep anti-crime team who were trying to effect the arrest of a fleeing bus driver;
- The 'accidental' killing of young Miss Ogechi Udensi by a police orderly attached to the resident electoral commissioner in Delta state in January 1997 and the subsequent attempts at a cover up by both the police and the commissioner.

Examples of Type (ii) cases included

- The death from torture in police custody of Uzoma Eneregbu, a professional driver, who was arrested for the theft of a bus and

was branded an armed robber – his brother who tried to bail him before he died was also detained for 4 days for "inquiring after an armed robber";

- Richard Akunama, security man with a construction firm in Lagos, who was arrested and detained by the special anti-robbery squad of the police over a robbery case in the construction firm died from torture meted on him to extract confessional statement. His corpse was subsequently dumped in the mortuary as that of an armed robber;
- Chike Emenyi died in detention at Makinde police station in Lagos where he was detained along with 4 others;
- Japhet Eze who lost his duty vehicle to armed robbers and was locked up by police who detained him for "ambiguous statement" in May 1991. He died in detention, and autopsy showed torture as cause of death.Makinde police station

  Finally, the following exemplified Type (iii) cases involving disappearances from police custody

- Mr Peter Nwoko was arrested and detained at the Ikeja police station on his way to work in May 1991. All efforts to locate him after two months by his wife and the CLO were to no avail, and though the police admitted in court that they detained, they could not account for his whereabout.

EXTORTION

6.32 The cases here included that of a farmer who was unlawfully detained by a police sergeant who failed in his bid to extort 5000 Naira from him. The sergeant was arrested when the commissioner of police was petitioned. In another case, an Igbo club proprietor in Lagos alleged that about 100 people in his neighbourhood were arrested and asked to pay a fee of 1000 Naira

each to be freed, and that men of the Operation Sweep anti-crime squad raided his nightclub several nights for the purpose of extortion. In some cases, cases of extortion were fatal. This was the case in the killing of Fidelia Oguonu, a widow. She died from gunshots fired by a police constable at a checkpoint at the Oba junction in Anambra state, following disagreements with the driver of the vehicle in which she was travelling over extortion.

LABOUR-RELATED VIOLATIONS

6.33 The catalogue of violations in this category emanated from overzealousness and excessive (ab)use of power by government and chief executives. Dr Chris Egueke was sacked as General Manager of the Delta state Broadcasting Corporation over anti-government broadcast by students of Delta State University who forced their way into the studios of the broadcasting station. In 1997, the military administrator of Enugu state dismissed all 32 law officers of the state's ministry of justice who were on strike to back up their demand for better conditions of service and harmonization with federal law officers. Finally, at the University of Nigeria, Nsukka, the sole administrator appointed by the military administration of General Sani Abacha, Professor Gomwalk, was accused of harassing and persecuting academic staff that opposed him. This was the background to the termination of the appointments of some activist academics following the ASUU crisis of 1996. The following year, 17 academics, including some of those already sacked, were implicated in the violent protests against Professor Gomwalk by students, and subsequently arraigned for various offences, including arson, and production and circulation of seditious publications.

CONCLUSION AND RECOMMENDATIONS

6.34 The key to unraveling the nature and import of human rights violations in the southeast zone in the period 1966-1999 lies in the pervasive feelings of Ndigbo that they were hated and persecuted, and that beginning from the end of the civil war in 1970, they were being punished through marginalization and discrimination for the sins of the civil war. Two factors served to aggravate these feelings. First was prolonged rule by unaccountable and authoritarian military governments. The Igbo fared very badly under the military because of the massive purge of Ndigbo officers and men from the armed forces, police and security agencies at the end of the civil war.

6.35 The second factor was the destruction of the country's federal system and the emergence of an omnipotent central government. This development was conducive to the regime of systemic deprivation and marginalization against the Ndigbo. It is in this regard that the distinction made in the report by Dr Nwankwo between marginalization, which is the deliberate disempowerment of a group of people in the federation by the group(s) in control of state power and marginality which refers to a state of being backward due to the group's own fault, is very useful. Ndigbo marginalization is then attributed to the machinations of the Hausa/Fulani and Westerners to exclude and peripheralize the Igbo.

6.36 Given this background, it becomes fairly obvious that democracy, (true) federalism in which the awesome allocative powers of the central government are drastically reduced, and intensified tolerance and national reconciliation are sine qua non for redeeming the rights of Ndigbo. In the immediate short run, efforts have to be made to redress the imbalances that suggest deliberate neglect and

marginalization on the part of the federal government. Roads and other infrastructure, and the seeming helplessness of the police and security agencies in protecting Ndigbo from malicious attacks in so-called religious and ethnic riots in other parts of the country have to be urgently addressed. The systemic discrimination against so-called non-indigenes and their exclusion from full citizenship, which has adversely affected the Igbo who have nearly 50 per cent of their people in 'Diaspora' has also to be urgently addressed. Finally there has to be a vigorous programme of human rights education and awareness campaign for the police, military and security forces on the one hand, and the politicians, office power holders and the masses of ordinary people on the other.

END NOTES

1. The killings of Ndigbo were not however restricted to the North. It was alleged, for example, that Bini and other non-Igbo military officers organized attacks on Western and Ika Ndigbo. Similar incidents were reported in the Western region.

2. It is difficult to prove that in two of the cases cited, the people concerned were deprived of their rights because they were Ndigbo.

6.37 First was the case of Jennifer Madike who was detained along with her cousin, Doris Obi, on drug-related offences. She claimed to have an affair with Fidelis Oyakhilome, head of the National Drug Law Enforcement Agency, and it was widely believed that Oyakhilome himself was involved in the offences for which she was detained. To cite the non-trial of Oyakhilome as evidence of targeting Ndigbo is obviously an exaggeration. The other case was that of Alozie Ogugbuaja a police officer who was given "punishment postings" ,

suspended and finally dismissed from the police force for his outspoken and radical views on the police, military government and national politics. It is hard to see that he was dismissed because he was Ndigbo, as his treatment was fairly consistent with that of other radicals in the police and armed forces.

CHAPTER SEVEN

HUMAN RIGHTS VIOLATIONS IN NIGERIAN PRISONS

INTRODUCTION

7.1 This chapter will highlight the gross human rights violations which occur in prison or which are related to prisoners in Nigeria. Attempt will be made to address the causes, nature and extent of the violations. In addition, emphasis will be placed on highlighting recommendations for reform to ensure the redress of past and present injustices and prevent future violations in this regard.

7.2 The chapter is divided into the following sections:

- Background information on the History, Functions and Administrative Structures of the Nigeria Prison Service;
- Critical problems and issues relating to human rights violations; and
- Recommendations and Conclusions.

7.3 In carrying out the above, we will rely on the submissions made before the Commission by the Nigeria Prison Service and by Non Goveernmental Organisations (NGOs).

BACKGROUND INFORMATION ON THE HISTORY, FUNCTIONS AND ADMINISTRATIVE STRUCTURE OF THE NIGERIA PRISON SERVICE

BRIEF HISTORICAL PERSPECTIVE

7.4 The Nigerian legal system is based on the English model. Prior to colonisation, the communities within the region now known as Nigeria administered a justice system that was primarily based on a tripartite model (i.e., involving the community, victim and offender in the negotiation of justice and its administration). Prisons were non-existent. The community (and in the non-feudal societies, the community age grades) were actively involved in ensuring peace/security, as well as law enforcement.

7.5 The prisons service in Nigeria predates the independence and, indeed, the founding of the Nigerian nation. Although the year 1873 marked the formal beginning of the organisation of a modern prison service in Nigeria under the colonial dispensation, Prison and its administrative and physical structure(s) were not unknown in the pre-colonial social formation in the area now known as Nigeria. In 1872, the first prison in Nigeria was established at Broad Street, Lagos. By 1910 there were prisons in Ibadan, Degema, Onitsha, Calabar, etc., – all administered under the colonial prison administration. But as a result of Indirect Rule, and given the fact that there were developed prison institutions in the north (and to some extent in the west of the country), the colonial authorities were content to allow the prisons in these areas to function under supervision. The Native Authority (NA) prisons (as they were referred to) were allowed to function alongside the colonial prisons with some measure of supervision by the latter. This was the dual state of the entire prisons system until 1968 when the prison services in Nigeria were unified under one administration. With the amalgamation of the Northern and Southern Protectorates by Lord Lugard in 1914, the Prison Ordinance of 1916 and Prison Regulations of 1917 were promulgated.

The ordinance gave extensive powers to the Governor to establish and regulate prison administration throughout Nigeria. It also gave powers to the governor to appoint a Director of Prisons and other officers to manage prisons.3 However, there was no uniformity in prison administration because of the difference in the mode of governance in the then Northern and Southern Nigeria. In the north, the Native Authorities under the supervision of the Chief Warder or 'Yari' managed prisons; while in the south, there were three categories of prisons. Thus, these were Provincial Prison;[1] Divisional Prison and Convict Prison, which were established for those serving sentences above two years.

7.6 Although many ordinances and orders were made by government to regulate prison administration between 1920 and 1960, it was in 1966 that the Federal Government made moves for unification of prisons throughout the federation. With the Gobir Report on unification of prisons, the Federal and Native Authority prisons were unified on April 1, 1968. Subsequent reorganizations in prison activities led to the promulgation of Prison Decree No. 9 of 1972.

7.7 To ensure a better functional delivery system, and in keeping with its status as an important security agency, government in 1992 removed the prisons from the civil service structure.[2]

NIGERIAN PRISON SERVICE FUNCTIONS/OBJECTIVES

7.8 The main functions of the Prison include:

- To keep safe custody of persons legally interned;

[3] *See order 60 of 1922.*

[2] See Federal Government Circular B.63755/11/8311 of 7/10/93 and compare Regulations 5 and 6 of the Draft Prisons Regulations.

- To identify the causes of their anti-social behaviour, treat and reform them to become law-abiding citizens of a free society;
- To train them towards their rehabilitation on discharge;
- To generate revenue for government through prison farms and industries.[3]

7.9 In 1997, the Prison Service, in describing its functions/objectives, stated that they are the 'confinement, reformation and rehabilitation of persons legally interned under internationally accepted standards". In addition, it stated that the other targets of the service are:[4]

- Ensuring the recruitment, training and proper deployment of the right calibre of persons into the Service to improve service standards, efficiency, and productivity through the Directorate of Administration, Personnel Management and Training.
- Enhancing a more coordinated health and welfare programmes in the prisons and planning, executing and monitoring projects and maintaining the existing structures of the Nigeria Prisons Service through the works and Logistics Directorate.

ADMINISTRATIVE STRUCTURE OF THE NIGERIAN PRISON SERVICE

7.10 The prison service has six – directorates and these are: Operations; Administration, Personnel Management and Training; Finance and Supplies; Inmate Training and Productivity; Medical and Welfare Services; and Works and Logistics.

[4] See Federal Ministry of Internal Affairs 1997 Annual Report at page 26.

7.11 A Deputy Controller-General of Prisons (DCG) heads each of this Directorate.

7.12 At the apex of the prison organisational structure is the Controller-General of Prisons (CGP). He is the chief executive of the Service and is responsible for the formation and the implementation of approval penal policies. He is answerable to the President of Nigeria through the Minister of Internal Affairs. There are eight (8) administrative zones into which the prisons in the states are grouped for proper coordination and supervision. Each Zonal Command is headed by an Assistant Controller-General (ACG) of Prisons, whose responsibility is to coordinate and supervise the activities of the State Commands in the Zone. There are 36 Prison State commands in the 36 States of the federation. The Federal Capital Territory in, addition, is also treated as a Command. Controllers of Prisons (CP) head all these Commands. The Controllers of Prisons supervise the activities of the prison formations in their respective states, and are answerable to the Controller-General of Prisons through the Zonal Coordinators. Below the State Controllers are the individual prison formations that must report to their State Controllers and are supervised by the latter.

CRITICAL PROBLEMS AND ISSUES RELATING TO HUMAN RIGHTS VIOLATIONS IN PRISON

7.13 There are two pertinent issues to reflect on in this regard:

- To what extent is the administrative structure and operations of the Nigeria Prison Service able to effectively meet its stated functions?

- What human rights abuses occur in prisons and under what circumstances.

7.14 In addressing the issue of human rights violations, the Nigeria Prison Service submission to the HRVIC stated that:

> *The large concentration of offenders in the nation's prisons and their status in relationship to the state make incidence of abuse possible. The level of attention that hitherto has been accorded the Prison Service in Nigeria in reality has served to facilitate the violation of certain rights of prisoners.*[5]

7.15 In the submission of the Nigeria Prison Service to the HRVIC there are two main sources of human rights violations, namely: Violations arising from prison congestion, inadequate facilities and delay in the justice process; and violations arising from overbearing state policy and state officials, especially during the Military regimes.

