

## **Nigeria: Renewed crackdown on freedom of expression**

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## I. Introduction

Significant improvements in freedom of expression and civil liberties were among the immediate gains of Nigeria's transition to civilian rule in 1999. Although little has changed with respect to persistent corruption, violence and poverty, it is generally assumed that Nigerians are at least able to express themselves freely in the context of Nigeria's new political environment. However, the impression given to the outside world is misleading, as the basic right to freedom of expression is still not guaranteed.

This report documents a number of cases of violations of the right to freedom of expression in Nigeria since the second half of 2002, in which real or perceived critics and opponents of the government have been arrested, detained, ill-treated, and subjected to other forms of harassment and intimidation. Brutal measures have been used to repress peaceful expression. In extreme cases, the government's reaction to dissent or protest has resulted in extrajudicial killings. Most of these violations have been carried out by members of the Nigerian police force, in some cases on the direct instructions of senior officials; in other cases, the perpetrators have been members of the intelligence services known as the State Security Service (SSS). The victims have included journalists, human rights activists, supporters of opposition political parties, other political activists, peaceful demonstrators, and innocent passers-by who were the victims of indiscriminate police operations. The vast majority of cases, affecting ordinary men and women across Nigeria, are not even reported and may never reach human rights organizations or the media.

The cases described in this report are not exhaustive and are just a sample of a broader pattern of violations of the right to freedom of expression in Nigeria. Human Rights Watch is concerned at what would appear to be a proliferation of such incidents in 2002 and 2003. While activists and critics of the government have always faced a measure of harassment in Nigeria, even after the end of military rule in 1999, there are indications that the civilian government's intolerance of criticism may have increased, particularly in the run-up to the 2003 elections. However, not all the incidents reported to Human

Rights Watch are directly related to the elections, and several have taken place since the elections.<sup>1</sup>

Before President Obasanjo's government came to power in 1999, Nigerians had experienced decades of systematic human rights violations under successive military governments. The period of military rule from 1966 to 1999—interrupted by only a brief spell of civilian rule from 1979 to 1983—was characterized by the ruthless suppression of dissent. Human rights and pro-democracy activists, as well as journalists and others, were routinely targeted, especially under the government of Sani Abacha, from 1993 to 1998.<sup>2</sup> The 1999 elections, which brought President Obasanjo to power, marked an important transition from military to civilian government in Nigeria. Despite blatant and widespread rigging, there was a huge feeling of relief and hope that the 1999 elections would not only mark the end of military rule in Nigeria, but usher in a new era of respect for human rights and civil liberties, in which people would be able to express their views freely without fearing automatic arrest, detention or worse.

Undoubtedly there are far fewer violations of the right to freedom of expression in Nigeria today than there were four years ago, and fewer blatant cases of political imprisonment. Indeed on the surface, Nigerians are able to express their views openly, as illustrated by the broad range of articles and opinions, many very critical of the government, published in Nigeria's many newspapers and magazines. Nigerian human rights organizations are generally able to function without too many obstacles and a greater degree of formal political opposition is now tolerated. While initially, the Independent National Electoral Commission (INEC) had only allowed six parties to contest the 2003 elections, a landmark ruling by the Supreme Court in November 2002 declared many of INEC's party registration rules unconstitutional, with the result that a total of twenty-nine political parties were eventually allowed to compete against the ruling People's Democratic Party (PDP) in 2003.

The international community was quick to welcome these positive developments in Nigeria's transition to democracy and within a short time, it seemed that restrictions to free expression in Nigeria were a thing of the past. Yet the daily reality, as described by Nigerians from many different backgrounds, is different. The improvements since 1999,

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<sup>1</sup> This report does not describe in detail the many incidents of political violence and other human rights violations directly related to the elections, as these are documented in separate reports. See Human Rights Watch report "Testing democracy: political violence in Nigeria," April 2003; and Human Rights Watch briefing paper "Nigeria at the crossroads: human rights concerns in the pre-election period," January 2003.

<sup>2</sup> See for example Human Rights Watch reports " 'Permanent transition': current violations of human rights in Nigeria," September 1996, and "Transition or travesty? Nigeria's endless process of transition to civilian rule," October 1997.

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

The human rights violations described in this report constitute serious breaches of Nigeria's national and international obligations. Section 39 (1) of the Nigerian Constitution states: "Every person shall be entitled to freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference." Sections 33 (1) and 34 (1) (a) of the Constitution guarantee the right to life and the right to human dignity, including the right not to be subjected to torture or inhuman or degrading treatment.<sup>3</sup> Nigeria is also in breach of several international and regional conventions which guarantee freedom of expression and prohibit torture, cruel, inhuman or degrading treatment, and extrajudicial executions; these include the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the African Charter on Human and Peoples' Rights.

Human Rights Watch is calling on the Nigerian government to ensure that all individuals are allowed to express their views freely and openly without fear of arrest, violence, or other forms of intimidation, to issue clear instructions to the police that they should not use force to respond to peaceful protests, and to bring justice those found responsible for carrying out or ordering such abuses.

## **II. Political violence and arrest and harassment of opposition party supporters<sup>4</sup>**

The Nigerian government's unwillingness to tolerate any "real" opposition was starkly illustrated in the months leading up to the 2003 elections. Between April 12 and May 3, 2003, elections were held across the country for the posts of president, state governors, members of the National Assembly and members of state houses of assembly. In the

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<sup>3</sup> Constitution of the Federal Republic of Nigeria, 1999.

<sup>4</sup> For details of election-related violence in Nigeria, see Human Rights Watch reports listed in footnote 1.

preceding months, from mid-2002 onwards, several hundred people were killed in politically-motivated violence. The victims included high profile political figures, as well as rank-and-file party supporters. While much of this violence was carried out by supporters of the ruling PDP, especially in areas viewed as PDP strongholds, supporters of opposition parties, such as the All Nigeria People's Party (ANPP), also launched attacks on their rivals, resulting in deaths and injuries. Most of the major parties hired and armed groups of youths to terrorize their opponents, with the result that in some areas, especially in parts of the south and the southeast, no elections took place at all. The worst violence took place in the months preceding the elections; however, according to information gathered by Human Rights Watch, by Nigerian human rights organizations and by election observers, at least one hundred people were killed and many more injured during the actual election period, in April and May 2003.<sup>5</sup>

Despite these killings—and despite widespread rigging and fraud reported by national and international election observers deployed across the country—the 2003 elections were described as generally peaceful, both by Nigerians and non-Nigerians, and the mostly anonymous victims of this violence were quickly forgotten in the interests of encouraging Nigeria along its path to “democracy”. Official results reported that President Obasanjo and the PDP won the elections with an overwhelming majority. Nigeria's key foreign partners, while recognizing that there had been fraud and rigging, played down the violence surrounding the elections and failed to denounce it in their public statements. For example, British Foreign Secretary Jack Straw described the elections as “a landmark in the advancement of Nigeria's democracy” and welcomed “the relative calm in which the elections took place,”<sup>6</sup> while the U.S. government “congratulate[d] the people of Nigeria for what was largely a peaceful expression and exercise of their right to vote [...] The widespread violence predicted by many did not happen.”<sup>7</sup>

Such statements by foreign governments have done little to encourage the Nigerian government to end impunity for political violence. President Obasanjo's numerous pre-election promises to hold to account perpetrators of political violence have remained unfulfilled. Very few of those responsible for ordering or carrying out killings and other attacks on their opponents have been brought to justice, especially in cases of violence

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<sup>5</sup> Pre-election violence is documented in the Human Rights Watch report “Testing democracy: political violence in Nigeria,” April 2003. Human Rights Watch subsequently carried out further research in Nigeria on violence which took place during the actual election period; the findings of this research will be published in a forthcoming report.

<sup>6</sup> Foreign and Commonwealth Office press release, April 29, 2003. See also Human Rights Watch letter to Jack Straw, May 2, 2003.

<sup>7</sup> White House statement on Nigerian elections, May 2, 2003.

instigated by PDP supporters. On the other hand, scores—and possibly hundreds—of members of opposition parties were arrested before, during and after the elections. The majority were members of the ANPP, the largest opposition party. However, in some areas, members of other parties, such as the United Nigeria People's Party (UNPP) and the All Progressive Grand Alliance (APGA), whose largest support base is in the southeast, were also arrested. The opposition parties have claimed that most of them were not guilty and that these arrests were politically-motivated. Many have since been released without charge.<sup>8</sup>

Human Rights Watch has not been able to verify the circumstances surrounding all these arrests, or whether there was substantial evidence against those detained. The offences of which they were accused ranged from murder, armed robbery, arson and assault to criminal defamation against public officials. However, a clear pattern of arrest and detention of opposition party supporters, combined with the low level of arrest of PDP supporters, many of whom were also responsible for acts of violence and intimidation during the elections, indicates that opposition party supporters were at the very least disproportionately targeted. In addition, the fact that many detained members of opposition parties were released after the elections seems to indicate that the motive for many of these arrests was probably to prevent opposition activity during the elections, rather than to bring perpetrators of violence to justice.

The harassment of opposition party supporters continued after the elections. The Conference of Nigerian Political Parties (CNPP)—an umbrella organization of political parties which has become one of the main voices of the opposition in the aftermath of the elections— claimed that on June 23, 2003, “a group of 23 supporters of the presidential candidate of the ANPP, including 11 women who were on their way to Abuja to witness court proceedings in the case instituted by the candidate against the outcome of the election, were arrested on the orders of the Inspector-General of Police and detained without bail for three days. As we write this letter, many more members of the opposition are in illegal detention, some of them since the eve of the elections.”<sup>9</sup>

On July 7, 2003, the police raided the ANPP office in Abuja and arrested several people; they later released them. The police reportedly accused them of organizing a protest at the U.S. embassy on July 3, described below.<sup>10</sup>

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<sup>8</sup> Human Rights Watch research carried out in Nigeria, July 2003, and information gathered from a range of sources, including human rights organizations and members of opposition parties.

