

Nigeria

Nigeria's most serious human rights problems remain unresolved. The government has largely failed to tackle the impunity that often attaches to serious human rights abuses, particularly abuses committed by the security forces and government officials. No one has yet been brought to justice for the massacre of hundreds of people by the military in Odi, Bayelsa state, in 1999, and in Benue state, in 2001, and members of the Nigerian police force are very rarely held accountable for widespread abuses including torture and murder. While the federal government has made some efforts to tackle corruption, it remains a pervasive problem even as the vast majority of Nigerians continue to live in extreme poverty. Widespread corruption leads directly to violations of social and economic rights and exacerbates other causes of violence and intercommunal tension.

In recent years, Nigeria has repeatedly been shaken by devastating outbreaks of intercommunal violence that are often fueled by government mismanagement and political manipulation. Many unresolved tensions are likely to be made even more explosive by intense political competition surrounding landmark presidential primaries in 2006 and general elections in 2007. Concerns exist that many politicians may resort to the same violent tactics in the upcoming elections that undermined the legitimacy of the last nationwide polls in 2003.

Intercommunal Violence

Intercommunal violence along ethnic, religious and other lines has claimed thousands of lives since the end of military rule in 1999. While 2005 saw no large-scale outbreaks of communal violence comparable to the worst incidents of recent years, smaller local-level clashes, for example in Kwara, Delta and Edo states, during which scores of people were believed to have died, occurred throughout 2005. Human Rights Watch estimates that between two thousand and three thousand people have been killed in outbreaks of intercommunal violence in Plateau State alone since 2001, including seven hundred people in 2004.

The continuing tensions underlying Nigeria's endemic intercommunal clashes— including conflicts over citizenship rights, environmental and population pressures, basic state failure to provide needed services, religious extremism, economic decline, corruption and cynical political manipulation of intercommunal divisions— are as complex as they are volatile. But Federal and State government officials in Nigeria have generally failed to heed warning signs that might allow them to prevent episodes of violence and have failed to respond effectively to violence when it occurs. Security forces are often notably absent when violence erupts, and widespread impunity for human rights violations contributes to the cycle of

violence and emboldens perpetrators. For example, since the 2004 violence in Plateau and Kano, those responsible for instigating and planning the attacks appear to have escaped justice.

Conflict in the Niger Delta

The oil-rich Niger Delta in the south of the country remains the scene of recurring violence between members of different ethnic groups competing for political and economic power, and between militia and security forces sent to restore order in the area. Violence between ethnic militias often occurs within the context of clashes over control of the theft of crude oil. The violence is aggravated by the widespread availability of small arms, a problem which exists throughout Nigeria but is particularly acute in the Delta. Despite a robust military and police presence in the region, local communities remain vulnerable to attack by militias, criminal gangs, and the security forces themselves. Oil companies rarely speak out publicly about such abuses; indeed, some of their own practices have contributed to ongoing conflict in the region.

Federal policy towards conflict in the Delta has vacillated between heavy-handed attempts at imposing order and attempts to bring reconciliation. In September 2005 federal authorities arrested Niger Delta People's Volunteer Force (NDPVF) leader Asari on charges of treason; that same month, U.K. police arrested Bayelsa state Governor Diepreye Alamieyeseigha in London on charges of money laundering. This contrasted sharply with the government's response to violence in 2004, during which rival militias waged running battles that devastated villages around Port Harcourt in Rivers State. Alhaji Dokubo Asari's NDPVF staged a brazen attack on neighborhoods controlled by a rival militia in Port Harcourt itself. At the time, Nigerian President Olusegun Obasanjo responded by calling those two rival militia leaders to Abuja in September 2004, where he brokered a ceasefire.

The two arrests in 2005 led to a sharp rise in tensions throughout the Niger Delta, largely because both men claim to be standard-bearers for the cause of self-determination and resource control for the Delta's ethnic Ijaw population. Ijaw militants briefly seized control of a Chevron flow station in response to Asari's arrest and threatened future violence unless Asari is released. That reaction underscored how little the government has done to address the underlying causes of violence in the region. Most glaringly, the end of military rule in 1999 has not led to effective efforts to deliver material benefits or basic security to impoverished Delta communities living atop the country's vast oil reserves.