7.16 Below are some of the observed critical problem areas and issues:

DEATHS IN CUSTODY

7.17 The rate of deaths in prison custody is high. Also, there is no proper recording and inquest procedure for documenting and investigating all cases of deaths in prison custody. Where records exist, such records are often incomplete (PRAWA, 1998). For example, the official records of deaths in prison custody for 1984, 1985, 1986 and 1988 came to a total of 4,315. Out of this number, 3,117 were classified as "natural deaths," death by firing squad accounted for

[5] Overview of Human Rights Violations and Professional Hazards in Nigeria Prison Service (Being A Written Presentation of the Nigeria Prison Service At the Special Public Hearing of the HRVIC) Held on October 5, 2001 at the Women Development Centre, Abuja.

927, while death by hanging was 262. See the Table below for more information.

7.18 Table 1: Number of officially recorded deaths in Nigerian prisons and methods in which deaths occurred from 1980 – 1988

METHOD OF DEATH	1980	1981	1982	1983	1984	1985	1986	1987	1988
"NATURAL DEATHS"	115	NA	146	205	381	501	620	NA	1615
BY FIRING SQUAD	4	NA	NA	NA	232	255	233	NA	207
BY HANGING	4	NA	11	6	123	46	42	NA	51
TOTAL	123	NA	160	212	740	804	896	NA	1875

Computation derived from: Nigerian Prison Service Annual Report (1980-86), Federal Office of Statistics Annual Abstract of Statistics (1981, 1985-87).

7.19 It is surprising that all deaths not by an execution order are classified as "Natural Causes" as reflected in the Table above. There is no clear evidence on the circumstances of these deaths; neither is there a system for an independent inquest to be commission on such deaths.

7.20 It has also been observed that these records are not exhaustive. For instance, in Ikoyi prison, Lagos, between January – June 1988, there were 54 deaths. A period of just six months and for just one prison out of the over 135 prison and 79 lock-ups across the

country, as at then. The same prison recorded 78 deaths between January and September 1989. In Warri prison, between January 1989 and April 1990, there were 90 deaths. At the Maximum Security prison Kirikiri Lagos, there were 49 recorded deaths from January – December 1989. A rough estimate can be derived from these figures to the effect that about 217 deaths were recorded in just three prisons for a period of one year. Warri prison's average daily population (ADP) as at April 1990 was 1,200. Thus, with 90 deaths, about 7.5% of the Warri prison total population died in custody for that year. Further analysis indicated that the rate of deaths in prison custody in Nigeria constitute about 18.1% of the total prison population.[6] A trend analysis of the deaths which occurred in three prisons indicate that the following:

(a) The greatest number of deaths occur during rainy season with worse hit months being May - August (a period notable for rain falls, increased farming activities and high cost of feeding); and

(b) Fluctuations marked with 5-day interval high and low peaks with respect with the frequency of deaths. This evidence, therefore, suggests that institutional administrative factors such as overcrowding, damp cells, poor feeding, poor staff response to health hazards/ epidemics etc.

7.21 The majority of the deaths in prison custody occur amongst awaiting trial / remand prisoners. The figure for deaths that occurred in Agbor, Oko, Auchi, Ikoyi and Warri prisons for the period under study indicate that remand and awaiting trial prisoners

[6] Agomoh, U.R. (1998), 'Deaths in Custody: A Case Study of Nigerian Prisons', in Liebling A (Eds.) Deaths in Custody: An International Perspective, Institute for the Study and Treatment of Delinquency (ISTD), London, and UK.
See also, PRAWA (1998b) Dying in Custody (Penal Reform Educational Series, Issue III) PRAWA: Lagos.

represented 83.9% of all the deaths. Sometimes this figure can be as high as 100% as shown in the case of Ikoyi prison between 1 January and 22 April, 1998.[7]

7.22 Perhaps some explanations for the high death rate in prison custody can be seen in the submission of the Nigeria Prison Service to the Commission where it stated that:

> *"With the high incidence of prison congestion and the inadequate cell accommodation, the requirement of health and hygienic environment have been difficult to maintain in our prisons. There are incidences of frequent outbreak of communicable diseases such as scabies, tuberculosis among others in our nation's prisons. Added to this, not all the prisons have ambulances. This makes the transportation of prisoners who are critically ill to hospitals difficult."*[8]

7.23 The submission stated further that:

> ... under the conditions of chronic, prison congestion, perennial neglect of the service and delays in justice delivery, certain basic rights of prisoners are violated. The rights to life and integrity of the person, to health and respect for human dignity are largely un-guaranteed.[9]

TORTURE

7.24 There is evidence of physical and psychological torture of inmates. Study have shown that 90% of the ex-prisoners study report that while they were in prison they personally experienced physical

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[7] Odinkalu, A. C. and Ehonwa, L. (1991), Behind the Wall, CLO: Lagos
(Updated by Ehonwa L., 1998); Agomoh, U. R. (1996), Decongesting the Nigerian Prisons and Police Cells: Strategies for Decongesting the Remand Population, PRAWA: Lagos; PRAWA (1998), Agenda for Penal Reform in Nigeria, PRAWA: Lagos

[8] See Page 3 of the Nigeria Prison Service Submission to the HRVIC.

[9] See Page 4 of the Nigeria Prison Service Submission to the HRVIC.

torture in custody. Also, all the ex-prisoners mentioned that they experienced psychological torture while in custody. A high proportion of the physical torture was reported to occur also in police cells .[10]

7.25 This is a negation of Rule 31 of the United Nations Standard Minimum Rules for the Treatment of Prisoners, which states that:

> *Corporal punishment, punishment by placing in a dark cell, and all cruel, inhuman or degrading punishments shall be completely prohibited as punishments for disciplinary offences.*

7.26 Whilst the Nigeria Prison Service in recent years has embarked on some training on human rights standards for its officers, more effort is needed to enhance the full implementation of these standards. Corporal punishment and the use of solitary confinement and dark cells are still being practiced. Also, flogging of inmates has also being observed in some prison. More efforts need to be put in place to address the massive evidence of psychological torture. A notable picture is the squatting posture that prisoners take when speaking to prison officers or when being addressed by the officers. This has being observed to occur in all prisons within the country.

POOR TREATMENT OF PRISONERS (INCLUDING HEALTH AND WELFARE FACILITIES)

7.27 There have been several reports on poor treatment of prisoners with regards to the provision of health and welfare facilities.

[10] Agomoh U.R (1995), "Physical and Psychological Torture in Nigeria" (A paper presented at the International Conference on Torture: Care for Caregivers organised by the International Council for Torture Victims and The Cape Town Trauma Centre) Held in Cape Town, South Africa.

7.28 There are evidences of inadequate health, welfare and rehabilitation package for prisoners (e.g. lack of specialised health package on HIV/Aids prevention / education, drug abuse, lack of adequate skill training programmes, etc.). There also report of high prevalence of diseases such as scabies, tuberculosis, malaria, and diarrhea.

7.29 Beyond the issues contained in the Prison Service Submission to the HRVIC as mentioned under paragraph 2.1 above, the submission also gave additional explanation for some of the causes of deaths in custody relating to poor medical facilities. I states that:

> *In matters concerning the health of detained persons, Rule 62 of the United Nations Standard Minimum Rule for the Treatment of Prisoners provides that all necessary medical, surgical and psychiatric services shall be put in place in prisons. Our experience under the military is such that the prison authority has to seek for permission before proper medical attention can be secured for detained persons. Oftentime(s), permission came too late for detained persons whose health conditions have reached a critical stage, thus resulting to death.*[11]

PRISON OVERCROWDING

7.30 At present, the country has 148 prisons and about 83 satellite prisons or lock- ups[12], 10 prison farms and 9 cottage industries for the training of inmates. The capacity of the Nigerian prison is about 25,000 but the prison currently holds 44,797

[11] See Page 5 of the Nigeria Prison Service Submission to the HRVIC.

[12] Facilities to hold defendants in jurisdictions without any prison but where there are courts located. Y few prisoners are held in these facilities (often ranging from 60-20 persons).

inmates.[13] In May 1999, the prison population was 40,899. Of this number 21,579 (52.8) were awaiting trial prisoners. In a more recent statistics submitted[14] by the Nigerian Prison Headquarters, the inmate population was 42,298 with awaiting trials constituting 24,953 (59%) of this figure. See Table 1 below for prison population for 1995 – 1999 as cited by the Prison Service Headquarters/Federal Ministry of Internal Affairs.

Table 2: Prison Population for 1995 – 1999

	1995	**1996**	**1997**	**1998**	**1999**
Inmate Population	**56,700[15]**	**44,000[16]**	**N/A[17]**	**54,637[18]**	**44,797[19]**

7.31 The above statistics does not however give us any detail relating to fluctuations in prison population within the year. Fluctuations as recorded in some selected states in 1999 are reflected in table two below and these give us some information of a progression in the problem.

[13] Prison population as at 31 October, 1999 according to the Nigeria Prison Headquarters Official statistics.
[14] Submitted in November 2000.
[15] See Federal Ministry of Internal Affairs 1995 Annual Report at page 31. The same document also stated that as at 31 December, 1995 'well over 70,783 persons were in prison country in Nigeria'.
[16] See Internal Affairs 1996 Annual Report at page 49.
[17] No figure was given for this in the 1997 Annual Report of the Federal Ministry of Internal Affairs.
[18] Calculated from figures given in the Federal Ministry of Internal Affairs 1998 Annual Report at page 48.
[19] This figure refers to prison population as at 31 October 1999. See Prisons and Penal Reform Factsheet Vol. 2 (nos. 1, January 200 PRAWA, at page 9).

Table 3: Comparison of Prison Population for January, May and October 1999 for Some Selected States[20]

States	**Prison population (As at 31/1/99)**	**Prison population (As at 31/5/99)**	**Prison population (As at 31/10/99)**
Kaduna	2691	2440	6268
Federal Capital Territory	388	425	521
Ondo	669	726	844
Abia	1460	1155	1067
Niger	896	982	1098
Zamfara	842	692	591
Lagos	5852	5586	5640
Ebonyi	570	674	744
Imo	1475	1419	1284
Ekiti	291	276	336
Benue	592	596	626
Jigawa	691	663	712

7.32 The rate of this fluctuation as observed within a brief interval (4 monthly interval) also suggests that prison population may be more likely determined by administrative factors and practices within the criminal justice delivery system rather than increase in crime rate.

7.33 An analysis of the prison population has shown that congestion is mainly evident in some identified prisons. The analysis shows that about 30 prisons in the country accounts for 50% of the

[20] For a more detailed analysis of this including information on all the other states, see Ibid. at page 9

country's total prison population [21]. See table below for a breakdown of inmate population and percentage of awaiting trial prisoners in the identified 30 most populated prisons.

Table 4: Breakdown of Prison Population of the 30 most populated prisons in Nigeria[22]:

S/N	PRISON	INMATE TOTAL	AWAITING TRIAL POPULATION	% OF AWAITING TRIAL POPULATION
1	Medium Lagos	2618	2256	86%
2	Ikoyi Lagos	1771	1631	92%
3	Port Harcourt	1444	1201	83%
4	Maximum Lagos	1274	904	71%
5	Onitsha	1167	969	83%
6	Owerri	1012	906	89%
7	Enugu	943	702	74%
8	Kano	883	554	63%
9	Kaduna	778	611	78%
10	Aba	722	593	82%
11	Maiduguri New	665	493	74%
12	Sokoto	620	350	57%
13	Bauchi	654	280	42%

[21] See Oloyede G. 'Congestion – The Need for the Criminal Justice System to be more Accountable' – presented to the Prerogative of Mercy Committee in 1998. The paper was updated in October 2000.
[22] Oloyede G. Ibid.

14	Abakaliki	583	413	70%
15	Warri	561	395	70%
16	Jos	555	212	38%
17	Benin city	553	324	58%
18	Uyo	544	38	64%
19	Oko (Edo)	519	443	85%
20	Gombe	495	197	39%
21	Abeokuta	488	293	60%
22	Akure	472	433	98%
23	Katsina	452	333	74%
24	Awka	444	368	82%
25	Yola	426	294	69%
26	Ilesha	421	224	54%
27	Maximum Gusau	420	183	43%
28	Calabar	391	280	71%
29	Goron Dutse	367	100	27%
30	Ado Ekiti	355	171	48%
	TOTAL	22,609	16,461	

7.34 The following are some of the causes of prison overcrowding:

- High remand population
- Court congestion and lack of speedy trial
- Overuse of imprisonment by the courts
- Abuse of arrest powers and bail conditions by the police
- Inadequate legal aid facilities[23]

[23] There is a Legal Aid Council providing some limited legal aid to defendants. Also, many NGOs are providing some legal aid to defendants. However, these facilities are grossly inadequate.