<sup>9</sup> Extract from a letter by the CNPP to U.S. President Bush, quoted in “Bush arrives today, coalition of parties oppose visit,” *The Guardian* (Lagos), July 11, 2003.

<sup>10</sup> Human Rights Watch telephone interview, July 8, 2003.

The police have also tried to prevent the ANPP from organizing rallies and other public events, on the pretext that they did not have police authorization or that the rallies could pose a threat to public security. This happened on at least two occasions in the northern city of Kano, which has been the focus of intense anti-Obasanjo sentiment in recent years. On July 15, 2003, it was reported that twenty-five people were arrested in Kano as crowds gathered for a rally organized by the Buhari organization, the campaign organization of Muhammadu Buhari who was the ANPP presidential candidate during the elections. The police justified the arrests on the basis that the rally had not been granted prior authorization.<sup>11</sup> The police also tried to prevent an ANPP rally in Kano on September 23, 2003. Directives to block the rally reportedly came from the police headquarters in Abuja, in particular the Inspector General of Police, who was unhappy with the failure of the Kano State police to stop the event. The police cited “security reasons” as justification for not granting permission to the organizers to hold the rally. Eventually, the rally took place and was addressed by both Muhammadu Buhari and the Kano state governor, Ibrahim Shekarau (also an ANPP member).<sup>12</sup>

### **III. The fuel dispute: crackdown on peaceful protests**

On June 20, 2003, less than two months after its election victory, the federal government announced an increase of more than 50 per cent in the price of fuel. Fuel prices in Nigeria have traditionally been kept low through heavy government subsidies. The government’s announcement of a sudden and sharp price increase caused a storm of public outrage across the country, as similar announcements had done in the past. As negotiations between the government and the trade union movement—which led the protests—broke down, the trade unions, under the leadership of the Nigeria Labour Congress (NLC), called a general strike from June 30. Massive public demonstrations were organized in different parts of the country, uniting Nigerians from all sectors of society. Defying expectations, the strike was kept up for around ten days. It was eventually called off on July 8 after a compromise on the price of fuel was reached between the government and the NLC, although this did little to pacify popular anger against the government.

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<sup>11</sup> See “Nigerian police arrest 25 at protest over Bush’s visit,” Panafrican News Agency, July 15, 2003.

<sup>12</sup> See for example “Police stop Buhari rally in Kano,” *Daily Trust*, September 23, 2003, and “IG queries Kano police command over Buhari rally,” *The Guardian*, September 25, 2003.

The police response to the strike and the protests was brutal. Large numbers of police (both regular police and paramilitary mobile police) were deployed across the country. In a manner reminiscent of the military era in Nigeria, they violently broke up demonstrations and rallies, dispersing protestors with tear-gas and live shots, even when there was no sign of violence. They shot dead several protestors and passers-by, and severely beat people, including several journalists who were covering the events. At least twelve people, and possibly more than twenty, were killed and others were injured. Scores of people were arrested, some apparently at random, on allegations that they had used violence or incited rioting. Union officials were among those arrested, and later released. While there were reports that some protestors had resorted to violence and set up burning barricades, many protests were completely peaceful.<sup>13</sup>

On June 30, on the first day of the strike, four people were reportedly shot dead by the police just outside the federal capital territory, in Mararaba, Karu local government, Nasarawa state. One of the victims was Patrick Daniel Danjaba, a thirty-seven-year-old casual worker with the construction company Julius Berger. He was not taking part in the protest, but happened to be at the scene when the police opened fire. He had been trying to go to work but when he found that there was no transport and that all the roads were blocked because of the demonstrations, he started to make his way back home; he was with a colleague when he joined the main road. A relative told Human Rights Watch what happened next:

At around 2.30 or 3 p.m., when he returned to the roadside, the mobile police were firing. He tried to run. A bullet hit him in the back. When we [his relatives] reached the scene, we found him lying and people around him. He was still alive. We tried to get a vehicle to take him to the hospital but there were no vehicles. A water-seller had a big wheelbarrow. We put him in it and pushed it to the medical centre. At the medical centre, there was no one working because of the strike. We took him to a private hospital but there was no doctor. He was still in the wheelbarrow. We took him to another hospital. A doctor there attended to him but he died while he was being treated.

[...] He was not protesting. He was just passing by.<sup>14</sup>

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<sup>13</sup> Human Rights Watch telephone interviews with human rights activists, journalists, and other eye-witnesses of the demonstrations, July 2003.

<sup>14</sup> Human Rights Watch interview, Mararaba, August 8, 2003.

The death certificate from the hospital confirmed that he had bullet injuries and that he died on June 30, at 4.40 p.m.

In addition to those who died, several people were injured by the police in Mararaba. Local residents told Human Rights Watch about four people who were injured, one of whom had three fractures on his arm. They were arrested and taken to the police force Criminal Investigations Department (CID) in Abuja; the police then took them to the national hospital and left them there.<sup>15</sup>

On July 1, the news agency Agence France-Presse (AFP) asked the police for a response to the news of the shootings in Mararaba. Police public relations officer Chris Olakpe initially confirmed that four people had died, without giving details, but then called the agency back denying that the police had recorded any deaths.<sup>16</sup>

On July 1, the police severely beat several journalists and arrested at least two during a large but peaceful protest rally in the federal capital Abuja; the rally was addressed by the NLC president Adams Oshiomhole. A group of more than ten policemen assaulted George Osodi, a photographer working for the news agency Associated Press (AP), who was taking photographs of the rally. A colleague described what happened:

George was one of the first photographers to start taking pictures. The riot police rushed in, grabbed him and pulled him out of the compound. Ten to thirteen of them beat him with whips and rifle-butts and kicked him. They smashed his cameras. They took his bag and cameras. He later found his bag empty; they had taken everything. He had bruises and cuts all over his face and body. They beat him up for a long time; he was trying to protect himself. While they were beating him, they said: "This is for the pictures you people take!" and "You have no right to be here as a journalist."<sup>17</sup>

Two reporters working for the *Vanguard* newspaper, Funmi Komolafe and Rotimi Ajayi, were also beaten by police the same day. Funmi Komolafe was then arrested by the police, as was Ola Awoniyi, a journalist working for AFP who had asked the police why they had arrested Funmi Komolafe. They were released later the same day.

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<sup>15</sup> Human Rights Watch interviews, Mararaba, August 8, 2003.

<sup>16</sup> Human Rights Watch telephone interview, July 1, 2003. Also see "Riot police fire tear gas at protesters on second day of Nigerian strike," AFP, July 1, 2003.

<sup>17</sup> Human Rights Watch telephone interview, July 1, 2003.

In the southern city of Port Harcourt, where students organized two large protests, at least two and possibly four people were shot dead on July 2 as police dispersed a protest on the Port Harcourt-Aba express road. Two of the victims died after being hit by stray bullets as police shot at the crowds. One was government traffic warden Chisa Nwoko. The other was trader Izuchukwu Nzenwefe, who was shot in front of his shop which happened to be located in an area where protestors had gathered. No police officer was arrested in connection with either of these deaths. It was also reported that two secondary students were shot dead during the protests. Several students were also beaten by police and arrested in a protest on the Ikwerre Road the same day.<sup>18</sup>

The highest number of fatal police shootings was in Lagos. One week into the strike, the protests showed no sign of dying down. On July 7, at least six people, and possibly as many as sixteen, were shot dead by the police in several different locations of Lagos; the exact number of victims has still not been independently confirmed. Some of the victims were protestors, others were hit by stray bullets. Eyewitnesses told Human Rights Watch that in several areas, the police opened fire on the crowds indiscriminately. For example, in Yaba, a young man in his twenties, Tunde Abdulazeez Andoyi, was shot dead as he stood outside his house. Witnesses described the police action in Yaba as completely unprovoked and said the protests had been peaceful until the police started dispersing the crowds. In Akowonjo, at least three people were reported to have died, including Obot Akpan Etim, aged twenty-seven; several others, including teenagers, were injured. At least two people were reportedly killed in Iyana-Ipaja. All the victims were reported to have died from bullet wounds.<sup>19</sup>

Initially, the police repeatedly denied any knowledge of the killings in Lagos. A Nigerian television journalist who had been in Akowonjo and had seen the victims' bodies asked the police for a response; they continued to deny that these incidents had occurred, even though he told them he had seen the bodies.<sup>20</sup> The public relations officer for Lagos State police was quoted as saying: "We wonder where Oshiomhole [NLC president] got his fact from that the police was the one that did the killings, let them produce their evidence and show us the corpses of those killed [...] We are yet to receive any case of death recorded during the protest [...] The allegation is completely untrue as the police

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<sup>18</sup> Human Rights Watch telephone interviews with sources in Port Harcourt, July 9 and 10, and November 7, 2003. See also letter to the Rivers State Commissioner of Police by the Civil Rights and Development Organisation (CRIDO) on the killing of Izuchukwu Nzenwefe; and "Police clamp down on Rivers labour leaders," *ThisDay*, July 3, 2003.