Abuses by Police

During 2005, as in years before, torture, ill-treatment, extra-judicial killings, arbitrary arrest and detention and extortion by the police, often perpetrated by or with the knowledge of senior police, remained widespread and routine. Impunity from prosecution remains the biggest single obstacle to combating this problem. In June 2005 six people were killed at a police checkpoint in Abuja. In response to a nationwide outcry over the killings, federal authorities took the highly unusual step of bringing five police officers to trial on charges of homicide. According to statistics provided by the Nigerian police, several thousand "armed robbery" suspects have been killed by the Nigerian police in recent years. The

police have also killed scores of people in custody or in the course of routine duties such as traffic control. There is no independent mechanism to ensure that abuses by the police are addressed or even properly investigated. Since the end of military rule there have been no successful prosecutions against Nigerian police officers alleged to have committed torture.

In August 2005, President Obasanjo publicly acknowledged that Nigerian police officers have committed murder and torture. It remains to be seen whether this statement will be followed up with a serious push for badly needed reforms.

Human Rights Concerns in the Context of Shari'a

Since 2000, Shari'a (Islamic law) has been extended to give Shari'a courts jurisdiction over criminal cases in twelve of Nigeria's thirty-six states. In Katsina state two men were put on trial in Shari'a court on charges of sodomy in 2005; if convicted they could be sentenced to death by stoning. Shari'a has provisions for sentences that amount to cruel, inhuman and degrading treatment, including death sentences, amputations and floggings. No executions or amputations have taken place since early 2002 and capital sentences have generally been thrown out on appeal, but Shari'a courts continue to hand down death sentences.

Many trials in Shari'a courts fail to conform to international standards and do not respect due process even as defined by Shari'a legislation; defendants rarely have access to a lawyer, are not informed about their rights, and judges are often poorly trained. The manner in which Shari'a is applied discriminates against women, particularly in adultery cases where standards of evidence differ based on the sex of the accused.

Freedom of Expression and Attacks on Civil Society

Despite significant gains in civil liberties since the end of military rule, several restrictions on freedom of expression remain. Throughout 2005 Federal Police and State Security Service (SSS) forces continued to harass and occasionally detain publishers, editors and journalists in 2005. In at least two such cases in 2005, security forces raided newspaper offices in response to articles that accused politically prominent individuals, including the wife of President Olusegun Obasanjo, of corruption.

There have also been numerous cases of arrests, detention, ill-treatment, intimidation and harassment of critics and opponents of the government. Security forces have harassed and intimidated civil society activists from the Niger Delta and members of the Movement for the Actualization of the Sovereign State of Biafra (MASSOB), an Igbo self-determination group, in several different incidents throughout 2005.

Indicted War Criminal Charles Taylor and his Exile in Nigeria

In another example of Nigeria's failure to tackle impunity, former Liberian President Charles Taylor, indicted by the Special Court for Sierra Leone for war crimes, crimes against humanity and other serious

violations of international humanitarian law, was granted asylum in Nigeria in 2003 and continues to live in exile in Calabar, Nigeria. Despite mounting international pressure from African countries, the United Nations, the European Union and the United States, and a wide array of international African civil society groups, Nigeria continues to refuse to surrender him to the court.

Key International Actors

Under President Obasanjo, Nigeria continues to enjoy a generally positive image in the eyes of foreign governments. The country has enhanced its regional and international significance through the leading role played by Obasanjo in the African Union, his efforts to broker peace in the Darfur region of Sudan and his role in calming tension during the February 2005 political crisis in Togo. This, combined with Nigeria's economic significance as a major oil producer, creates an unwillingness on the part of key governments, notably the United Kingdom and the United States, and intergovernmental organizations such as the African Union and the Commonwealth, to publicly criticize Nigeria's human rights record, despite abundant evidence of serious human rights problems and little action on the part of the government to address them.