- Logistics problems relating to transportation of defendants to courts (i.e. lack of 'black maria' or its malfunctioning, lack of fuel etc.)
- Inadequacy in prison structures
- Inadequate utilisation of non-custodial disposition measures
- Corruption

7.35 An attempt was made in September 1998 by the government to address the problem of prison congestion. The then Federal Government constituted a Presidential Task Force (National Committee) on Prison Decongestion and Reforms. This Committee was once chaired by the Minister of Justice and Attorney General of the Federation. Other members of the Committee were representatives of the Presidency (Secretary of the Prerogative of Mercy), the Ministry of Internal Affairs, the Prisons Service, National Human Rights Commission, and NGOs. The Committee set up sub-committees, approved criteria for release of prisoners and visited all prison formations in the country for on-the-spot verification of data. The government also empowered[24] the various State Criminal Justice Committees to move court sittings into prison yards and facilitate speedy trial. Through this exercise, over 8,000 prisoners were released. It is important to state the impact of this exercise was not sustained and thus by May 2000, the prison population rose beyond its 1998 and 1999 figures.

PROBLEMS FACED BY AWAITING TRIAL/REMAND PRISONERS

7.36 There are presently more awaiting trial persons in prisons than convicts and some of the awaiting trials stay for up to ten (10)

[24] The sum of 500,000 naira (approximately, 3, 333 British Pounds Sterling) was given to each Criminal Justice Committee to cover running costs such as stationary and visit to prisons. Some states e.g. Benue used part of their funds to purchase relevant equipment for the exercise such as photocopying machine.

years without conviction. For instance, out of a total of 42,298 inmates nation-wide earlier given as at June 2000, 24,953 (59%) are awaiting trial, some for up to ten years or more. This is usually the general picture. If we consider the figures in some specific prisons, the extent of the problem becomes very obvious. Consider for instance the figure on these five- (5) prisons. See the table below for more information.

Table 5: Breakdown of Prison Population in Some Selected Prisons:

S/N 0	**PRISON**	**INMATES TOTAL**	**CONVICTS**	**ATPs**	**CAPACITY**
1.	KANO	817	225	592	690
2.	KIRIKIRI	2289	521	1768	704
3	(M)	1661	144	1517	800
4	IKOYI	1344	379	965	804
5.	PH	1045	100	945	630
	OWERRI				

7.37 From the figure above we can observe that, in almost all these prisons, awaiting trial persons far outstrip the prison capacity itself. Given that most of these awaiting trials stay for long periods without trial, we make bold to say that this represents a violation of Human Rights of a type that does not conform to our democratic aspirations. Above all, they make the current assessment of the reform potentials of the prison difficult to evaluate. It is illustrative to note that in Owerri prison, for instance, out of 1,045 inmates, only 100 are convicted, while the remaining 945 are unconvicted. In Ikoyi, only 144 out of 1,661 prisoners were convicted.

7.38 Some of the critical violations meted against the remand prisoners include the following:

1. Delay in trial process
2. Severely overcrowded cells
3. Exclusion from training and educational activities (including vocational training)
4. Limited allowance to involve in recreational activities
5. Benefit from less open-up time
6. Lack of adequate sleeping space
7. Lack of bedding facilities
8. Lack of adequate ventilation in awaiting trial cells
9. Lack of adequate classification for awaiting trial persons
10. Inadequate facilities for visits/consultations with lawyers and families
11. Inadequate uniforms and other clothing materials for awaiting trial prisoners
12. Lack of adequate writing materials to facilitate links with families

7.39 It is important to note that the problem of congestion and high remand population impact on other areas and further worsen the situation. It impacts on conditions of imprisonment, death rate, clothing, feeding, medical support, training, and other support services, etc.

LACK OF ADEQUATE JUVENILE JUSTICE SYSTEM

7.40 There are inadequate facilities for young offenders. The service has only two young offenders' facilities in Kaduna and Abeokuta. A third one located in Ilorin is yet to be functional. In 1999, the government approved the construction of a facility for young

offenders in each of the six geo-political zones but not much has happened in this regard.

7.41 The problems by young offenders include the following:

- Inadequate juvenile justice machinery including Courts and personnel
- Inadequate juvenile/ young offenders' facilities
- Poor training on treatment of juveniles
- Inadequate legal instrument for the protection of young offenders
- Presence of young offenders in adult prisons
- Lack of adequate educational facilities for young offenders
- Lack of adequate involvement of the families in the treatment and resettlement programmes for young offenders

7.42 See below distribution of prison admission for age group from 1989 – 1993 (for which figures are available for comparison)[25]:

Table 6: Prison Admission by Age Cluster

Age Categories	**1989**	**1990**	**1991**	**1992**	**1993**
Under 16	147	473	1,204	1,253	709
16-20	8,084	12,617	12,334	10,354	6,496
21-25	13,698	17,287	15,216	10,356	12,444
26-50	16,866	18,580	22,452	23,737	20,848
51 & Above	1,994	5,122	913	1,808	985
TOTAL	40,789	54,079	52,129	47,508	41,482

[25] Source: Abstract of Statistics, Federal Office of Statistics, Lagos 1996.

7.43 There is no comprehensive and up-to-date data on juveniles in Nigeria. Also, there are instances where false and exaggerated ages have been stated in defendants remand warrants to facilitate their being accepted in custody by the prison authority. Thus, there are many young persons in prison who are not captured in prison statistics as young persons because such compilations are based on warrants submitted by the police.

POOR TREATMENT OF WOMEN

7.44 The incarceration of women is not only a restriction of liberty but it is a limitation of the right to reproduction. This is a because of the issue of menopause. So, unlike the male, the imprisonment of a woman, especially those with no children and with long duration in prison custody, has serious cultural implication if they experience menopause while in prison as soon as the are released. In addition, due to the fact that women are fewer within the prisons and other gender related insensitivity, the mainstream ('male-stream') prison system often fails to address the peculiar needs of women. For instance, the following problems are evident:

- Lack of gender sensitivity training for criminal justice agents
- Sexual harassment / abuse of women by criminal justice agents (from the police through to prisons)
- Lack of / inadequate antenatal/post-natal care for women in prison
- Lack of adequate sanitary provision for women in prisons
- Lack of family visiting centres/children crèche in women facilities

As at May 31, 1999 figures from five states indicated that there are 29 mentally ill prisoners in the five states – namely: Rivers (8), Ogun (3), Borno (14), Benue 3 and Akwa-Ibom (1).

- Lack of adequate educational/occupational skills for women in prison

POOR TREATMENT OF MENTALLY ILL PRISONERS

7.45 There are no secured units for mentally ill prisoners. It is a common sight to find mentally ill prisoners in ordinary prisons. In 1999, the government approved that all mentally ill prisoners should be transferred to the psychiatric hospitals nearest to them but the order was not adhered to due to some logistics reasons.

7.46 The violations experience by mentally ill prisoners include the following:

- No specialised facilities either in prison or in psychiatric hospitals for the management of these cases.
- Lack of specialised training for prison health workers on the treatment of mentally ill prisoners.
- Lack of adequate collection of statistics on the number, charge/offense, type of illness and duration in custody of mentally ill prisoners.
- Lack of proper assessment of present mental state of prisoners upon admission.

7.47 In the list of mentally ill prisoners submitted to the Presidency by the National Committee on Prison Decongestion, 100 mentally ill prisoners were identified during the Committee's prison on-the-spot assessment. Recommendation was made for these mentally ill prisoners to be transferred to the nearest mental health/psychiatric facilities. The President gave approval in October 1999. But the directive was not executed. There are usually problems with transfer of prisoners to state and federal hospitals due to lack of

available funds for settlement of hospital bills. The prisons argue that they don't have funding to pay the bills and the hospitals argue that they cannot afford to waive the medical expenses.

7.48 For more information on available statistics relating to mentally ill prisoners refer to Prisons and Penal Reform Factsheet.[26]

Table 7: Distribution of prisoners by sex and state as at June 1999[27].

State	**Males**	**Females**	**Total**
Abia	1117	27	1144
Adamawa	1527	20	1547
Akwa-Ibom	1323	28	1351
Anambra	1720	22	1742
Bauchi	1048	4	1052
Bayelsa	-	-	-
Benue	603	3	606
Borno	1609	9	1618
Cross Rivers	875	18	893
Delta	1535	58	1593
Ebonyi	709	16	725
Edo	1744	67	1811
Ekiti	273	6	279
Enugu	1278	27	1305
Gombe	586	7	593
Imo	1401	40	1441
Jigawa	647	5	652
Kaduna	2016	22	2038
Kano	1431	40	1471

[26] November 1999 edition at page 13.
[27] See Prisons and Penal Reform Factsheet Vol. 1 (nos. 3) Optic.

Katsina	1063	12	1075
Kebbi	946	11	957
Kogi	286	3	289
Kwara	309	5	314
Lagos	5442	92	5534
Nasarawa	567	4	571
Niger	970	5	975
Ogun	689	11	700
Ondo	725	1	726
Osun	305	10	315
Oyo	745	16	761
Plateau	1012	16	1028
Rivers	2064	67	2131
Sokoto	854	19	873
Taraba	1149	19	1168
Yobe	631	2	633
Zamfara	681	6	687
Fed. Capital Ter.	356	8	425
TOTAL	**40,260**	**726**	**40,986**

7.49 Women are minorities within the criminal justice/penal system. For instance, out of the 40,899 prisoners as at May 31, 1999, 602 (1.5%) were women[28]. As at the fisrst week of June 1999, with a total prison population of 40,986, female prisoners accounted for 726 (1.8%)[29]. A recent figure given by the Prison Headquarters[30], stated that out of a total prison population of 42,298, 956 (2.3%) were female

[28] See Prison and Penal Reform Factsheet Vol. 1(nos.1) October 1999, PRAWA: Lagos at Page 3.
[29] See Prison and Penal Reform Factsheet Vol. 1(nos.3) November 1999, PRAWA: Lagos at Page 8.
[30] Figure given in November 2000.

prisoners. Further breakdown of the June 1999 figure according to distribution of the figures by states is given above.

INADEQUATE TRAINING, REHABILITATION AND RESETTLEMENT PROGRAMMES FOR PRISONERS

7.50 There are inadequate aftercare facilities for ex-prisoners. Though there are few instances of assistance being given to prisoners on discharge, such assistance are often very limited. These include the provision of clothes for the prisoner to wear upon discharge, money for transportation to their respective homes upon discharge, and tools for self-employment. For instance, the service reported that in 1997, about 1,971 discharged inmates were supplied with dress, 460 granted transport fares to their various destinations and only 121 discharged inmates were provided with varying trade tools.[31] All follow-up support to ex-prisoners is being provided by Non Governmental Organisations and religious bodies and these are grossly inadequate. Also, there is no probation service in the country. In some states, the Departments of Social Development are providing some limited services on this for young offenders[32].

7.51 The above issues are also highlighted in the submission to the HRVIC by the Prison authorities, which further stated that the above situation contravenes Rule 65 and 64 of the United Nations Standard Minimum Rule for the Treatment of Prisoners which states as follows:

7.52 The treatment of persons sentenced to imprisonment or a similar measure shall have as its purpose so far as the length of the sentence permits, to establish in them the will to

[31] See Internal Affairs 1997 Annual Report at pg. 29.
[32] An example is Lagos State.

lead law – abiding and self supporting lives after their release and to fit them to do so. The shall be such as will encourage their self-respect and develop their sense of responsibility.[33]

7.53 The duty of society does not end with a prisoner's release. There should therefore be governmental or private agencies capable of leading the released prisoner efficient after-care directed towards lessening of prejudice against him and towards his social rehabilitation.[34]

GENERAL ISSUES

7.54 There are major confounding factors to some of the above noted problems. These are:

(a). Lack of Adequate Coordination and Planning within the Justice Sector

7.55 This includes:

- Lack of a central planning body for the criminal justice system/administration.
- Lack of proper coordination and cooperation between the police, judiciary,

  Director of Public Prosecution and the prisons.
- Lack of adequate collation of data on vital issue and regular updating of such data.
- Lack of adequate utilisation of statistics in planning operations, allocation of resources and evaluation / assessment of prisons operations.
- Lack of efficient allocation and disbursement of funds.

[33] Rule 65 of the United Nations Standard Minimum Rule for the Treatment of Prisoners.
[34] See Rule 64 Ibid.

- Lack of a central planning body for the Nigerian Prison Service[35]

7.56 Information flow within the different Directorates of the Prison Headquarters needs to be improved. This also applies to the various command structures – from the headquarters to the zonal command, to the state command and the prisons. There are no proper coordination within the criminal justice delivery system – the police, prosecution, judiciary and prisons both at the state and federal levels. Also, the statistics department of the Nigerian Prison Service needs to be utilised as a key feeder into all the Nigerian Prison Service Planning activities. Data should be collated on various key issues and this should be regularly updated and accessible for research, planning, monitoring and evaluation purposes for both the Prison Service and other related agencies.

(b). Inadequate Funding and Other Administrative Setbacks

7.57 These include:

- Poor allocation of funds to execute relevant projects and activities of the Service
- Irregular disbursement of funds
- Lack of control on use of funds allocated to the Service
- Injudicious use of available funds
- Administrative strangulation of Nigerian Prisons Service as a result of the integration of the Service into the Ministry of Internal Affairs.