<sup>19</sup> Human Rights Watch telephone interviews with human rights activists and journalists in Lagos, July 8, 2003. See also "Nine feared killed as protest turns violent in Lagos," *The Guardian*, July 8, 2003, and "Gone with the strike!", *The Vanguard*, July 13, 2003.

<sup>20</sup> Human Rights Watch telephone interview, July 8, 2003.

was given stern warning not to use firearms during the riot.”<sup>21</sup> Eventually, under intense pressure and following widespread publicity of these incidents—graphic reports of the shootings, including footage of the victims, were shown on private television stations—they conceded that a number of people may have died but continued denying responsibility for their deaths, claiming that some had been killed in accidents in the general confusion, or that they may have been killed by armed rioters.<sup>22</sup>

Information gathered by Human Rights Watch indicates that orders to the police to shoot protestors in Lagos may have been issued from the highest level, from the police force headquarters in Abuja. On July 7, at the height of the protests in Lagos, a man who was arrested in Abuja in connection with an unrelated incident was taken to the police force headquarters. While he was waiting there, at around 11 a.m., he overheard a telephone conversation between a senior federal police official (who was in the same room as him) and the Commissioner of Police for Lagos State; he was able to hear part of the conversation because the speaker on the telephone was switched on. According to his testimony, the Commissioner of Police for Lagos State reported that people were protesting in large numbers in the Ikeja area of Lagos and asked for advice on what he should do. The senior federal police official replied that if the situation persisted for more than thirty minutes, the police should shoot the protestors on sight.<sup>23</sup>

In July, the House of Representatives and the Senate (the two houses of the National Assembly) set up inquiries into the shootings during the protests. The Senate’s investigation was carried out by five members of the Senate Committee on Petroleum Resources. Its proceedings took place in Lagos, Abuja and Port Harcourt between July 23 and August 2. It collected evidence from a range of witnesses, including victims and relatives of victims of the shootings, senior federal and state police officials, and representatives of the NLC. The police who testified to the committee denied that the police had shot anybody, claiming they had only used tear-gas. They claimed that the protests had turned violent and that some of the rioters were armed. They stated that eight people had died in Lagos, but that seven of them had died as a result of motor accidents. However, the committee’s report points out inconsistencies and contradictions between the testimonies of state and federal police officials, and identifies several cases in which injuries had clearly been caused by bullets. In particular, it

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<sup>21</sup> “Lagos police to arraign arrested fuel price hike protesters today,” *The Vanguard*, July 10, 2003.

<sup>22</sup> Ibid, and Human Rights Watch telephone interviews, July 2003. In their testimony to a Senate inquiry on this matter, the police said that according to their records, eight people had died during the protests in Lagos, but claimed that seven of them had died as a result of fatal motor accidents. Senate Committee on Petroleum Resources, Report on the Alleged Killings during the Strike over Price Increase of Petroleum Products.

<sup>23</sup> Human Rights Watch interview, Abuja, July 20, 2003.

highlights the case of Obot Etim, stating “there is a consensus that he died during the riot from bullet wounds. The only controversy is whether it was the police that did kill him as alleged by Labour [the NLC].” It also highlights the case of Abdulazeez Tunde Andoyi, in which witnesses named a deputy superintendent of police who they alleged had shot indiscriminately, killing Tunde Andoyi and injuring one other person in the leg; the report states “on the whole, there is a lot to suggest that the police is culpable in the death of Tunde Andoyi.” The report confirms that in addition to the above cases which occurred in Lagos, at least two people were killed in Mararaba, stating “the assertion from the police that nobody died cannot be correct,” and that not all those who were shot were rioters; the police had denied that anybody was killed in Mararaba, claiming that rioters had turned to violence and that four people had been injured.<sup>24</sup>

The conclusions of the Senate committee’s report state that the “police reaction to situation like the one we had during the crisis under question remain inhuman. The slightest provocation by citizens elicits a very bloody reaction.” Its recommendations include a request for the Police Services Commission—a body set up in 2001 to provide independent oversight over the activities of the Nigerian police force—to investigate three of the cases of killings in Mararaba and two cases in Lagos. Most of the remaining recommendations focus on the need for broader reforms and training within the police force, including the creation of a special Civil Protest Response Unit whose officers would not be armed with lethal weapons.<sup>25</sup>

At the time of writing, the report of the House of Representatives’ investigation into events during the protests is not yet available. The Lagos state government also set up a judicial commission of inquiry, the outcome of which is not known.

Partly as a result of these inquiries and the high level of media coverage of the events, several policemen were reportedly questioned about their actions during the protests, as part of an internal police investigation. However, by October 2003, Human Rights Watch was not aware that any police officer had been arrested or charged in connection with the shootings, or that disciplinary measures were taken against those involved in these incidents.

Human Rights Watch raised these cases directly with federal government and police authorities in Abuja. Lawrence Alobi, Commissioner of Police for Operations, denied that anybody was killed by the police in Lagos; he claimed that there was a stampede and

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<sup>24</sup> Senate Committee on Petroleum Resources, Report on the Alleged Killings during the Strike over Price Increase of Petroleum Products.

<sup>25</sup> Ibid.

that some people were run over by a vehicle. He denied that anyone was killed in Mararaba; he said that some had been injured, but that these were “miscreants”, not striking workers. He also denied that anyone was killed in Port Harcourt or that any force was used there. In a subsequent meeting, Lawrence Alobi told Human Rights Watch that the police were under threat from the protestors and that no policeman would shoot an unarmed protestor. He said that there was no need for further investigations and dismissed suggestions that such investigations might be useful. He said he had never heard about any photographers being beaten by the police.<sup>26</sup>

When Human Rights Watch met the Attorney General and Minister of Justice, he denied that orders had been given to the police to shoot or to kill, and stated that individual police officers would only resort to live bullets if they were unable to disperse the crowd and if they were being threatened. He said that a state commissioner of police would not have to obtain the authorisation of the Inspector General of Police to use live bullets, that they would be justified in doing so if the situation were violent, but not if they directly shot someone who was “minding his own business”. However, he also stated that “if in the process one or two lives were lost to save others from being killed, this shouldn’t create a reaction and it is lawful.” He told Human Rights Watch that the police were investigating the reported shootings and that if a case were established, the police officers would be tried.<sup>27</sup>

#### **IV. Arrest and torture following protest at US embassy in Abuja**

U.S. President George W. Bush visited Nigeria just days after the demonstrations about the fuel price increase, as part of a planned tour of several African countries between July 7 and 12, 2003. The Nigerian government was therefore especially sensitive to the atmosphere in the country during this period—a sensitivity which was manifested in a further crackdown against individuals openly criticizing the government.

On July 3, while the strike and protests were still going on, a group of protestors, made up of private individuals from different walks of life under the name Concerned Youth Alliance of Nigeria, went to the U.S. embassy in Abuja to protest against President Bush’s visit, on the grounds that it conferred undeserved legitimacy on President Obasanjo’s government. In a five-page letter to President Bush, which they delivered to

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<sup>26</sup> Human Rights Watch interviews with Lawrence Alobi, Commissioner of Police for Operations, Abuja, July 23 and September 17, 2003.

<sup>27</sup> Human Rights Watch interview with Chief Akin Olujinmi, Attorney General and Minister of Justice, Abuja, August 8, 2003.

the embassy, they expressed their disappointment at the widespread fraud during the recent elections, highlighted human rights violations by the police, and appealed to President Bush to reconsider his visit to Nigeria.<sup>28</sup>

Despite the entirely peaceful nature of the protest, around thirty protestors were arrested and detained for two weeks; some of them were tortured, on instructions from the highest levels of the police force, as indicated in the testimonies below. The torture was intended to force them to reveal the names of those who had organized their protest; they were repeatedly accused of being sponsored by political opposition parties. The nature of the interrogation they underwent indicates clearly that their arrest was politically motivated and intended to avoid any further negative publicity for the Nigerian government during President Bush's visit. The police tried hard to claim that the protest had been organized by opposition parties, a claim consistently denied by the protestors, who describe themselves as professionals of different backgrounds who were simply protesting President Bush's visit.<sup>29</sup> The police also put pressure on the ANPP to admit that they had been behind the protest (see above).<sup>30</sup>

Human Rights Watch spoke to some of the protestors after their release. One of them described how they were arrested after delivering their letter of protest to staff at the U.S. embassy:

There were about 200 to 250 people in the protest. There would have been more but some were obstructed on the way. We got to the U.S. embassy and talked to an official who came out. We approached the personnel and asked for an audience with the Consul General [...] We filled in the form to request a meeting. We came out with our placards. We just said we wanted to deliver our letter. The police initially didn't agree, but a U.S. embassy official came out and we explained to him why we were there. We read the letter out loud. He listened and was very receptive. We explained that we had feared being arrested. We had applied to the authorities for authorization to demonstrate, but they had not granted it. So we decided to write a letter about Bush's visit. The

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<sup>28</sup> "Nigeria's 2003 elections: a people under siege," letter to President Bush by the Concerned Youth Alliance of Nigeria.

<sup>29</sup> Opposition political parties also independently protested President Bush's visit to Nigeria.

<sup>30</sup> Human Rights Watch telephone interview, July 8, 2003.

embassy official took the letter. It was very peaceful, and we asked people to disperse peacefully.