7.58 An examination of all the Annual Reports of the Ministry of Internal Affairs indicates that inadequate funding and irregular

[35] See Federal Ministry of Internal Affairs Annual Report 1998, page 49-50.

disbursement of funds are key problems which affect the general performance of the Nigeria Prison Service.[36]

7.59 Other problems linked to this are the nature of disbursement of funds. For example, the practice of monthly disbursement of funds, which result to inadequate planning and less cost effective. The prison farms centres are one of the mostly affected by this practice. There is the need for the autonomy of the Prisons Service to be totally implemented in all its ramifications.

(c) *Inadequate Community Involvement in Dispensation of Justice*

7.60 This includes:

- Lack of adequate public awareness, sensitisation and involvement in the formal criminal justice system, which is contra-cultural.
- Lack of adequate pubic awareness and sensitisation on prisons and penal reform issues.
- Lack of adequate community participation in the promotion of penal reform

7.61 The role of public education and sensitivities on facilitating policy advocacy cannot be ignored in the promotion of penal reform. Also, criminal law procedure and disposition measures need cultural realignment and procedural simplification to enable citizens understanding and involvement in the formal criminal justice process.

[36] Ibid. at page 54.

(d). ***Professional Hazards Faced by Prison Officials in the Course of Their Duties***

7.62 The submission to the HRCIV by the Nigeria Prison Service argue that prison staff get killed or injured during prison riots by prisoners and that during the military regime, many prison officers were detained in the course of their professional obligation to the nation. The working conditions of prison staff are so poor without adequate accommodation facilities and with no welfare package. The submission further stated that the poor health conditions arising from prison congestion affect the prison staff as well.

RECOMMENDATIONS AND CONCLUSIONS

7.63 Future interventions focusing on Prisons and Penal Reform need to look at the following:

ENACTMENT OF APPROPRIATE LEGAL FRAMEWORK

7.64 This will include legal framework for the following: Procedural Reforms; Bail Reforms, Enhancement of Alternatives to Imprisonment Options; and Prison Regulations; etc.

ESTABLISHMENT OF INDEPENDENT INQUEST PROCEDURE

7.65 This should apply to **all cases** of deaths in custody in police cells, prisons and other detention centre. The report should be available to the families and all other interested parties. Officers found to be implicated in whatever form in causing or exacerbating the death of an inmate should be prosecuted and punished if found guilty.

ESTABLISHMENT OF STRONG INDEPENDENT MONITORING OVERSIGHTS MECHANISMS

7.66 There is need to carry out on-the-spot assessment of: (a) Prisons; (b) Police Cells; and (c) other detention centres (including the State Security Service, Customs and National Drug Law Enforcement Agency Detention Cells).

7.67 This initiative needs to have the full backing of the government and NGOs and can be achieved through some of the following activities: Strengthening the prison monitoring activities of the National Human Rights Commission and the appointment of a prison ombudsman. In addition, this should include the establishment of state and community-based prison monitoring team made up of representatives of NGOs, Professional bodies (such as the Nigeria Medical Association and Nigeria Bar Association), National Human Rights Commission, Religious bodies etc.

7.68 The team should amongst others monitor the following: nutritional value of the food served to inmates; general prison hygiene; state of overcrowding; and general treatment of inmate to ensure that it complies the United Nations Standard Minimum Rules for the Treatment of Prisoners.

IMPROVING THE TREATMENT AND CONDITIONS OF LIVING OF AWAITING TRIAL PRISONERS

This will include the following:

- Complete separation of awaiting trial prisoners and convicted persons. Attempts should be made to designate some prisons as either remand or convict prisons, and high and low security prisons.

- Provision of adequate vehicles for conveying prisoners to courts and training of prison escort officers on human rights.
- Provision of educational, vocational and recreational activities in prisons for awaiting trial prisoners.
- Provision of adequate medical, legal and welfare (including decent sleeping space, ventilation, lighting, clothing, etc.) facilities for remand prisoners.

FACILITATION OF IMPROVED INTERNAL ADMINISTRATION OF THE NPS

- Improving the team building and coordination between various departments of the NPS.
- Further development of the NPS internal human rights monitoring mechanisms.
- Strengthening the Statistics, Research, Planning and documentation activities of the NPS.
- Capacity development to enable the Service execute better revenue generation, financial management and self-accounting system.
- Facilitation of communication between the various NPS departments, various command structures of the NPS and between the NPS and outside agencies (including NGOs, the media and criminal justice agents).

PROMOTION OF WIDE SECTOR INVOLVEMENT IN THE FACILITATION OF PRISON DECONGESTION

7.69 This include:

- Strengthening the work and effectiveness of State Criminal Justice Committees. This should include the facilitation of monitoring mechanisms and introduction of a comprehensive centralised mechanism for collation of data relating to the activities of the

State Criminal, including the facilitation of the involvement of NGOs in their work.

- Support for the establishment of a criminal justice administration coordination mechanism which should include the police, prisons, judiciary, ministry of justice and NGOs.
- Need for the establishment of a National Criminal Justice Commission and Crime and Justice Information Network.
- Reform of the Federal and States Ministries of Justice to enable the creation of a Justice Department in each Ministry of Justice.
- Improving the efficiency of the police and the courts in their trial and sentencing functions.
- Support for the development of early warning signals and emergency intervention in the management of prison congestion.
- Support towards the development of alternatives to imprisonment initiatives (training of criminal justice agents, sensitisation of legislators/facilitation of legislative reforms, public education/awareness and development of pilot schemes on the project.

PROVISION OF COMPREHENSIVE MEDICAL, WELFARE, REHABILITATION AND RESETTLEMENT PROGRAMME THAT DEMONSTRATES BEST PRACTICES:

7.70 This include:

- Upgrading of structural facilities in prisons throughout the country.
- Provision of adequate medical, surgical, and psychiatric facilities for prison inmates.
- Provision of adequate inmate supplies e.g. soap, blankets, uniforms, beds, etc.

- There is need to carry out a full-scale scheme, which will focus on the introduction of a comprehensive package to facilitate improved welfare, rehabilitation and resettlement activities for prisoners and ex-prisoners.
- This scheme will include projects such as prison-based and community-based skill training and income generating activities, family links and contact, legal assistance Programme, literacy and educational support programmes, alternative to violence training etc. This should include aftercare support activities to ensure that ex-prisoners have sufficient resources and opportunities to properly re-integrate themselves into society.

FACILITATION OF TRAINING

7.71 The training for prison officers should highlight best practices, human rights standards and treatment of vulnerable prisoners.

7.72 This should include:

- Development/adaptation of training manuals on various issues; Training on international and regional human rights standards; Gender-sensitivity training for criminal justice agents; Training on prevention of torture and trauma counseling for health workers; Training on prevention of HIV/AIDs (including the use of peer group education) in prison; Training on the needs and management of young offenders; Training on socialisation of prisoners and offender behaviour.

SPECIAL PROGRAMME FOR VULNERABLE PRISONERS

7.73 The aim of this recommendation is to address in practical manner the peculiar problems faced by vulnerable categories of prisoners such as: (a). Young Offenders; (b) Mentally-Ill Prisoners; (c)

Foreign Prisoners; (d) Prisoners on Death Penalty; (e) Women Prisoners; and (f) Prisoners with Disability.

IMPLEMENTING NEW MODELS OF JUSTICE AND COMMUNITY PARTICIPATION

7.74 This will include schemes on 'transformative' and restorative justice models. This will highlight the traditional African justice models, which include the participation of victims, offenders and the community such as victim-offender mediation/conciliation, family group conferencing, community mentoring, community service etc. The model will highlight healing justice and redirect energy from emphasis on revenge.

7.75 Community – linked crime prevention models targeting youths at risk and providing social support focusing on social, psychological and economic needs of out-of-school youths.

CONCLUSION

7.76 The Nigeria Prison Service occupies a primary place in the Criminal Justice System. The problems militating against effective operations of the Service have been enumerated here and elsewhere.[37] The future focus, which is highlighted in this report, is the need to establish a strong human monitoring and investigation oversight, facilitate multi-agency collaboration, and the practical implementation of human rights standards in the treatment of prisoners and detainees.

[37] See also, Agenda for Penal Reform in Nigeria (PRAWA, 1998); Odinkalu A.C and Ehonwa L ' Behind the Wall (CLO, 1991), and Agomoh U ' Decongesting the Nigerian Prisons: Strategies for the Remand Population' (PRAWA, 1996); Agomoh U, Adeyemi A, and Ogbebor V (2001) The Prison Service and Penal Reform in Nigeria: A Synthesis Study for the Safety, Security and Access to Justice Programme of DFID, PRAWA: Lagos

7.77 For the justice system to be meaningful, accessible, just, effective and humane, it needs to address the problems of prison conditions (including congestion) and poor treatment of prisoners. Practical initiatives highlighting best practices, non-custodial sanctions, models of transformative and restorative justice need to be supported. In addition, training of criminal justice agents/health professionals to improve their treatment of prisoners and detainees as well as the execution of programmes to address the problems faced by vulnerable prisoners – young offenders, women prisoners, foreign prisoners, mentally ill prisoners and prisoners on death row need to be encouraged. Planned interventions need to be well articulated, coordinated and monitored with in-built elements of sustainability and joint NGO–government participation. Community participation and support is key to providing long term validity and relevance for the programme. In addition, the military has to desist from interfering with the prison operations and statutory functions.

7.78 The reform of the Nigerian Prisons and Penal System should feed in to the reform of the wider justice system, which should target the promotion of safety, security and confidence in the justice system. This will contribute to the overall stability of the country – economically, socially and politically. Also, it is important to note that any reform within the prison system should be complimented by reforms within the economic, social and political spheres of the country. This is the only way we can ensure a humane and effective justice system in Nigeria that reflects the respect of human dignity.

CHAPTER EIGHT

HUMAN RIGHTS VIOLATIONS BY THE NIGERIA POLICE

INTRODUCTION

8.1 The focus of this chapter is on patterns of human rights violation by the police in Nigeria between January 15, 1966 and May 28, 1999, as well as an examination of the structural and institutional factors that aided police abuse of human rights within the period. The chapter is divided into five sections. Section one examines briefly the origin of the police in Nigeria. Section two analyses the impact of military rule on the Nigeria Police Force. Section three presents the patterns of police violations of human rights in Nigeria. Section four looks at institutional factors that aid police violations of human rights. Finally, section five proposes some recommendations.

ORIGIN OF THE POLICE IN NIGERIA

8.2 Before the advent of British colonial rule, the various ethnic nationalities that make up Nigeria 'boasted several arrangements for the maintenance of law and order'.[38] This ranged from the highly developed age grade system among the Ibos of southeastern Nigeria, the 'secret societies', such as the Ogboni and Oro cults found in several Yoruba communities of the Southwest, to the Ekpe cult among the Efiks of the South-South. All these societies, rooted in the communities, helped in maintaining law and order, and general community development.[39]

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[38] See Tamuno 1971; Nwankwo et al, 1994; Chukwuma & Ibidapo Obe 1995.

[39] I.C. Chukwuma and A. Ibidapo-Obe (1995) (Eds.), *Law Enforcement and Human Rights in Nigeria,* Lagos: Civil Liberties Organization, p.66.

8.3 However, the idea of the modern Nigeria Police, armed and distinct from civil society, is a creation of colonial rule. The police began their history and functions in the interest of British colonial government. It is important to underline the motive for the establishment of the modern Nigeria Police Force as it has a direct influence on the functions, which the police have performed in Nigeria up till the present dispensation. Orthodox literature on the police reveal that the first modern police force in the world, Metropolitan Police Force, London, was established in 1829, partly in response to popular outrage in Britain against the brutality of soldiers in dealing with social dislocations occasioned by the industrial revolution.[40] Thus the modern British police forces were established with the principle of being "in tune with the people, understanding the people, belonging to the people and drawing its strength from the people."[41]

8.4 In the Nigerian situation, "the colonial government was faced with the problem of controlling restive natives that needed to be cowed in order to facilitate colonial exploitation of Nigeria's resources, hence, the need for coercive police forces."[42] The period between 1861 and 1904 witnessed British colonialists subjecting over two hundred and fifty nationalities that make up Nigeria to their domination. As each of the nationalities was subjected to colonial rule, the British established police forces and constabulary to protects its interests.[43] These forces and constabulary were armed and organized as quasi-military squad. Such forces in different territories were made up of

[40] R. Reiner (2000) *The Politics of the Police,* Oxford: Oxford University Press, pp.16-18.
[41] H. Williams, (1983) quoted in I. Chukwuma (1998) "Police Powers and Human Rights in Nigeria", *Law Enforcement Review (January – March 1998)* Lagos: Centre for Law Enforcement Education p. 36.
[42] I. Chukwuma (2001) "Police Transformation in Nigeria: Problems and Prospects" in *Crime and Policing in Transitional Societies,* Johannesburg*: Konrad-Adenauer-Stiftung, p. 127.*
[43] E.E.O. Alemika (1993) "Colonialism, State and Policing in Nigeria", Crime, Law and Social Change, 20: 187-219.

officials who were strangers in communities where they were employed. The purpose of this practice of alienating the police from the community they serve was to ensure that such officials, when deployed to execute punitive expedition would act as an army of occupation and deploy maximum violence on the community.[44]

8.5 An example of this was in 1863, when the colonial Governor of Lagos Colony, H. S Freeman wrote a letter to the Duke of Newcastle in which he highlighted the advantage of an estranged police for the colonial government. According to him, deploying policemen to areas where they were aliens would foster effective deposit of violence in the community policed. Consequently, Freeman reported that:

> *The men [Hausamen recruited into the force in Lagos Colony] being from the interior and professing the mussulman [Muslim or Islam] religion are hated by the natives of these parts who have hitherto only known them as their slaves. They [Hausas] are disliked also by the Europeans as being of a more independent character than the Lagos people. They thus have only the government to depend on, and if properly managed will prove a valuable resource to this settlement.*[45]

[44] E.E. O Alemika (1998) "Policing and Perceptions of Police in Nigeria Police Studies 11 (4): 167 –176; P.T. Ahire (1991) *Imperial Policing* Milton Keynes: Open University Press.

[45] Letter from Governor H.S Freeman to Duke of Newcastle on December 31, 1863, National Archives, Ibadan: cso /i/i/i. This force was also known as the Armed Hausa Police Force, because it consisted largely of Hausas who had been freed from slavery around Lagos. Thus creating enmity between the public and the Police was a colonial Policy implemented through recruitment and employment, in order to achieve effective containment of opposition to colonial rule. See E.E.O. Alemika (1988) ibid, Tamuno (1970), Chapter 1, op. cit for further discussion.

8.6 The arrangement did "prove a valuable resource" to the colonial government. As a result, thirty years later in 1893, another colonial governor, in a letter to London, reported that:

8.7 In our Hausa force we have a body of men dissociated from the countries immediately around Lagos both by birth and religion, and who are as a matter of fact the hereditary enemies of the Yorubas. This is such an enormous advantage in any interior complication [opposition to colonial rule] that I should be sorry to see it abandoned if it were possible to obtain a supply of recruits in any other way (emphasis added).[46]

8.8 In essence, there was a colonial interest in ensuring that the police were alienated from the communities they were recruited to police. They were not established as agents for promoting rule of law, human rights or for delivering social services. The colonial police forces were therefore used in punitive expeditions to further the goal of colonial annexation of territories,[47]to suppress opposition against colonial exploitation.[48]

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[46] Denton and Rippon, August 2, 1893 at the National Archives, Ibadan, cso/1/1/14, quoted in E.E. O Alemika and I. C. Chukwuma (2000) *Police Community Violence in Nigeria*, Lagos; Centre for Law Enforcement Education, p.31.

[47] Examples include the activities of the colonial constabulary police in the pillage of Benin Kingdom (1897), Opobo nation and the battle for Niger confluence occupied by various ethnic nationalities such as Abinu (Bunu land), Bassa Nge, Oworo, Kakanda, Egbura etc) between 1895 and 1900. The 'victory' of the British Force led to the formation and proclamation of the Protectorate of Northern Nigeria with Lokoja as headquarters on January 1, 1900.

[48] Such instances include women anti tax riots in the East (1929-1930), in Warri Province (1927-1928), in Abeokuta (1948) and industrial Labour strikes in Burutu (1945), Enugu (1949), general strike (1945). Scores of unarmed men and women were "killed or maimed in these incidents by colonial forces.

8.9 With the amalgamation of the Northern and Southern protectorates of Nigeria into one country in 1914, the various police forces that existed at the time were later brought together to form a national police force for Nigeria in 1930 through the enactment of the Police Ordinance No. 3 of 1930.[49] Subsequent organizational developments that took place in the Nigeria Police prior to independence included administrative adjustments that followed the constitutional changes of 1947, 1950, 1954 and 1957. The most notable development in the Nigeria Police Force prior to independence was the federalization of the force in 1954, which followed the coming into effect of the Littleton Constitution that year. The consequence of the development for the police is that both the federal and then regional governments shared responsibility for the maintenance of law and order and the preservation of public safety.[50]

8.10 When Nigeria became politically independent in 1960, there were expectations that the police would be reorganized and re-orientated from a colonial occupation force to a service organization. This did not happen. The parties that were elected into government found it more convenient to retain all colonial structures of coercion in dealing with the people. Therefore, instead of a major reorganization of the police to serve and protect Nigerian people, what was witnessed was a ceremonial oath transferring allegiance of the Nigeria Police Force from the British Crown to the Federal Republic of Nigeria and a change of their former crests bearing the symbol of the British Crown to the Federal Coats of Arm. All other features of the police that made

[49] A. Nweze and L. S. Wapmuk (1989) " The Police in Nigerian Society" in B. J. Takaya, *Security and Human Rights in Nigeria,* Jos: Centre for Development Studies, p. 68.
[50] C. Nwankwo et al. (1993) *Human Rights Practices in the Nigerian Police*, Lagos: Constitutional Rights Project, p.16.

them widely feared and despised under the colonial government were left untouched.[51]

IMPACT OF MILITARY RULE ON THE POLICE

8.11 The situation worsened due to persistent seizure of political power by the Nigerian military, which prevented the development of the democratic culture and adherence to the rule of law and due process by the police in the country. The military took over of government in 1966 and the subsequent appointment of the Inspector-General of Police, Alhaji Kam Selem, and his deputy as members of then Federal Executive Council under General Ironsi regime, could be described as a marriage of convenience between the police and the military, which neither boosted police image among the populace nor enhanced their efficiency in discharging their constitutional responsibilities.[52]

8.12 Writing on why the military co-opted the police leadership into their ruling council, S.A. Asemota noted:

> *Military personnel at the time (1966) were relatively few - 11, 000 and the only federal law enforcement agency that had presence throughout Nigeria was the Nigeria Police (Force). It became clear that the army could not effectively rule without police assistance. Added to this fact, was the role the police played during the difficult days after the death of Major-General Ironsi. Police Force Headquarters at Moloney Street, Lagos, was used as Command Headquarters by Gowon for a short but crucial period, while police communication system, which covered the country at the time, was the most efficient. Thus, coalition*

[51] Ibid.
[52] See I.C. Chukwuma (1995) Police Powers and Human Rights in Nigeria" Law Enforcement Review, January – March 1998: 36.

of military/police in government was the most logical" given the situation at the time.[53]

8.13 While this 'love affair' between the police and the military lasted, police needs were largely provided and its leadership under Alhaji Kam Selem was highly respected by the military. However, the romance period did not last long. In the course of the civil war, which broke out in 1967, the military had to recruit additional hands to prosecute the war. This led to an increase of the armed forces personnel strength to about 250, 000, thus making the need for the police in military governance less necessary.[54] Commenting on the consequences of this development, Asemota stated:

With the increased strength of the army, and the existence of military formations in most part of Nigeria, some officers then questioned the need for the police in government.[55]

8.14 This resentment notwithstanding, the police continued to be part of the Federal Military government throughout the regime of General Gowon. However, with his overthrow by General Murtala Mohamed in 1975, military hostility against police involvement in government intensified and police personnel were excluded from direct governance of states. Since then, relationship between the police and the military has become that of a 'master and servant'. Even though subsequent military governments restored the appointment of police Inspector-General into its ruling councils and occasionally appointed police commissioners as governors of states, it was clear that the police were no longer important in the governance calculus of the military as from the late 1960's. Therefore, the military relegated the

[53] S.A. Asemota (1993) "Policing Under Civilian and Military Administration" in T. N. Tamuno, *Policing Nigeria: Past, Present and Future*, Lagos: Malthouse Press Limited, P. 396.
[54] Ibid.
[55] Ibid.

police as an institution of state to the background and brazenly encroached on its functions of maintenance of law and order. The police also undertook roles that had nothing to do with their traditional duties and willingly performed them without regard to their constitutional implications.

8.15 The effect of police participation in military government with respect to human rights was that they performed legislative, executive and judicial functions. According to Asemota (1993):

> *...The Inspector General of Police was a member of the Federal Executive Council, and Commissioners of Police were members of the State Executive Councils. They became part of the policy making body for the country. The police were also part of the lawmakers (legislature); they initiated and/or discussed all decrees and edicts before they were passed throughout the country, in addition to performing their traditional role as law enforcement agents. The implication of this was that the police influenced the making of laws, which they perceived would make their functions easier.*[56]

8.16 For instance, the Armed Forces and Police (Special Provision Decree 1967) provided that when any person in possession of explosive, firearm etc. is "arrested and attempts to escape, it shall be lawful for any person authorized to make an arrest under this decree to shoot to kill" (S. 3(2) of the decree). The same decree provided for the setting up of a Military Tribunal to try suspects, and for "an accused to conduct his own defense in person" - thus denying such accused, legal representation. Furthermore, the Robbery and

[56] Ibid. P.397

Firearms (Special Provisions Decree 1970) made the police the judge and prosecutor of suspects brought before the tribunal. The decree authorized the Military Governor of a state to set up tribunals for trial of offences and the composition of such tribunals included "an officer of the Nigeria Police Force not below the rank of Superintendent of the police."[57] Others were: a judicial officer, who was the Chairman of the tribunal and an officer of the Nigerian Army not below the rank of Captain. With respect to the procedure, the decree provided that the procedure to be followed " shall be in accordance with such ruling as the tribunal may make either general or for the purpose of the proceeding of the tribunal ..."[58] and further that no right of appeal to any court in Nigeria ... shall apply in respect of the convict...,[59] This decree suspended the provisions of the fundamental rights section contained in the chapter II of the 1963 Constitution by providing that "the question whether any provision of Chapter of the Constitution of the Federation has been ... convened ... shall not be enquired into in any court of law ..." Since 1967, subsequent military administrations have copied almost word-for- word, the content of Decree No. 8 of 1967.

8.17 Consequently, as observed by Asemota (1993):

> *...The involvement of the police in legislative, executive and judicial functions of government (under the military) reduced its policing efficiency. The end result was, rather than provide adequate manpower and all necessary equipment to enhance police efficiency, 'short-cut' methods were employed, standard lowered, and convictions were gained with little or no effect. This became the pattern of military rule and the longer military rule lasted, so were*

[57] Section 5(2), Decree N0. 8 of 1967.
[58] Section 6(4) Decree No. 8 of 167.
[59] Section 8 (2), Decree No. 8 of 1967.

similar laws regularly enacted and police efficiency deteriorated further. The unedifying and unfortunate result was that the police closed down its dog section, neglected its fingerprint, handwriting and other scientific department and ignored training abroad, recruited no new experts or scientists and lost its traditional function of detection of crime and apprehension of offenders."[60]

8.18 Even though it could be argued that the "police did not enter government on their volition. That they were drafted into it."[61] They did not seem, however, to have appreciated the extent of damage this involvement was to inflict on their role as police personnel and the difficulty they were to have in relating to members of the public, especially organized civil society groups such as students, labour and human rights organizations. This much was admitted by then Inspector-General of the Nigeria Police, Alhaji Ibrahim Coomassie, when he stated in an acceptance speech for an honorary doctorate award from Imo State University in March 1998:

"The Force (Nigeria Police Force) has been torn between the civil populace and the military, so much so that its civil traditions are almost lost to military authoritarianism."[62]

8.19 His predecessor, Alhaji Aliyu Attah, had stronger words for the ordeal of the police under the military. In his address at the inauguration of Retired Inspectors-General of Police Forum (RIGENEF) in Abuja in 1992, he was reported to have said:

Police officers and men go about in tattered uniforms, no barracks accommodation, training colleges are ill-equipped, the FIIB (Force Intelligence and Investigation Bureau now Force Criminal

[60] S. A. Asemota, (1993) "Policing under Civilian and Military Administrations" in T. K. Tamuno et al (eds.) *Policing Nigeria: Past, Present and Future,* Lagos: Malt house Press Limited pp. 397-398.
[61] Ibid.
[62] I. Chukwuma and O. Ifowodo (1999) (eds.) *Policing a Democracy*, Lagos: Centre for Law Enforcement Education p.2.

Investigation Department FCID) fingerprint and laboratory equipment are all dead, vehicles are a luxury, offices lack stationery and above all, the men work round the clock without rest and without allowance."[63]

8.20 It would appear that while the military relegated the police to the background, the civilian population was singled out by the police for their revenge, as the following section seems to buttress.

PATTERNS OF HUMAN RIGHTS ABUSE BY THE POLICE

8.21 For the performance of their duties, the Nigerian police are given extensive powers under the constitution, the Police Act, Criminal Procedure Act (CPA), Criminal Procedure Code (CPC) and numerous other statutes. These powers include the powers of arrest, search, seizure, detention and the power to use reasonable force in certain circumstances. The exercise of each of these powers affects the citizen and therefore the fundamental rights of the citizen are more directly affected by police activities than by those of other internal security forces in the country.[64] Any abuse in the exercise of these powers invariably results in the violation of the fundamental rights of the citizen.