We left. Less than two kilometres away, within Aso Drive, near the flyover, the police arrested us. They were mobile police. They arrested twenty-nine people, but released them after our coordinator appealed to the police. Then they arrested another thirty people [...] <sup>31</sup>

The protestors in this second group, who included three women, were then detained for two weeks. They were held in police custody in various locations in Abuja, including the Maitama Area Command, the zonal police headquarters in Zone 3, the police station in Asokoro, and the police force Criminal Investigations Department (CID) in Area 10. <sup>32</sup>

On July 7, the police arrested one of the coordinators of the demonstration, whom they had not been able to arrest earlier because he had travelled outside Abuja after the protest. They came to find him at his home:

On the Monday morning, at 8 a.m., nine heavily-armed mobile police came to my house. They included a chief superintendent of police, an assistant superintendent and the assistant commissioner of police in charge of the Inspector General of Police's monitoring unit. They arrested me like a criminal. They didn't even let me put on my shirt or shoes. I was wearing only my trousers. They took me to the force headquarters. They knew my name, and asked me if I knew one of the other coordinators (by name). They told me I was under arrest.

At the police headquarters, I was taken to the IG [Inspector General] himself. I was questioned first by the assistant commissioner, then by the IG, at the same time. The assistant commissioner asked me a series of questions: "Do you know the names called by the lady? [one of the other protestors who had been forced to give names to the police] You must have been sponsored by a political party or top individuals of opposition parties." I explained we weren't sponsored by anybody. I asked what offence I had committed and said I would sue the IG and the president for unlawful detention. The IG said: "Take him and he should be squeezed." They asked whether I was sponsored by Buhari [leader of the ANPP], Ojukwu [leader of APGA, another opposition

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<sup>31</sup> Human Rights Watch interview, Abuja, July 20, 2003.

<sup>32</sup> Human Rights Watch interviews, Abuja, July 20, 2003, and telephone interview, October 13, 2003.

party] etc. I denied that I was sponsored by anyone. [...] They tried to force me to mention names. I said I would rather die than indict innocent people. That was when the IG said I should be squeezed. The assistant commissioner had also asked about another coordinator of our protest (by name) because she had given an interview on the BBC and Reuters about the arrests. He told me I must give them information about her.

I was taken to the anti-robbery squad, room 40 or 41. I was interrogated there and told to mention the names of those who had sponsored me. It was just me with four interrogators. They asked the investigative police officer (IPO) to bring handcuffs to hang me. The IPO said he didn't have any handcuffs. They used another instrument. They brought it close to my body. I felt like my blood stopped flowing. I don't know what to call it. It looked like a metal detector. They held it in their hand. You feel it in your brain. They just brought it very close to my hands, my chest and my legs. I fainted. One of them said: "I'll shoot your legs if you don't give us names." I stayed there from 5 p.m. until about 6.30 or 7 p.m.

Then I was taken to Asokoro police station. They took me the back way, through the basement, into a vehicle with tinted windows. I was handed to the DPO [divisional police officer]. The cell was full. There were more than forty people there. It was Cell 1. I was held there for forty-eight hours. I was standing up all the time. We couldn't even sit down [...]

After two days, I was allowed to receive visits from my friends. I could talk to them for just two or three minutes behind the counter. The police listened but they were sympathetic. They said they had received orders from above. I was not tortured in the police station.

There was a court order to release us unconditionally or charge us to court, but the police defied it. They took us to court on the ninth day. It was the chief magistrate's court in Zone 2. We were taken there on Tuesday [July 15]. They accused us of three offences: unlawful assembly, conspiracy and incitement to disrupt public peace. Originally they had included treason but they dropped this. Thirty-one of us appeared in court with heavily-armed mobile police surrounding us with AK47s. We couldn't move an inch. They were in court with us. We all pleaded not guilty. The judge said we had only exercised our rights

according to section 40 of the Constitution. The police confirmed that we had not had any weapons. We were discharged and acquitted. [...]<sup>33</sup>

Our lawyers were told by the police that they couldn't release us until Bush had been and gone, because they didn't want to be embarrassed.<sup>34</sup>

Several other male protestors were tortured. One of those detained in a police cell in Zone 3 was severely beaten by the police; a fellow detainee heard him screaming "please, please, pardon me if I cannot tell you!"<sup>35</sup> Another detainee, held in a different location in Abuja, sustained injuries to his eyes and ears after being slapped very hard; he reported that he temporarily lost his hearing. On the day he was arrested, he was forced to stay in a squatting position all night, until the following morning.<sup>36</sup>

At least one other protestor, who was among the group arrested on July 3, also reported that the IG had personally ordered their torture:

On the day of my arrest, I was taken to the IG's office in the police force HQ. It was only me who was taken inside his office, but there were three other boys [other protestors] in the waiting room. Inside the office, the IG and several SSS [State Security Services] were there. The IG accused us of wanting to disrupt the country. He told his boys [the police] they should squeeze me and throw me in the cell where I should die. He didn't interview me. I spent only about five minutes in there.

The police interviewed me before and after. Initially, a commissioner of police interviewed me, then the IG said I should be taken to the monitoring unit. The other police commissioners and SSS came there. They questioned me. They asked who sponsored us. I said nobody. They asked how much we paid people to go on the protest. I said nothing. They asked did Buhari send you. I said no. They said we

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<sup>33</sup> The 31 included Mustapha Mohammed Bello, Happy Asuquo, Abubakar Suleiman, Samuel Olayemi, Idris Ahmed, Alriru Ajayi, Bassey Uko, Tola Balogun, Linus Osemobo, Bassey Etim, Michael Okike, Usen Sani, Abubakar Salisu, Sani Ali, Rachel Okoloba, Saheed O.Shokunbi, Benson Ojeaga, Yusuf Garuba, Abubakar Balagun, Livinus Onwude, Gebmi Oluranakinse, Julius Isakunle and nine others.

<sup>34</sup> Human Rights Watch interview, Abuja, July 20, 2003.

<sup>35</sup> Human Rights Watch telephone interview, October 13, 2003.

<sup>36</sup> Ibid.

deliberately organized the protest to set the country back. They asked for the names of other protestors. [...]

They put me in a cell in Zone 3, for about twelve days. There were fourteen of us in the cell. They didn't torture me, but they forced me to sleep on the bare floor. Other people were tortured. [...]

When I was released, the assistant commissioner of police from the Monitoring Unit threatened me. He said: "If you go for any other protest, I will come after you personally."<sup>37</sup>

In meetings with Human Rights Watch, Commissioner of Police for Operations Lawrence Alobi denied that anyone had been tortured following the protest at the U.S. embassy, but stressed that the organizers had not been granted a police permit to protest there.<sup>38</sup>

Human Rights Watch also raised these cases with the U.S. embassy in Abuja, as the arrests had occurred in connection with the protest there. When we first inquired with staff at the embassy soon after the arrests, we were told that the embassy was aware of the situation, that they believed the protestors had been arrested because they did not have a permit to assemble, but that the embassy could not take any action as none of those arrested were U.S. citizens.<sup>39</sup> Once the detainees had been released, Human Rights Watch informed U.S. embassy officials that several of them had been tortured, as described above. The embassy officials told Human Rights Watch that they would look into the case. They said that their chief security officer (who had since left the embassy) had talked to the protestors and had asked about the arrests when they occurred, but it appeared that the embassy had not followed the case closely since then.<sup>40</sup> U.S. President George Bush is not known to have raised human rights issues with the Nigerian government during his visit to Abuja in July.

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<sup>37</sup> Ibid.

<sup>38</sup> Human Rights Watch interviews with Lawrence Alobi, Commissioner of Police for Operations, Abuja, July 23 and September 17, 2003.

<sup>39</sup> Human Rights Watch correspondence with U.S. embassy in Abuja, July 10, 2003.

<sup>40</sup> Human Rights Watch interview, Abuja, July 22, 2003.

## **V. Harassment of human rights organizations and individuals suspected of providing information to them**

While most of the time, Nigerian human rights organizations and other civil society groups are allowed to carry out their activities without systematic hindrance, there have been several cases where the authorities have put obstacles in their way, apparently with a view to intimidating them.

On April 30, 2003, Okechukwu Nwanguma, coordinator of the southeast zone of the Civil Liberties Organisation (CLO), Nigeria's largest and oldest human rights organization, was subjected to intense questioning, threats and intimidation for several hours by the police in the southeastern city of Enugu. The incident was connected with a letter documenting arbitrary arrests, corruption and other abuses by the police in Enugu State, which the CLO had sent to the Inspector General of Police on March 1, 2003; the letter was signed by Okechukwu Nwanguma.<sup>41</sup> Nwanguma received a letter dated April 28 asking him to come for an interview with the Enugu State Deputy Commissioner of Police. Believing the interview was intended to shed more light on the cases of abuse raised by the CLO, he went to meet the Deputy Commissioner of Police in Enugu on April 30. He was then interrogated for several hours by six police officers, including the Deputy Commissioner himself. Their behaviour was clearly intended to intimidate and humiliate him. They tried to dictate the contents of his statement and prevented his lawyer from being present while his statement was taken. They accused him of fighting the police and of harbouring criminals, and stated that "a complainant could be turned into an accused". The Deputy Commissioner threatened to charge him with an unspecified offence. The police officers complained about the fact that the CLO had written directly to the Inspector General of Police, rather than raising the incidents of abuse directly with the individual police divisions or state police command in Enugu, even though the CLO had done so and not received any satisfactory response from the state police on previous occasions.<sup>42</sup> The following week, when Nwanguma returned to the police station with his lawyer, one of the police officers warned him to

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<sup>41</sup> Letter from CLO to the Inspector General of Police entitled "Extortion, indiscriminate arrests and detention by police officers in Enugu," March 1, 2003.