8.22 Studies summarized in this section reveal that police abuse of human rights within the period under review is not only countrywide in its manifestation but also institutional in its execution. The typologies are analyzed below:

[63] The Sunday Punch, November 22, 1992.
[64] M.A. Ajomo and I.E. Okagbue (eds.) (1991) *Human Rights and the Administration of Criminal Justice in Nigeria,* Lagos: NIALS, p.98; O. C. Eze (1993) "The Police, Rule of Law and Human Rights" in T. N. Ta Tamuno, "Policing Nigeria: Yesterday, Today and Tomorrow, Lagos: Malthouse Press Limited, p.417.

ILLEGAL ARREST

8.23 Although the police are empowered by the Criminal Procedure Act, 1945 and the Criminal Procedure Code, 1960 to arrest persons upon reasonable suspicion of committing criminal offences, studies reveal a gross abuse of this power. For example, a study conducted by the Nigerian Institute of Advance Legal Studies (NIALS) in 1991, which included arrest procedure practiced by the Nigerian police reveal that out of 863 suspects interviewed, 320 (37%) claimed that they were only told the reasons for their arrests while in detention.[65] However, out of 232 police respondents to the interview, 9 out of 10 (93.5%) would always inform a suspect of the reason for an arrest. "While the number of irregular arrests indicated by the police responses may seem too low (in the light of their reputation in this regard) it is indeed of importance, considering the nature of the rights violated and the fact that such violations would appear deliberate, since almost every police officer knows or ought to know, the basic requirements of a valid arrest."[66] Furthermore, the responses indicated what policemen know they should normally do, not what they had done in actual cases.

8.24 Handcuffing, binding or subjecting a suspect to unnecessary restraint in the course of arrest, except by order of court or reasonable apprehension of violence or attempt to escape is outlawed under section 4 of the CPA. Again there is a disparity between what the law says and the actual police practice. A report on Human Rights Practices by the Nigerian Police, published by the Constitutional Rights Project (CRP) in 1993, established that the police could do anything in the course of arresting a suspect. Even relatives

[65] M.A. Ajomo et al. (1991), P.91.
[66] Ibid.

and family members are not spared as they were often taken hostage until the suspect presents himself for arrest. According to the report:

> *The police have ... gone beyond their powers of arrest, to now arrest innocent persons who do not fall into the categories stated under the law. In search of suspects, the police have had to arrest relatives of suspects where they cannot find the suspect in question. 29% of police officers interviewed by CRP admit this is a common practice."*[67]

8.24 Petitioners who testified during the public hearings of the HRVI Commission also corroborated this practice.

DETENTION WITHOUT TRIAL

8.25 A disturbing aspect of police abuse in Nigeria is the contempt some policemen seem to have for the rule of law and due process. This is most manifest in the manner in which people are arrested and detained for long period of time without trial. The Constitution of Nigeria and the Police Act permit derogation of the right to personal liberty for the sole purpose of arraigning a suspect before a court of law.[68] But in practice, policemen sometimes arrest and detain people merely to intimidate and extort money from them. Writing on the above, a Nigerian Jurist stated:

> *"The irony of the situation is that the courts do not always have the opportunity to examine most of these violations because the police hardly proceed beyond harassment and intimidation levels. The objective is never to prosecute. The victims of these violations*

[67] C. Nwankwo et al. (1993) *Human Rights Practices in the Nigerian Police,* Lagos: Constitutional Rights Project, p. 45.
[68] Refer to section 35 (1) of the 1999 Constitution and section 27 of the Police Act.

are themselves not equipped to be able to go to court and seek a judicial examination of their cases."[69]

8.26 Section 35 (4, b) of the Constitution provides for the commencement of the trial of an accused within three months of arrest, during which the suspect is also entitled to bail for certain categories of offences. In practice, however, the police sometimes arrest and detain suspects for years without trial. According to Olu Onagoruwa:

> This situation normally occurs when a person is arrested on suspicion of having committed a serious offense. In that case, the police are caught in a web! The need to keep the accused in custody pending investigation into the crime and the desire to fulfill the constitutional requirement of arraignment of the accused person before a court within a reasonable time. In this web of contradiction, the police finds a way out in the 'Holden Charge."[70]

8.27 Holden charge as a phenomenon of police abuse of the court process refers to a process where the police rushes an accused to a court (usually a magistrate court) and 'his plea taken usually on a charge over which the magistrate has no jurisdiction to try. Following this exercise, the police feels comfortable that the accused person may now be detained for as long as investigation lasts and the DPP's (Director of Public Prosecution) advice is being awaited and until the decision whether or not to file information before the competent court

[69] M.A. Ikhariale (1995), " Justice in the Accusation: A constitutional Evaluation of the Nigerian Criminal Justice System" in I. Chukwuma and A. Ibidapo-Obe, *Law Enforcement and Human Rights in Nigeria,* Lagos: Civil Liberties Organization, p. 20.

[70] O. Onagoruwa, (1995) " Delays in the Criminal Justice System: The Propriety of the Holden Charge Phenomenon", in I.Chukwuma and A. Ibidapo-Ode (eds.) *Law Enforcement and Human Rights in Nigeria,* Lagos: Civil Liberties Organization, p. 32

is taken."[71] Under this guise, detainees are simply forgotten in police custody or the awaiting trial units in Nigerian prisons. In severe cases, within the long period of time, it often takes the DPP to file information to the appropriate court for the arraignment of the detainee, the file could get lost or the police personnel handling the case transferred to another location. This means that the detainee would be languishing in jail without any record of his case.

8.28 The Court of Appeal has declared 'Holden charge' unknown to Nigerian law. In the case of Enwere v C.O.P, the Court of Appeal examined the Holden charge phenomenon and declared:

... It is palpable that the appellant in the instant case until 8th March 1993, when he was granted bail by this court was still being detained under what is called a purported "holden charge" without any information filed against him before any law court. I hold that the act constitutes improper use of power or a flagrant abuse of power by the police for which they stand condemned. The particular abuse is all the more serious when it is known that there have not been exhibited proofs of witnesses evidence evidencing police desire to prosecute the appellant placed before trial."[72]

TORTURE

8.29 Although the Nigerian Constitution and the Evidence Act, 1960 in particular, prohibit coercion of suspects during interrogation, studies have established that the Nigerian police indulge in the use of torture for the extraction of criminal "confessions" during interrogation of suspects. In the study conducted by the Constitutional Project (CRP) quoted earlier, 69% of the respondents alleged that statements

[71] Ibid.
[72] Ibid. P.33

or confessions made by suspects during police interrogation were not made voluntarily. [73]

8.30 Most policemen interviewed in the study conceded that in the absence of an efficient means of investigating crime, torture became the easiest and most effective means of interrogation.[74] The police in extracting confessionals from criminal suspects and political detainees routinely use the following methods of torture:

- 'Hanging' – suspension of suspects in the air with the aid of ropes tied to ceiling fan hooks;
- Shooting in the limbs
- Cigarette burns;
- Insertion of broom sticks or pins into the genitals of male suspects and the neck of beverage bottles into female suspects;
- Beating with horsewhips, electric cables and batons;
- Electric shocks;
- Mock execution;
- Removal of victim's finger nails and cuticles with pliers; and
- Denial of food and medical attention.[75]

8.31 The use of each of the foregoing torture methods is not mutually exclusive. In the course of interrogation of suspects, some police personnel often apply a combination of them to achieve desired result. Sometimes, the victims do not survive the ordeal, thus leading to extra-judicial killing. For some case studies of individual experiences of torture by the police within the period under review, refer to the volume on public hearings.

[73] C. Nwankwo et al (1993) p. 37.
[74] Ibid.
[75] I.Chukwuma (1994), P. 55.

EXTRA-JUDICIAL KILLING

8.32 Studies on patterns of police violence in Nigeria have bared two basic situations of contact between the police and the citizen, which often precipitate disproportionate use of violence and deadly force by the police, often resulting extra-judicial killing. These are situations of 'crime control' and 'crowd control'.[76] The average Nigerian policeman seems to approach his duties with a conviction that the suspects are already guilty and therefore deserve no respect or sympathy at all. In crowd control, he believes that the citizen has no right either to peaceful assembly or protest, except when the activity is in support of government. In crime control, the average citizen who encounters the police is seen and treated as either a criminal or a potential criminal. The result is that the use of violence and deadly force has permeated and pervaded every aspect of police work in Nigeria.[77]

8.33 A report by the Civil Liberties Organization (CLO) on torture and extra-judicial killing by the police reveals that the 'practice of extra-judicial killing has eaten so deep into the (police) system that its full ramifications may be difficult to determine.[78] This holds true, especially for criminal suspects.[79] Another study carried out by the Centre for Law Enforcement Education on police community violence in Nigeria, corroborated the widespread nature of police extra-judicial killing in Nigeria.[80] According to the study:

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[76] A. Ibidapo-Obe (1995) "Police Brutality: Dimensions and Control in Nigeria" in I. Chukwuma and A. Ibidapo-Obe, *Law Enforcement and Human Rights in Nigeria,* Lagos: Civil Liberties Organization, p. 45
[77] Ibid.
[78] I. Chukwuma (1994) *Above the Law: A Report on Torture and Extra-Judicial Killing by the Police in Lagos State,* Lagos: Civil Liberties organization, P.72.
[79] Ibid.
[80] E.E.O Alemika and I. Chukwuma (2000) Police Community Violence in Nigeria, Lagos: Centre for Law Enforcement Education, P.57.

> Under military governments, the issuance of 'shoot at sight' order against crime suspects as well as demonstrators give the police the wrong impression that firearms and violence are to be used as tools of routine police work.[81]

8.34 In 1991, the CLO reported that the police killed an average of more than three persons under extra-judicial circumstances per month in Nigeria.[82] Follow up research by the organization in Lagos State in 1992 made a shocking revelation. Between January and September of that year 'the corpses of 449 people whose deaths were suspected to have been under extra-judicial circumstances were deposited in the mortuaries of Ikeja General Hospital alone. This figure shows an average of 49.8 corpses per month or 1.66 per day in Lagos State."[83]

8.35 Although the Lagos State Police Command in a press statement denied the report, the CLO's call for an official investigation into the matter as required under the United Nations Principles on Effective Prevention and Investigation of Extra-Legal, Arbitrary or Summary Execution was not heeded.[84] Principle 9 States:

> *There shall be a thorough, prompt and impartial investigation of all suspected cases of extra-legal, arbitrary and summary executions, including cases where complaints by relatives or other reliable reports suggest unnatural death in the above circumstances."*

[81] Ibid.
[82] I. Chukwuma (1994) P. 72
[83] Ibid.
[84] Ibid.

8.36 Studies have established three major types of police extra-judicial killings in Nigeria. These are:

- Deaths in Custody;
- Killings at Police Checkpoints and;
- Killings during Protest.

8.36 Deaths in custody relates to cases of people who are known to have been taken to police custody hale and hearty, only to come out as corpses. Sometimes the police deny having detained such persons. At other times they come out with reports insinuating that such persons have been released. In glaring cases, the corpses of such suspects are dumped in the mortuaries of government hospitals as unknown robbers killed in a shoot-out between police and robbers.[85]

8.37 Killings at police checkpoint are another major type of extra-judicial killing by the police. Successive Inspectors-General of Police in Nigeria, worried by persistent reports of police killings at checkpoints, have at different times ordered the withdrawal of their personnel from checkpoints. The reality is that they always managed to find their way back under different guises. According to newspaper reports, over 500 hundred people were extra-judicially killed at police checkpoints between 1982 and 1992.[86] Most of the victims were unarmed motorists who would not have met their untimely deaths if

[85] A typical example was the case of Larry Elechi Igwe, a 26 year-old businessman, who was killed while in the custody of Surulere Police Station, Lagos, on December 20, 1990. Igwe's corpse was however, later discovered by relatives at Lagos Hospital mortuary, badly bruised and tagged 'unknown corpse, reference number 5960. One Sergeant Joseph Ohihion of the Police Station deposited the corpse at the mortuary. The police official account was that Igwe was killed with some other occupant of his car following a gun battle with the police who took them for armed robbers. The car in question bore no holes and informed sources reported that the bullet that killed him was fired at close range.

[86] Iyiola Faloyin et al, "Checkpoint Blues", *Sunday Concord*, September 13, 1992, p. 15

the police had observed United Nations regulations on the use of force and firearms.

8.38 Police interventions in protests in Nigeria have always been with a view to quelling them, if such protests are not supportive of the government. Hence, the brutal measure employed in dispersing them.[87] Shooting of canisters of irritant gas and sometimes live bullets are standard police practice, even when non-lethal measures of crowd control during protests would have been more effective.[88]

INSTITUTIONAL FACTORS THAT AID POLICE VIOLATION OF HUMAN RIGHTS

8.39 An examination of patterns of police violations of human rights in Nigeria would not be complete without looking at the institutional factors that aided or tolerated the commission of such abuses. Even though police authorities often deny or conceal their collusion in the commission of certain categories of human rights violations by their operatives, the logistics of carrying out some of these acts, make such insinuations unacceptable.[89] Investigations have shown that for a suspect to be arrested, detained, tortured or killed, it involves at least, the person who committed the act and the superior officer who ordered, consented or tolerated it.[90] According to a publication of Amnesty International:

> …Because the incidents of torture and extra-judicial killings are often connected to a police station, division or department, which is hierarchically structured, their execution is likely to

[87] Refer to "Shoddy Outing" in African Concord, May 25, 1992, p. 20.
[88] The United Nations Basic Principles on the Use of Force and Firearms provide for the use of firearms only when less extreme measures are insufficient.
[89] I. Chukwuma (1994) p. 1.
[90] Ibid.

involve a chain of command extending from the highest officer who permitted or connived in the crime to the lowest officer who helped in carrying it out. Logistical support, too, will be needed: torture instruments, guns and ammunition, vehicle, communication facilities, places to hold prisoners and torture them and the means of disposing bodies to the mortuaries or graves."[91]

8.40 The institutional factors that aid police violations of human rights include:

- Character of Laws in our Society
- Nature, Extent and Scope of Police/Citizen Contact
- Police Training and Educational Qualification
- Police Code of Conduct and Discipline
- Police Corruption
- Police Accountability

8.31 An analysis of these factors is critical to the understanding of patterns of police violation of human rights in the country.

CHARACTER OF LAWS IN NIGERIA

8.32 Most of the laws enacted in Nigeria within the period under review, especially the laws promulgated by the military, precluded judicial review of activities purported to have been carried out in pursuance of them by security agencies, including the police.[i] This makes it difficult to legally hold the police accountable for the atrocities they committed in execution of those laws. Whereas a democratic government defers to the supremacy of the constitution, and its acts subject to judicial review, the opposite is the case under

[91] Amnesty International (1994) "Disappearances and Political Killings: A manual, Amsterdam: Amnesty International, p, 87.

military dictatorship. On power, the military promulgates a Basic Constitution (Suspension and Modification) Decree, the purpose and effect of which is to suspend some and modify other provisions of the existing constitution.[ii] What is saved or preserved in the existing constitution remains in force at the will of the decree, which is subsequently issued by that body. "In effect," argues Ojomo & Okagbue, "under a military administration, constitutional supremacy gives way to legislative supremacy."[iii]

8.33 Given the foregoing situation, the police and other internal security forces in Nigeria did not bother about what the constitution says as long as they were serving under military government. The result was the entrenchment of a police state in the country, especially during the regimes of Generals Buhari, Babangida and Abacha, where the whims and caprices of those in power were enforced as laws with the proverbial over-zealousness which the police and other internal security forces in the country are noted for.

NATURE, EXTENT AND SCOPE OF CONTACTS

8.34 Police and citizens are in constant daily contact. These contacts may be voluntary or involuntary. The nature, extent and scope of contacts influence police-public relations. According to White et al:

> "Interacting with citizens constitutes an important part of a police officer's daily activities. Many aspects of these interactions have the potential for influencing how the police and citizens perceive and evaluate each other ... Research over the years has established the fact that contacts between the officers and citizens influence police-community relations in major ways, often for the worse.... Citizens often bring to the interaction an array of attitudes and preconceived notions about the police and

their conduct... Likewise, the officer brings to the interaction a similar attitude of presumptions, prejudices, and perceptions of the citizen. Prior research has established that the officer is sometimes ... prejudiced, callused by contacts with undesirable and unrepresentative population elements, and is trained to assert authoritative control in these contacts. In addition, the police culture abounds with perceptions of the public as uncooperative, unsupportive, and antagonistic towards the police.[iv]

8.35 Antagonism and violence between the police and citizen, which precipitate human rights violation by the police tend to be higher in societies where the police focuses on law enforcement alone than in other societies where they combine law enforcement with social welfare services. Except the police see themselves as "part of the social fabric of a community, they will be perceived as an alien force, and, unless they are clearly visible in their roles of helping people in trouble, they will be seen as a mercenary army of enforcers."[v] In Nigeria, the "acute shortage of personnel has reduced the police to crime fighters [which they do very ineffectively due to qualitative and inadequacy of men, material and money] to the detriment of the diversification of police functions found in western societies."[vi] According to Alemika (1988):

" Few members of the public see the police as friends, instead the sight of police is considered synonymous with trouble. This is partly because in the absence of a social service dimension in police work in Nigeria, the police pre-occupations or routine police work revolve around stop and questions/search, arrest, crime investigation, detention, prosecution, riot and crowd

control, and armed combat against violent criminals and guarding of the rich and powerful. Consequently, there are rather too few positive attributes of policing that can be projected.[vii]

POLICE TRAINING AND EDUCATIONAL QUALIFICATION

8.36 There are different types of training courses for various categories of policemen in Nigeria.[viii] None has emphasis on human rights. Police authorities, however, argue that instructions on the rights of an accused are given in their course on Nigerian criminal law. Constables, who constitute over eighty percent of the force, undergo six months basic training in the course of their enlistment.[ix] 'During the six-month period of basic training, they are taught police duties, criminal law, general knowledge, drill, musketry, self-defense and first aid.'[x]

8.37 Apart from the fact that six months of basic training can hardly be said to be enough time for the recruits to duly understand the depth of responsibility society places on them at the end of their training, it is also obvious that the low level of basic educational qualification[xi] required for their enlistment in the Force prevents them from having hardly anything better than a pedestrian understanding of the general course on criminal law, which they pass through. An effort to peg the minimum educational requirement for enlistment into the police force at Secondary School Certificate by a former Inspector-General of Police, Etim Iyang, was dropped by his successor, Muhammadu Gambo, for political considerations.[xii]

8.38 It is therefore a marked deviation from International standards requiring proper training of law enforcement officials. The

UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials calls for proper screening procedures before selection of law enforcement officials, moral, psychological and physical qualities for the effective exercise of their functions and continuous and thorough professional training.[xiii]

POLICE CODE OF CONDUCT AND DISCIPLINE

8.39 Although the Nigeria Police Regulation, 1968, provides a code of conduct guiding the activities of policemen in Nigeria, the code has neither been reviewed to incorporate the provisions of the United Nations Code of Conduct for Law Enforcement Officials nor observed and effectively enforced in practice.

8.40 The provisions of the code range from what a policemen who feels wronged by another should do,[92] conduct of police officers in their official duties,[93] prohibition of receiving of presents (except from close personal friends or relatives),[94] petition writing,[95] to institution of legal proceedings in their personal capacities. There is, however, no mention of the requirements of upholding the human rights of all persons they come in contact with,[96] guidelines on the use of force,[97] maintenance of the confidentiality of certain information in their possession,[98] the prohibition of the use of torture in their work and the full protection of the health of persons in their custody, as provided in the Code of Conduct for Law Enforcement officials.

[92] Police Act, Section 352.
[93] Ibid. Section 353
[94] Ibid. Section 354
[95] Ibid. Section 365.
[96] Refer to article 2, United Nations Code of Conduct for Law Enforcement Officials.
[97] Ibid. Article 3.
[98] Ibid. Article 4.

8.41 Observance and enforcement of the rather obsolete code have also not been seen in practice. As the studies summarized in section three of this chapter show, an average Nigerian policeman has no respect for the dignity of individuals he comes in contact with while on and off duty. The situation is not helped by the fact that the Nigerian Police Force is not particularly known for disciplining its officers accused of human rights violation. The Police Act did not also specify disciplinary processes to be followed where human rights abuses are alleged against police officers.[99]

8.42 On occasions police authorities have invoked their internal disciplinary procedure (Orderly Room Trial) to investigate allegations of use of excessive force against their personnel. But these boards do not often result in the disciplining of police officers that violate human rights. This practice violates the United Nations Basic Principles on the use of Force and Firearms by Law Enforcement officials. Principle 22 Stipulates that persons affected by the use of force and firearms or their legal representatives shall have access to an independent process, including a judicial review.[100] Internal boards of inquiry by the police in Nigeria are a typical strategy to sweep events under the carpet as they create the impression that police authorities are doing something about human rights abuses by their men, whereas in actual fact, officers guilty of these atrocities are walking the streets and breathing freely as freemen.

[99] B. Nowrojee (1992), *The Nigerian Police Force: A Culture of Impunity,* New York: Lawyers Committee for Human Rights, p. 11.
[100] The United Nations Basic Principles on the Use of Force and Firearms was adopted by the Eight United Nations Congress on the Prevention of Crime and Treatment of Offenders, Havana, Cuba, August 27 – September 7, 1990.

POLICE CORRUPTION

8.4 3 "The image of Nigerian police is very poor,"[101] says a study. Many factors are responsible. Most important of these, apart from their notoriety in brutality, is corruption. It is now taken for granted that provided he/she can find his/her way through, a citizen can manipulate the police as he/she wishes, even in pursuit of personal vendetta. Corruption seems to have become institutionalized by policemen at checkpoints who collect money unashamedly in the full glare of passengers and other road users. Every checkpoint is by itself a 'toll gate', especially for commercial vehicles, but with the difference that the proceeds go into private pockets.[102]

8.44 Police authorities are not unaware of the pervading corrupt practices of their men. Perhaps the most wholesome acceptance of this practice by Nigerian policemen came from no less a person than the former Inspector-General of Police, Alhaji Mohammadu Gambo. While in office he was once quoted as saying:

"Police corruption (in Nigeria) is a tragedy because it touches the very core of public confidence and trust in the police force."[103]

8.45 Corruption in the Nigerian Police Force is not confined to dealings with the members of the public. The study by the Nigerian Institute of Advance legal Studies quoted earlier indicate that some policemen complained of internal corruption within the force. These policemen complained that they had to bribe to get their uniform, to

[101] A. O. Ojomo and I.E. Okagbue (1991), p126.
[102] Ibid.
[103] Newbreed Magazine, Lagos, May 7, 1989, p.20.

be issued with working rifles, to be posted to 'lucrative' checkpoints or to obtain barracks housing.[104]

8.46 Ironically, corruption according to the Police Act is an offense against discipline and draws sanctions ranging from outright dismissal from the Force to reprimand.[105]

POLICE ACCOUNTABILITY

8.47 It was the Roman satirist, Juvenalis, who perhaps first raised the question of an accountability structure for the police when he asked, "Who will guard the guardians?" Historically, the police have been largely left alone to keep their house in order, with some external oversight administered by the courts and government. This simple approach has now been found wanting because of widespread citizens' dissatisfaction with the internal disciplinary procedures of police departments. Numerous studies and inquiries have also demonstrated the vulnerability of the police to abuse of human rights, corruption and misconduct.

8.48 In Nigeria, if a citizen feels that the police violate his or her rights, and he or she has neither the money nor the time to wade through the cumbersome judicial process in order to bring charges against the police, the person is left with no other alternative but to take the matter back to the police. Even though police authorities argue that its internal 'Orderly Room Trial' has been very effective in sanctioning erring officers, not a few people believe that the process is like taking your complaints back to your police abuser.

[104] A. O. Ojomo and I.E. Okagbue (1991) p. 126.
[105] Refer to Police Act, First Schedule, Regulation 370 (c).

8.49 Theoretically, the Ministry of Police Affairs is supposed to exercise oversight friction on the police, which should include ensuring that its police personnel adhere to the highest standard of ethics and professional discipline. In practice, however, the ministry lacks the structure and capacity to play this role. It has offices only in Abuja, while the Nigeria Police Force has presence in the 774 local government areas in Nigeria. The type of oversight role it would be able to play can best be imagined. Similarly, the recently inaugurated Police Service Commission (PSC) has a responsibility to discipline erring police personnel with the exception of the Inspector-General of Police. However, the eight-member Commission lacks the capacity to effectively maintain an oversight function on the over 180, 000 police personnel in Nigeria, and it is currently considering delegating some of its disciplinary powers back to the Nigeria Police Force.

RECOMMENDATION

8.50 The following reform measures are recommended in order to enhance police respect for human rights in Nigeria.

A. STRUCTURAL REFORMS

8.51 The country must restructure its political and economic structures toward democratizing the polity, and promoting economic efficiency and competitiveness with due consideration for and guarantee of social equity and welfare, especially in the provision of health, education and housing for the needy.

1. Democratization of Nigerian polity and economy should be accelerated. This is the only way to have an effective, efficient, civil and polite, accountable, well-equipped and adequately remunerated and motivated police in the country.

2. The economy should be restructured to provide the basic needs of citizens on local/national self-reliance basis. The development of effective services like education, health, transportation, telecommunication, and energy (electricity) should receive priority attention in national development policies and the services should be made available to citizens at affordable costs.