<sup>42</sup> Letter addressed to the Inspector General of Police by Okechukwu Nwanguma's solicitors, and statement by the CLO South-East Chairman entitled "CLO's southeast coordinator under threat by the police," dated May 1, 2003.

be careful because he was a young man—a warning which he interpreted as a further threat.<sup>43</sup>

Human Rights Watch wrote to the Enugu state commissioner of police and the Inspector General of Police on May 9, 2003, asking for an immediate investigation into this incident and for assurances that human rights activists are able to conduct their work freely and without fear for their safety. We received a reply dated October 14 from the principal staff officer to the Inspector General of Police in Abuja. The reply does not address Human Rights Watch's main concern, which was the intimidating and threatening manner in which Nwanguma was treated by the police. Instead, it attempts to discredit Nwanguma and the CLO's initial letter about police abuses, claiming that Nwanguma failed to produce any evidence to substantiate the CLO's allegations.<sup>44</sup>

In August 2002, the Lagos-based nongovernmental organization Centre for Law Enforcement Education (CLEEN), in conjunction with the Geneva-based World Organisation against Torture (*Organisation mondiale contre la torture*, OMCT), published a book entitled "Hope Betrayed? A report on impunity and state-sponsored violence in Nigeria." The book is composed of chapters by different authors, many of them human rights activists, describing case studies of targeted killings in Nigeria and the impunity which has protected the perpetrators, particularly members of the security forces. The book was launched by CLEEN and OMCT with a press conference in Lagos, which was not disrupted by the authorities. However, a consignment of several hundred copies of the book, sent from Geneva, was intercepted at customs in Lagos, and blocked there. The two organizations put repeated pressure for the release of the books, in vain. On October 2002, CLEEN received a letter from the Lagos-based transport company which stated: "[...] Nigeria Customs at M.M. Cargo still refused to release cargo due to the perceived political undertone of the book and hence required clearance letter from the Controller General of Customs Abuja through you before the cargo can be released."<sup>45</sup> One year later, in October 2003, the books have still not been released. In June 2003, CLEEN launched a court case against the board of customs and excise, which is due to be heard by the Federal High Court in Lagos; the date of the hearing was not yet known.

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<sup>43</sup> Human Rights Watch telephone interview, May 6, 2003.

<sup>44</sup> Letter to Human Rights Watch from Solomon E. Arase, principal staff officer to the Inspector General of Police, October 14, 2003.

<sup>45</sup> Letter to Innocent Chukwuma of CLEEN from Panalpina World Transport (Nigeria) Ltd, October 11, 2002.

<sup>46</sup> Human Rights Watch telephone interviews, October 2002 and September 2003. See also OMCT press release "Hope detained! A report on the human rights situation in Nigeria is blocked at the country's customs, while its contributors are being harassed," October 14, 2002.

In October 2002, at least three contributors to the book were called in for questioning by the SSS; two were members of the CLO, and the third was a member of the National Human Rights Commission (a body set up by the government in 1996 to monitor human rights developments and advise the government on human rights policies). SSS officials visited the Lagos office of CLO on several occasions, without specifying why they were looking for the staff members concerned. They also visited CLEEN's office in Lagos and questioned the executive director extensively.<sup>47</sup>

Between December 3 and 6, 2002, the SSS seized the passports of several members of Nigerian civil society organizations and prevented them from travelling. On December 3, Tajudeen Abdul Raheem, chairperson of the Centre for Democracy and Development (CDD) and Secretary General of the Pan-African Movement, was stopped at Lagos airport as he was about to travel to London. Members of the SSS confiscated his passport and kept it for three days. They told him that they had stopped him because his name was on their watchlist; however, they did not provide any explanation as to why it was on their watchlist or why he was not allowed to travel. Subsequently, the SSS told him that his name had been on their list "for a long time," meaning that he was among those blacklisted by previous governments; evidently the current government had never reviewed that list or questioned its existence. The director of the SSS apologized about the incident and blamed it on bureaucracy.<sup>48</sup> In the following days, the SSS at Lagos airport seized the passports of several other activists, including Jiti Ogunye, secretary of the National Association of Democratic Lawyers, and Iheoma Obibi, director of Alliances of Africa. Iheoma Obibi, who holds a British passport, was stopped at Lagos Airport on December 6, along with her five-year-old son. She was told that there were instructions from Abuja that she needed official security clearance before being allowed to travel, but was not given any explanation as to why. SSS officials took her passport, as well as her son's, and destroyed their boarding cards. Iheoma Obibi and her son were released about six hours later and asked to return to the SSS for interrogation on the following Monday.<sup>49</sup>

On July 22, 2003, Human Rights Watch published a report on killings during the riots in Kaduna in November 2002, following protests at the Miss World beauty contest which had been due to take place in Nigeria.<sup>50</sup> A large section of the report described killings

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<sup>47</sup> Ibid.

<sup>48</sup> Human Rights Watch telephone interview, October 7, 2003. See also CDD press release, "CDD chairperson arrested and international passport seized by Nigeria's State Security Service," December 6, 2002, and "My encounter with Nigerian SSS," *Weekly Trust*, December 13, 2002.

<sup>49</sup> Human Rights Watch correspondence, December 2002. See also "Rights groups allege clamp-down on members," *The Vanguard*, December 9, 2002.

<sup>50</sup> Human Rights Watch report "The 'Miss World riots': continued impunity for killings in Kaduna," July 2003.

by the security forces, particularly the police, during the days of rioting. In the days immediately after the publication of the report, from late July until mid August 2003, the police in Kaduna harassed at least two people whom they suspected of having provided information to Human Rights Watch on specific incidents of killings by the police, which were documented in detail in the report. On July 24, they arrested a man, accused him of giving information and photographs to Human Rights Watch and asked him why he had done this. They released him the same day, then called him again, and on at least three further occasions within a short period. On these subsequent occasions, they did not question him again, but kept him in the police station for the whole day leaving him alone in a room; they let him go at the end of the day. Another man was also questioned about why he had provided information to Human Rights Watch.<sup>51</sup>

In September, Human Rights Watch wrote to the Kaduna state governor and the police asking for assurances that individuals suspected of providing information on human rights violations are not intimidated or harmed, and reminding them of their obligation to investigate the killings and bring to justice those responsible. By November 2003, no reply had been received.<sup>52</sup>

## **VI. Harassment of journalists and restrictions on press freedom**

On a superficial level, the media enjoys considerable freedom in Nigeria. There is a large number of daily newspapers, weekly magazines, and other publications, most of them published in Lagos or elsewhere in the southern part of the country, and several private radio and television stations. With the exception of the federal and state government media outlets, much of the media regularly carries a range of opinions, including strong criticism of government policies and debates on different issues. However, in reality, genuinely independent journalism is not as common in Nigeria as it may seem, and there is an unspoken threshold beyond which criticism is not easily tolerated. The media, like so many other sectors, is tainted by corruption, with many, though not all, journalists expecting to receive payment before agreeing to report, or not to report, an event. As in many other countries, deals are struck with individual politicians on whether, when or how to report particular events. These personalized relations between politicians and individual journalists or editors allow the government a level of control over how the

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<sup>51</sup> Human Rights Watch telephone interviews and correspondence, July and August 2003.

<sup>52</sup> Human Rights Watch letter to the Kaduna State governor, September 16, 2003.

media represents events. However, not all journalists accept these compromises, and many continue to defy attempts at censorship.

There have been numerous incidents in which officials have intervened directly in an attempt to prevent coverage of events judged detrimental to the image of the government. Media Rights Agenda (MRA), a Lagos-based nongovernmental organization which promotes press freedom and freedom of expression, recorded more than fifty cases of reported abuses against journalists and other violations of freedom of expression between June 2002 and September 2003, including at least nine cases of physical assault by the police, as well as other forms of harassment, intimidation and obstruction, such as destruction or confiscation of journalists' cameras.<sup>53</sup> One of the most serious recent examples is the incident described above in which several journalists were beaten by the police during the fuel strike and protests. A few other examples from 2002 and 2003 are given below. These are incidents where the abuses appeared to be motivated specifically by an intention to suppress information or to silence dissent; this section does not include the numerous other incidents where journalists have been physically assaulted, harassed or obstructed for no clear reason, or simply with a view to extorting money.

In late July 2002, journalists were explicitly asked by government and police officials not to report on an incident in Kano on July 29 in which police had clashed with an angry crowd protesting against President Obasanjo's visit to the city. Independent sources, including journalists and other witnesses, initially claimed that several people had died when policemen in the president's entourage shot at protestors. As soon as these reports began circulating, the authorities made frantic efforts to cover up the story. Human Rights Watch spoke to several journalists at the time who said that government officials had been seeking out individual journalists and asking them what they had seen, telling them that nothing had happened and that they should not report the story as the information was incorrect. In particular, the press secretary of the Kano State governor<sup>54</sup> approached all the Kano-based local and international reporters as they gathered in the press gallery in government house (the state government office) and appealed to them not to report the story.<sup>55</sup> However, the pressure came too late, as reports of the shootings had already been filed and published by several news agencies, as well as most

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<sup>53</sup> Analysis of data gathered by Media Rights Monitor, the monthly journal of Media Rights Agenda, between June 2002 and September 2003. Human Rights Watch has not been able to verify all these cases.

<sup>54</sup> The Kano State governor at the time was Rabi'u Musa Kwankwaso. He was appointed Minister of Defence in the federal government after the 2003 elections.