3. Corruption, which is an important motivation for political repression and a major cause of economic and social backwardness in the country, should be tackled through effective legal provisions that are fairly and promptly enforced. This will reduce the high level of corruption in the top hierarchy of government and private institutions. The existence of corruption at these levels encourages corruption at other levels, especially by law enforcement agents. Effective anti-corruption programme in the country will also promote effective and efficient allocation and management of resources for national development and provision of social services.

INSTITUTIONAL REFORMS

8.52 The following conditions within the Police Force should be given due attention with a view to reducing the institutional sources of police violation of human rights.

1. Police should enlarge the scope of contacts between the police and citizens to include social services delivery in order to create favorable environment for public cooperation with police, in their law enforcement duties.

2. Members of the public should be educated on the role and powers of police, and the significance of public cooperation with police in

order to promote an overall individual, community and national security.

3. Policemen and women should be thoroughly screened and tested during their initial training to ensure that they possess good character, and are emotionally stable before they are finally enlisted.

4. The government should provide opportunities for training in academic and professional disciplines by police officials. Many officers on their own, embarked on self-sponsored education at post-secondary levels; but instead of being rewarded, they are indirectly punished for example, the Force refuses to promptly retrain and upgrade them in accordance with their qualifications. Officers who engage in self-education or self-sponsorship in order to acquire higher educational and professional qualifications should be upgraded to appropriate ranks within twelve months.

5. Workshops, seminars, lectures for the reorientation of police officers should be organized at state and divisional command levels, to enable them acquire proper orientation for policing a free and democratic society. The curriculum of police colleges should be enlarged to adequately deal with human rights education, international codes and ethics for law enforcement officers, etc.

6. In order to enhance the effectiveness of the police, the Nigeria Police Force should be well-funded and equipped. This will boost the morale of the officers, enhance their performance, and promote positive evaluation of police by citizens.

7. The Nigeria Police Force should change its law enforcement practices and style that emphasize reactive policing. Instead, proactive preventive policing strategies, such as beat (foot) patrol, and problem-oriented policing, which involve police-community partnership, should be emphasized.

8. Refresher courses should be provided for all levels of the police with a view to sharpening the professional skill of officers and to enable them understand the changes and dynamics in the country's political, social and economic spheres. The courses should also aim at ensuring that police are properly oriented to promote good relationships with the public, and protect human rights and rule of law in the country.

9. Nigeria police should pay attention to effective information management – collation, analysis, publication, storage and dissemination of relevant criminal, social and economic information. At present the quality of criminal and law enforcement statistics generated and produced by the police is grossly unsatisfactory in terms of scope or coverage and accuracy of data, level of analysis, format of presentation and publication. Worse still, the Nigerian police are reluctant to collaborate with technically qualified criminologists to design appropriate and reliable criminal and law enforcement information management system. The police are also reluctant to disseminate criminal and law enforcement statistics to researchers, mass media practitioners, civil society organizations and citizens in general. This practice denies the police of public understanding of their responsibilities and constraints. The police authority should establish a panel comprising police and

civilian specialists to design appropriate criminal and law enforcement information management system for the country.

10. There is need for explicit guidelines that conform with international conventions and principles on Law Enforcement, to guide the behaviour of police officers and their relationships with the public. The present force order governing the use of firearms requires changes to make conditions for the use of firearms more restrictive. In addition, police should procure more non-lethal but effective weapons such as water canons, rubber bullet, etc. for crime and crowd control. The use of baton rather than personal arms should be reintroduced as routine tools of law enforcement for the beat officer.

11. The police authority should enhance the quality and quantity of telecommunication facilities available to officers. Telephone and radio communication facilities should be installed in all police stations and barracks. In addition, every active policeman and woman should be provided with an effective and reliable walkie-talkie for communication with police stations and patrol vehicles within his divisional command to ensure better police response to crime and needs of victims.

LEGISLATIVE INITIATIVE

8.53 Several legislative initiatives are needed to promote police effectiveness, civility and accountability, and reduce police violation of human rights. Some of such initiatives are presented below:

1. The Police Act, including Police Regulations should be reviewed to bring it conform with international conventions and

principles, and the nation's constitutional provisions on human rights, law enforcement, criminal justice administration and treatment of offenders.

2. The National Assembly should enact a law to create Police Boards at the village, divisional, state and national levels. The composition should include elected representatives of community based organizations, workers, students, professional associations (especially medical, legal, academic), trade associations (especially commercial vehicle drivers), religious and community leaders, retired police officers and a serving police officer within the command. The Board should have a civilian chairman. The functions of the Board should include:

A. To promote effective police services
B. To promote respect for human rights and rule of law by police
C. To promote police accountability to the citizens
D. To promote and mobilize public support for the police
E. To organize public enlightenment programmes for police and citizens on police powers and functions and citizens' concerns for public security, personal safety and human rights.
F. To promote measures to reduce conflicts and violence between police and citizens.
G. To identify and promote measures to reduce crime and insecurity in society and to assist police efforts towards crime prevention and control, and law enforcement in communities.
H. To promote partnership, communication, and cooperation between the community and the police in problem - identification and problem – solving.

I. To receive, investigate and make recommendations on complaints against police men and women, and police departments. The report shall be transmitted:

   i. from community (village / town) Police Board to Divisional Police Board.

   ii. from Divisional Police Board to State Police Board, and

   iii. from state Police Board to National Police Board.

8.54 The Police Boards should operate as independent organizations. They should, however, be under the office of the Minister of Police Affairs, who shall establish a state liaison office to coordinate the activities of the Board within each state of the federation.

3. The National Assembly should enact a law for the establishment of a Legal Assistance Fund, into which the federal government shall make an annual subvention. Victims of police and executive oppression should be able to draw on the fund for civil litigation.

CIVIL SOCIETY INITIATIVES

8.55 The civil society organizations need to create programme, activities and measures that will enhance partnership and cooperation between the public and police. Additionally, the organizations should empower citizens to ensure police accountability and effective police services. Civil society institutions can promote these through the mobilization of the public in support of police legitimate efforts as well as the mobilization of citizens against abuse of authority/power, brutality and violence, insensitivity incivility and ineffectiveness by

police. Civil society institutions should maintain a strong monitoring, research, training and advocacy capacity on police work in the country.

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[1] . Godwin Uyi Ojo, "The Tragedy of Oil" in Civi Liberties Organisation (ed.) *Ogoni: Trials and Travails*. (Lagos: Civil Liberties Organisation, 1996), p. 3.

[2]. See, Eghosa Osaghae, "The Ogoni Uprising: Oil Politics, Minority Agitation and the Future of the Nigerian State", *African Affairs*, Nos. 94 (1995), pp. 325.

[3]. See, Cyril Obi, "Oil and the Minority Question" in A. Momoh and S. Adejumobi (eds.), *The National Question in Nigeria: Comparative Perspectives*. (Aldershot: Ashgate, 2002), p. 113.

[4] . See, Sokari Ekine, *Blood and Oil*. (London: Centre for Democracy and Development, 2001), p. 9.

[5]. See, Ibibia L. Worika, "A Report on the Investigation of Human Rights violations in the South- South Zone, 1966-1999: Community/Group Deprivations in Rivers State". Report of Research Commissioned by the Centre for the Advanced Social Sciences (CASS) for the South South Zone Research.

[6]. Human Rights Watch, *The Price of Oil*. (New York: Human Rights Watch, 1999), p. 70.

[7] . Human Rights Watch, Ibid, p. 132.

[8]. Human Rights Watch, Ibid, p. 132-133.

[9]. Human Rights Watch, Ibid, p. 59.

[10]. Human Rights Watch, Ibid, p. 70.

[11]. Human Rights Watch, Ibid, p. 62.

[12]. Human Rights Watch, Ibid, p. 70.

[1] . see, Human Rights Practices in Nigeria, 1996, p.7.

[2] . Civil Liberties Organisation (CLO), Annual Report, 1996, p.11.

[3] . Civil Liberties Organisation (CLO), Annual Report 1996, p.46.

[4]. See, Civil Liberties Organisation (CLO) Annual Report, 1998, p. 46-50.

[5]. See, the submission of Afenifere to the Human Rights Violations and Investigation Commission, 2001, pp. 9-10.

[6] . Human Rights Practices in Nigeria, p. 14.

[7] . See, Human Rights in Retreat, A publication of the Civil Liberties Organisation, 1993, p.33.

[8] . See, Human Rights in Retreat, A publication of the Civil Liberties Organisation, 1993, p.33.

[11] . See, CLO Annual Report, 1997, p.22.

[12] . CLO Annual Report, 1995.

[13] . see, CLO Annual Report, 1995, p. 33.

[14] . See, Human Rights Practices, 1996, p. 73.

[15] . See, CDHR Annual Report, 1995, p. 96.

[16]. See, CDHR Annual Report, 1996, p.126.

[17] . See, CLO Annual Reports, 1995, p.52.

18. See, Said Adejumobi, Structural Adjustment, Students Movement and Popular Struggles in Nigeria, 1986-1996" in Attahiru Jega (ed.) *Identity Transformation and Identity Politics Under Structural Adjustment in Nigeria*. (Uppsala and Kano: Nordic Africa Institute and Centre for Research and Documentation, 2000), pp. 204-234.
19.
[19] . Ibid.

20. See, Attahiru Jega, *Nigerian Academics Under Military Rule*. (Stockholm: Department of Political Science, Stockholm University, 1994).
[1] See, Human Rights Practices in Nigeria, 1996, p.7.

[2] Civil Liberties Organisation (CLO), Annual Report, 1996, p.11.

[3] Civil Liberties Organisation (CLO), Annual Report 1996, p.46.

[4] See, Civil Liberties Organisation (CLO) Annual Report, 1998, p. 46-50.

[5] See, the submission of Afenifere to the Human Rights Violations and Investigation Commission, 2001, pp. 9-10.

[6] . Human Rights Practices in Nigeria, p. 14.

[7] . See, Human Rights in Retreat, A publication of the Civil Liberties Organisation, 1993, p.33.

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[11] . See, CLO Annual Report, 1997, p.22.

[12] . CLO Annual Report, 1995.

[13] . see, CLO Annual Report, 1995, p. 33.

[14] . See, Human Rights Practices, 1996, p. 73.

[15] . See, CDHR Annual Report, 1995, p. 96.

[16]. See, CDHR Annual Report, 1996, p.126.

[17] . See, CLO Annual Reports, 1995, p.52.

21. See, Said Adejumobi, Structural Adjustment, Students Movement and Popular Struggles in Nigeria, 1986-1996" in Attahiru Jega (ed.) *Identity Transformation and Identity Politics Under Structural Adjustment in Nigeria*. (Uppsala and Kano: Nordic Africa Institute and Centre for Research and Documentation, 2000), pp. 204-234.

22.
[19]. Ibid.

[20]. See, Attahiru Jega, *Nigerian Academics Under Military Rule*. (Stockholm: Department of Political Science, Stockholm University, 1994).

[i] The most notorious is Decree No. 2 of 1984.
[ii] Decree No. 1, 1984 provides in section 1(1), 'the provisions of the Constitution of the Federal Republic of Nigeria mentioned in schedule 1 to this decree are hereby suspended'. Section 1(2) further provides subject to this and any other Decree, the provisions of the said constitution which are not suspended by the subsection (1) above shall have effect subject to the modification specified in schedule 2 to this decree.' Accordingly, in schedule 2, part B of the decree, section 1(1) of the 1979 constitution was modified thus: 'this constitution as amended by this or any other decree is supreme and its provisions shall have binding force on all authorities and persons throughout the Federation.
[iii] M. A. Ajomo and I.E. Okagbue (eds.) 1991, *Human Rights and the Administration of Criminal Justice in Nigeria,* Lagos: NIALS, p. 39.
[iv] M. F. White, T.C. Cox and J. Basehart (1991), "Theoretical Considerations of Officer Profanity and Obscenity in Formal Contacts which citizens" in Thomas Barker and David L. Carter (eds.) Police Deviance (Cincinati, Ohio: Anderson Publishing Co.).

[v] A. S. Blumberg (1979) Criminal Justice 2nd ed. (New York: New Viewpoint), p.59.

[vi] Oluyemi Kayode (1983) "Nigeria" in E.H. Johnson (ed.) International Handbook of Contemporary Developments in Criminology, Westport, Com: Greenwood Press

[vii] E .E.O Alemika (1988), "Policing and Perceptions of Police in Nigeria", Police Studies, p.174

[viii] These courses are basic training for recruits, Cadet inspectors, and Cadet Assistant Superintendent of Police (ASP). Others are staff development courses, Detective training, Promotion courses and Traffic courses.
[ix] B.J. Takaya (1989), (ed.) *Security Administration and Human Rights,* Jos: Centre for Development Studies, p 351.
[x] Ibid.
[xi] The educational qualification necessary for enlistment into the police, according to the Police Act is Secondary class four certificate.
[xii] I. Chukwuma (1993) *The Nigerian Police and Individual Liberty,* Lagos: Civil Liberties Organisation, p. 30.
[xiii] United Nations (1993), *Human Rights: A compilation of International Instruments,* New York: United Nations, p. 322.