<sup>55</sup> Human Rights Watch telephone interviews, July 31, 2002, and subsequent correspondence, September-October 2003.

of the main Nigerian newspapers. Federal government officials, including the minister for information at the time, and a spokesperson for the president's office, expressed dissatisfaction with the content of these reports.<sup>56</sup>

Human Rights Watch was unable to confirm whether anyone was killed at the scene of the protest in Kano on July 29, 2002. Several witnesses reported that shots had been fired into the crowd and people had been injured, but they could not confirm whether the injuries had been caused by live shots or by tear-gas, or whether any of the victims actually died. The police and the government vehemently denied that anybody was killed.<sup>57</sup> However, Human Rights Watch confirmed the disappearance of a young man, nineteen-year-old Mutari Abba Kabara, in confusing circumstances; he was last seen in police custody after he was arrested on the day of the protests. His family was informed that he was taken first to Jakara police station in Kano, then transferred to the Kano state police headquarters, but was not able to trace his whereabouts thereafter, despite repeated inquiries at different police stations. The police eventually informed the family that a young man with a similar name had died, but the body they were shown in the mortuary was not their son's.<sup>58</sup>

In June 2003, all printed copies of the June 30 edition of the weekly *Tell* magazine were bought up by agents of the Organising Committee of the All Africa Games (COJA). The magazine contained an article on corruption in the award of contracts for coverage of the All Africa Games, due to take place in Nigeria in October 2003, entitled "Scandal in Aso Rock [the presidency]; Anti-corruption campaign, a fraud." On June 20, 2003, officials of COJA visited the *Tell* office in Lagos and offered to buy up all copies of the issue before it went on sale; the management of *Tell* refused. The following day, as the magazine was going on sale, the officials targeted all the main distribution points and bought up all the copies.<sup>59</sup> According to a journalist reporting from Abeokuta, in Ogun state, the copies there were bought up by SSS officials who identified themselves as acting on orders of the presidency.<sup>60</sup>

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<sup>56</sup> See for example "Nigeria pressures BBC outlet amid row over reporting," AFP, August 6, 2002, and "Nobody died when Obasanjo visited Kano, says Presidency," *ThisDay*, July 31, 2002.

<sup>57</sup> Human Rights Watch telephone interviews, July 31, 2002. See also "Nobody died when Obasanjo visited Kano, says Presidency," *ThisDay*, July 31, 2002.

<sup>58</sup> Human Rights Watch interviews, Kano, February 1, 2003, and letter to the Inspector General of Police by lawyers acting on behalf of Mutara Abba Kabara's father, August 10, 2002.

<sup>59</sup> Human Rights Watch telephone interviews, September 2003. See also press release by the Centre for Research Education and Development of Freedom of Expression and Associated Rights (CREDO), June 27, 2003. The statement mentions that "the security agents also largely succeeded in preventing the export of the magazine, which usually sells in tens of thousands in Africa, Europe and the United States."

<sup>60</sup> See "Tell alerts of fresh censorship," *Daily Independent online*, June 25, 2003.

In late November 2002, the premises of three independent newspapers based in Port Harcourt, *The Argus*, *The Beacon*, and *The Independent Monitor*, were raided by the police and several journalists were arrested by the police for publishing stories seen as critical of the Rivers state government. They were detained for several hours then released. The Rivers State governor's lawyer reportedly wrote to the newspapers threatening to sue them for libel if they refused to retract the articles.<sup>61</sup>

Ofonime Umanah, the Cross Rivers state correspondent of *The Punch* newspaper, was reported to have been harassed after exposing public discontent with the Nigerian government's decision to offer a safe haven to former Liberian President Charles Taylor.<sup>62</sup> The Cross Rivers state government asked him to tone down his criticism, but he did not give in to this pressure. He was then called to explain himself before the Ethics Committee of the Cross Rivers state chapter of the Nigerian Union of Journalists (NUJ); the committee's members include the state president of the NUJ, who is a member of the PDP and former member of the publicity sub-committee of the state governor's campaign team, and the press secretary of the state governor's wife.<sup>63</sup>

Several journalists have been expelled from their specific area of reporting after writing articles denouncing abuses, particularly corruption. For example, on September 17, 2003, Cyril Mbah, state house correspondent for *The Monitor* newspaper, was escorted off the premises of the President's compound in Abuja, from where he usually reported, after he had written an article allegedly critical of the President. Agents of the SSS reportedly kept his accreditation card and told him not to return to the presidential compound.<sup>64</sup> Other journalists have been expelled from particular states following critical reporting. For example, in August 2003, the Akwa Ibom State House of Assembly reportedly ordered Haruna Acheneje, state correspondent of *The Punch* newspaper, to leave Akwa Ibom State, from where he usually reported. This instruction was apparently connected to an article he had written about the State House of Assembly, which members of the House claimed contained false information and

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<sup>61</sup> Human Rights Watch interviews in Port Harcourt, December 20, 2002.

<sup>62</sup> Charles Taylor accepted President Obasanjo's offer of asylum after stepping down from power in Liberia in July 2003. He has been living in Calabar, Cross Rivers State, southeastern Nigeria, since August 2003. Despite the fact that Charles Taylor has been indicted for war crimes and crimes against humanity by the Special Court for Sierra Leone, the Nigerian government has still not handed him over for prosecution.

<sup>63</sup> Human Rights Watch correspondence, October 23, 2003.

<sup>64</sup> See "SSS men bundle journalist out of Aso Rock," *Daily Champion*, September 18, 2003, and "Monitor reporter expelled from presidential villa," *Daily Trust*, September 18, 2003.

portrayed their activities in a negative light, and his subsequent failure to appear before the House after they summonsed him to be questioned about the article.<sup>65</sup>

There have been numerous incidents in which members of the security forces have attempted to prevent journalists from filming or taking photographs, in a variety of different situations. Not all of these have resulted in prolonged detention or physical ill-treatment, but they illustrate a persistently hostile and suspicious attitude on the part of the security forces towards journalists carrying out their legitimate professional duties. For example, on September 28, 2003, two cameramen, George Esiri of Reuters and George Osodi of AP, were stopped by members of the navy and officials of the Nigerian National Petroleum Corporation (NNPC) as they were trying to photograph a ruptured NNPC pipeline at a location known as Atlas Cove, between Apapa and Tin Can Island, in Lagos State. The navy impounded their cameras, held them for about one hour, then released them; eventually they were allowed to take photographs.<sup>66</sup>

On October 4, 2003, Jeff Koinange, head of the West Africa bureau of the U.S. television channel Cable News Network (CNN), was stopped on arrival at Lagos airport, just after going through immigration controls. A group of around twelve officials, including members of the SSS and customs officials, told the CNN team they had received orders from above not to allow them in and that they should take the next plane out of Lagos. They did not give any further explanation. When CNN cameraman Simon Munene started filming the exchange, they slapped him to the ground and confiscated his film. Eventually, the CNN team was let into the country. The minister for internal affairs and the president's personal assistant later apologized personally to Jeff Koinange, claimed the incident was a mistake, and said the government would investigate it and take appropriate action.<sup>67</sup>

Government and security officials have tried to muzzle writers and publishers, as well as journalists. In mid-June 2003, the publisher of a book entitled "This madness called election 2003," which denounced government abuses during the elections, was arrested by the SSS and taken to Abuja for questioning. The SSS also reportedly seized all copies of the book from the publishers, SNAAP Press in Enugu, and confiscated the printing materials so that it could not be reprinted. They also seized twenty copies of the book

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<sup>65</sup> See "The pains of journalists in Nigerian democracy," *Daily Independent*, September 2, 2003.

<sup>66</sup> Human Rights Watch telephone interviews and correspondence, October 2003.

<sup>67</sup> Human Rights Watch telephone interview, October 6, 2003.

from a news vendor. The author of the book, Father John Okwoeze Odey, was told that there were plans to arrest him.<sup>68</sup>

There were other instances of restrictions on freedom of expression linked to the elections. According to local activists, the Nigerian media was less critical than usual during the election period, and there were attempts to stifle open criticism. For example, on April 29, 2003, two members of civil society organizations were invited as guest speakers to participate in a discussion program on a radio station called Rhythm, in Port Harcourt. The theme of the discussion was voter education and electoral accountability. Midway through the program, one of the guests was asked for his view on whether voters should participate in the state house of assembly elections scheduled for May 3. In his reply, the speaker denounced abuses by the police and the Independent National Electoral Commission (INEC) during the presidential and governorship elections which had taken place on April 19, and stated that open rigging in Rivers State, particularly by the ruling PDP, had eroded the general public's confidence in the elections. A listener then phoned in, agreed with his comments and gave further examples of rigging. At this point, the manager of the radio station came into the studio and told the participants they should not criticize the police or INEC, because the radio station had received a directive from the National Broadcasting Commission and the Ministry of Information not to air programs criticizing the police or INEC in relation to the elections. The guest speakers refused to continue the program under those conditions, and the presenter had to close the discussion, which was being broadcast live. It was later discovered that during the first week of the discussion programs, officials of the Rivers State government had called the radio station and threatened to get its operating licence revoked if it allowed the station to be used to criticize the government. Other guests who had participated in the program on earlier occasions had also been warned not to criticize the conduct of the police, INEC or the government during the elections.<sup>69</sup>

In Gabasawa town, Kano State, on April 19, 2003—the day of the presidential and governorship elections—Musa Umar Kazaure, the Kano bureau chief of the Abuja-based *Daily Trust* newspaper, witnessed a group of men marking ballot papers in favour of the ruling PDP and stuffing them into ballot boxes. The group noticed him taking photographs and took him to the local district chief, who had apparently sponsored them to stuff the ballot boxes. The chief confiscated the journalist's camera and tape recorder and, in his presence, gave the group 10,000 naira (about U.S.\$75) “for a job well

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<sup>68</sup> Human Rights Watch interview, Abakaliki, Ebonyi State, July 12, 2003.

<sup>69</sup> Human Rights Watch interview, Port Harcourt, July 14, 2003, and correspondence, October 23, 2003.

done.” As the journalist began to feel threatened, he ran to his car; people threw stones at his car as he drove off.<sup>70</sup>

## **VII. Human rights violations against members of self-determination groups**

With a population made up of more than 250 different ethnic groups and a strong sense of regional as well as ethnic identity, Nigeria has seen the emergence of numerous self-determination groups. These groups have advocated various forms of autonomy on an ethnic or regional basis, within or outside the current federal structure of the country. Several of them, for example Yoruba groups in the southwest, Igbo groups in the southeast, and Ijaw and other groups in the oil-producing delta in the south, have been very vocal in articulating their demands for autonomy, based on claims of marginalization within the current political system; some but not all have used violence. In the last few years, an umbrella organization for Yoruba self-determination groups, the Coalition of O’odua Self-Determination Groups (COSEG), has not only brought together the various Yoruba organizations, but has also made overtures to self-determination groups of other ethnicities and regions of Nigeria which, while representing different interests, are united in their opposition to the current federal structure, and hence the federal government, of Nigeria.

### ***Yoruba self-determination groups***

In February 2003, Human Rights Watch published a report on the O’odua People’s Congress (OPC), one of several Yoruba self-determination groups active in the southwest of Nigeria. The report described cases of extrajudicial killings and other abuses suffered by OPC members at the hands of the police, as well as numerous killings and other acts of violence by the OPC.<sup>71</sup> Since the publication of that report, incidents of violence by and against the OPC have decreased, as its leaders appear to have reached a kind of peace or compromise with the federal government. However, there have been cases of extrajudicial killings, arrests and other forms of harassment of members of other self-determination groups.

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<sup>70</sup> Human Rights Watch correspondence, October 10, 2003.

<sup>71</sup> See Human Rights Watch report “The O’odua People’s Congress: fighting violence with violence,” February 2003. The OPC is not purely a self-determination group. It has also taken on characteristics of a militia group and self-appointed vigilante group.

In May 2003, Kayode Ogundamisi, a well-known activist in Nigeria, president of the O'odua Republic Front (ORF, a more recently-established Yoruba group) and former National Secretary of the OPC, was arrested by members of the SSS and detained for two weeks. He was denied contact with his family and lawyer throughout his detention. After two weeks, he was released without charge. During his detention, he was questioned repeatedly about his political activities and those of his organization, the ORF, and he was told he should join the political mainstream. From the interrogation, it would appear that the arrest may have been linked in part to a newspaper advertisement by the ORF published in the Lagos-based *Punch* newspaper a month earlier, on April 5, 2003. In the advertisement, the ORF called for a campaign for a sovereign national conference, a referendum on an Oodua republic<sup>72</sup> and a campaign for a free southwest. Wale Adedoye, a journalist from *The Punch*, who was with him at the time of the arrest, was also arrested but released after a few hours.

Kayode Ogundamisi had spent the last few years living in Europe but had returned to Nigeria in time for the elections in April and May 2003. On May 11, 2003, he was arrested at the international airport in Lagos, as he was preparing to board a flight back to the United Kingdom:

When I arrived at the British Airways desk at Lagos airport, about seven SSS men came straight up to me. They had obviously been waiting for me. They told me to go with them. I asked why and they pulled out their guns [...] They said they had orders from above not to let me travel. They took my ticket and passport and told me to write a statement. I refused. Then they picked up Wale, in front of his wife and children. They escorted me and Wale out through the back door. They put us in two station wagons, separately. Other armed SSS were waiting outside. At about 2 p.m., they drove us to Shangisha, the Lagos State SSS headquarters. No one had told me why I was arrested.

At Shangisha they put me in a cell. About six or seven hours later, I saw Wale going past; he had been released. [...]

The Lagos State director of the SSS came and told me: "You're giving us problems." He was very angry [...] The next morning, the deputy director said I should write a statement. I refused. They gave me a form of about thirty pages, very detailed, and asked me to fill it in. They had not allowed me to make any phone-calls. I asked if I could call my

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<sup>72</sup> O'odua, or Oduduwa, is the ancestor of the Yoruba race.

PA about my luggage [which had been left at the airport]. They said yes but I could only ask one question. They told her to bring the luggage to me.

Before that, they said they wanted to do a search of the hotel where I had stayed. We went together in a station wagon, on Monday at about 10.30; they were all armed. They stopped at Ikeja High Court to get a warrant. The magistrate refused to give the search warrant as he said there was no reason. They drove to another court in Agege. The magistrate there refused too. Eventually they abandoned the idea of searching the hotel. They drove back to Shangisha. My PA was there but they didn't let me talk to her.

They searched my two bags. They took out the letterhead paper of the ORF, some COSEG campaign materials and the Human Rights Watch report on the OPC. They made me sign a paper that they had taken those materials.

They refused to let me call my lawyer as they kept telling me I would be released very soon, the next day. They said they had told my PA to pick me up on Tuesday. They still hadn't said anything about why I had been arrested.

At about 6 p.m., I decided to write my statement. I wrote that I was protesting about what had happened and lodged an objection. The director said this was not necessary. He said the orders for the arrest had come from Abuja, not from Lagos.

On Tuesday morning [...] they drove me to Abuja. [...] We reached Abuja late at night. I was handed over to the SSS there, at their headquarters [...] One of the receiving officers pointed at me and said: "This O'dua man!" [...] One of them said to another: "Take him to Delta Base". The other one said: "No, it's political." Delta Base is for common criminals. They put me in a vehicle and drove to Delta Base. It is a building in the middle of nowhere, about a 25-minute drive from Abuja. They put me in a very dirty cell. I was alone in the cell. [...]

On Tuesday, at about 10 a.m., I was taken back to the HQ and met the officer in charge of the investigation. I insisted on knowing why I was being held. The officer said it was all to do with ORF. He wanted to know about the ORF and talked about an ORF advert in *The Punch*. He handed me to another officer who asked me why I left the OPC. I

explained that the OPC had lost control and was diverting from its original aims, that it was moving towards violence and vigilantism. They asked me why we chose the name ORF and why not O’odua Congress. I explained it was to make it clear what the organization stood for. They told me to write about the leaders of the organization. They wanted to know the details of the seven members who form the Senate of the ORF [...] Then they asked for details of members of ORF, OYM [O’odua Youth Movement], COSEG, asking name by name where people lived [...]

They asked me to account for what I had done in the last ten years. They took out my passport and went through it country by country [...] The questioning lasted about five hours.

[...] From Wednesday to Sunday, I didn’t see anybody. They refused to allow me to walk in the yard outside at all. They said they had instructions to keep me locked up [...]

On Tuesday, they took me back to the HQ for interrogation. There was a team of six people. They said to me: “Where did you keep the arms? We know you have three container loads shipped into the country.” They said I should show them where the arms were. I said I didn’t have any and we don’t believe in using arms. He said: “You’re finished” and “The ORF won’t see the light of day.” I gave them my lawyer’s number but they refused to call him.

On Wednesday I said I wanted to write a protest letter to the director and that they should charge me or let me go. I asked if they could at least let me call my family. They refused and said they had to seek approval from above.

On Thursday they questioned me about the advert in *The Punch*. They asked me why we made extreme demands and what we meant by Yoruba should campaign for an independent nation [...] That was the last interrogation until I was released on the evening Monday 26 May.

On Monday morning, they came to get me from my cell [...] I was taken to the national director of the SSS for the first time [...] He had a big file with my name on it: “Kayode Ogundamisi, leader ORF.” He said: “Forget it, the case is over. What you’ve done is not illegal but it could destabilise the country and it could provoke northerners. I’ve told them to release you. Stop these articles you’re writing. Watch what you say

against this government. Obasanjo is a Yoruba man. You should be cooperative with the government.” He never apologized. It was as if my release was a favour.

[...] Six days before my departure, they returned my passport to me. The director said: “If you mess up, you’re on a 24 hour watchlist and you won’t be allowed to travel out of Nigeria.”

While I was in detention, my lawyer went many times to the SSS to ask to see me. They refused him access. He sent people to Abuja twice. At first, the SSS even denied arresting me.<sup>73</sup>

Several other members of the ORF were questioned and had their houses searched around the same period. Two days after Kayode Ogundamisi’s release, Obe Tajudeen, a local ORF leader in the Mushin area of Lagos, was arrested by the SSS. The SSS asked him for information on Kayode Ogundamisi and other leaders of the ORF; they asked him who Ogundamisi had been seeing and what he had been doing. He was released after one day. During the period of Kayode Ogundamisi’s detention, the SSS also searched the house of Jibril Ogundimu, another ORF leader. On around June 21, armed police searched the house of Oluwatoyin Jimoh, another ORF leader, in Ilorin, the capital of Kwara State; they subsequently apologized, claiming they had mistaken the house for someone else’s.<sup>74</sup>

## **MASSOB**

Many members of the Igbo organization Movement for the Actualisation of a Sovereign State of Biafra (MASSOB), based in the southeast of Nigeria, have been arrested, detained and killed by the police since the organization was created in 1999. MASSOB advocates a separate state of Biafra for the Igbo, the dominant ethnic group in the southeast, based on the ideals of those who fought in Nigeria’s bloody civil war in 1967-1970.<sup>75</sup>

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<sup>73</sup> Human Rights Watch interview, London, June 23, 2003.

<sup>74</sup> Ibid.

<sup>75</sup> Biafra was the independent republic proclaimed in 1967 in the Igbo areas of eastern Nigeria following the end of the First Republic by two military coups in 1966. The ensuing civil war, known as the Biafran war, claimed between 500,000 and two million lives before it came to an end with a federal victory in 1970. Emeka Odumegwu Ojukwu, who led the Biafran movement, resurfaced onto the political scene more recently and stood as a presidential candidate in the 2003 elections, for the All Progressive Grand Alliance (APGA). Although he stood little chance of winning nationwide, many people in the southeast, including election observers, believed that APGA candidates would have won a significant number of votes in the Igbo heartland, had it not been for extensive rigging and intimidation by PDP candidates and their supporters.

MASSOB claims to be a non-violent movement, although the police and some other sources claim otherwise. Although the organization denies having any interest or involvement in politics, MASSOB had been agitating for an Igbo president for Nigeria and had threatened that there would be no elections in the southeast in 2003. However, they subsequently withdrew from that position and are not known to have disrupted the elections when they eventually took place.<sup>76</sup>

Although MASSOB does not appear to enjoy the kind of massive popular support which would represent a serious political threat to the government, MASSOB members have been persistently harassed by the police, acting on orders from the federal government. The clashes between MASSOB and the police are reminiscent of those between the OPC and the police,<sup>77</sup> with the police raiding MASSOB premises and its leader Ralph Uwazuruike's house on several occasions in 2000 and 2001.

MASSOB have claimed that scores of their members have been extrajudicially killed by the police, particularly during 2000 and 2001. One of the most serious recent incidents occurred on March 29, 2003, just before the elections, when MASSOB members clashed with the police. The police reportedly stopped a large convoy of MASSOB members at Umulolo, near Okigwe, in Imo State, attempted to disperse them, then shot and killed several of them. According to their leader Ralph Uwazuruike, who was with the convoy at the time, those who were shot had been trying to run away from the tear-gas. The number of dead has not been confirmed by independent sources, and numbers quoted have ranged from seven to more than fifty. While the police stated that seven were shot dead on the spot,<sup>78</sup> MASSOB put the figure much higher: "The police carried away about ten bodies and later my members recovered about fifty other bodies."<sup>79</sup> There was speculation that attempts by the police to block the MASSOB convoy may have been prompted by rumours that they were planning to disrupt the election campaign of Achike Udenwa, the Imo state governor—an allegation which MASSOB have denied.<sup>80</sup>

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<sup>76</sup> In an interview with *NewsWatch*, MASSOB leader Ralph Uwazuruike said: "At the beginning, we said we would not allow elections in the South-East if an Igbo man was not allowed to be the president as done in the West in 1998 [...] We withdrew from that position and I made it public that we were no longer interested in pursuing that position." "All Igbo politicians want Biafra," *NewsWatch*, June 23, 2003.

<sup>77</sup> See Human Rights Watch report "The OPC: fighting violence with violence," February 2003.

<sup>78</sup> See "Seven pro-Biafran campaigners killed in Nigeria: police," *Agence France-Presse*, March 30, 2003. In the same article, a police spokesman claimed that MASSOB members had opened fire on the police. MASSOB have denied this.

<sup>79</sup> See interview with Ralph Uwazuruike in "All Igbo politicians want Biafra," *NewsWatch*, June 23, 2003.

<sup>80</sup> *Ibid.*

A newspaper article reported that on June 16, 2003, seventeen MASSOB members were killed and eleven injured during a police raid on their secretariat at Nkpor, near the town of Onitsha, Anambra State.<sup>81</sup> Human Rights Watch has not been able to confirm this incident. The police denied any incident involving MASSOB, claiming that the incident which occurred on that day was an armed robbery, which led to a shoot-out between the robbers and the police.<sup>82</sup>

Hundreds of MASSOB members have been arrested since 1999 and many have been detained without trial, and sometimes without charge, for prolonged periods. Ralph Uwazuruike himself, who has been arrested several times over the last three years, was arrested again on March 29, 2003, the day of the clash with the police described above; around forty other MASSOB members were also arrested the same day. Ralph Uwazuruike was detained for just over two months, first in Owerri, capital of Imo State, then in the federal capital Abuja. He and four other MASSOB members were charged with conspiracy, unlawful assembly and misdemeanor. They were released on bail on June 6, 2003, having remained in detention throughout the election period.<sup>83</sup>

By mid 2003, an unknown number of MASSOB members remained in detention, in various locations in the southeast, as well as in other parts of the country. For example, at least seven MASSOB members who had been arrested during a meeting in Abuja were detained in Asokoro police station in Abuja for around three months in 2003; they were later released on bail.<sup>84</sup>

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<sup>81</sup> "MASSOB accuses police of killing 17 of its members," *The Vanguard*, June 17, 2003.

<sup>82</sup> *Ibid.*

<sup>83</sup> Elections for the National House of Assembly took place on April 12, 2003; elections for the president and governors on April 19, and elections for state houses of assembly on May 3.

<sup>84</sup> The seven MASSOB members are Augustine O. Obidimma, Ngagozie F.Mbamalu, Okechukwu Onyia, Samuel A. Chukwu, Osita Okeke, Kenechi Uwajuake, and Peter Eziagu. Human Rights Watch has not been able to confirm the charges against them. Human Rights Watch interview, Abuja, July 20, 2003, and telephone interview, October 6, 2003.

## VIII. Other cases

Restrictions on freedom of expression have affected individuals from other backgrounds and professions too.

### ***Disappearance of Hussaini Umar***<sup>85</sup>

In April 2003, Islamic teacher and scholar Hussaini Umar was arrested in the northern city of Kaduna and detained in an undisclosed location. By mid October 2003, his whereabouts remain unknown.

Sources close to Hussaini Umar in Kaduna believe his arrest was linked to comments he had made just before the elections, which were interpreted as critical of the government. According to one source, the Kaduna State governor had called a meeting of Islamic scholars and others to persuade them to vote for the government. The governor reportedly said that politics and religion should be kept separate; Hussaini Umar disagreed with this and reportedly said that politics and religion could not be separated from each other, or from other aspects of life. Other sources in Kaduna said that Hussaini Umar had accused the government of corruption and of not doing enough to reduce poverty, and that he had been particularly critical of the Vice-President, Atiku Abubakar (who is also a Muslim). He had also been critical of the manner in which Sharia (Islamic law) was being implemented in Nigeria, believing that Muslims should be judged by Sharia wherever they live in the country, not only in those areas where Sharia legislation is in force. He had expressed some of these views to state and federal government officials, as well as to the media and in speeches during prayers.<sup>86</sup>

On April 26, 2003, as he was travelling back to Kaduna from Zamfara State, Hussaini Umar was arrested just outside Kaduna by three mobile policemen and four men in plain clothes believed to be either members of the SSS or the police; he was taken to an unknown destination. By the end of June, neither his family nor his lawyers had been informed of his whereabouts or had been able to visit him. During his period, both his house and the school where he taught were searched by the police. The matter of his disappearance was taken to the Federal High Court in Kaduna on a *habeas corpus* application, which ruled that the authorities (Director General of the SSS, Inspector

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<sup>85</sup> Unless otherwise indicated, the information on this case is based on Human Rights Watch interviews in Kaduna, July 25, 2003, and telephone interview with sources in Kaduna, October 9 and 14, 2003.

<sup>86</sup> Since 2000, Sharia has been extended to cover criminal law in twelve of Nigeria's thirty-six states. In practice, it is applied selectively and inconsistently. The issue has become highly politicized, and clerics and others have accused state governors of using Sharia purely for political gains.

General of Police and the Attorney General) should either release Hussaini Umar or produce him in court. However, they failed to do either. The court ruling noted that the director of the SSS “totally denied ever arresting or taking part in the operation in which the applicant was arrested,” but that neither the police nor the office of the Attorney General responded.<sup>87</sup> Sources in Kaduna later reported that he had been arrested by a special unit within the SSS.

When Human Rights Watch visited Kaduna at the end of July 2003, Hussaini Umar’s whereabouts were still unknown. Human rights activists who had tried to locate him had initially been told by the SSS that he had been taken to Abuja, but subsequently the SSS in Kaduna denied that he had ever been arrested. Other sources claimed that he was first taken to Ebonyi State, in the southeast, then transferred to Lagos, in the southwest. Further inquiries in September and October 2003 appeared to indicate that following his arrest on the Zaria-Kaduna highway, he was first taken back to Zamfara, then back to Kaduna again, after which he was transferred first to Abuja, then to Lagos, and finally to Port Harcourt—about 1,000 kilometres from Kaduna—where he was believed to be still detained by mid October. The authorities have still not officially acknowledged his detention.

### ***Harassment of Sergeant Musa Usman***

In August 2003, police officer Sergeant Musa Usman was arrested and questioned by the police after speaking out about corruption and poor conditions in the police force. He voiced his criticisms on August 21, 2003, during a meeting in Lagos addressed by Minister for Police Affairs Broderick Bozimo. The minister had invited those present to express their views. Sergeant Musa spoke in the meeting about corruption in the police force; he complained about the poor pay and other disadvantages faced by junior officers. At one point, the Lagos State Commissioner of Police attempted to stop him by trying to take the microphone, but the minister said he should continue. A few days later, on August 27, Sergeant Musa was arrested and questioned by the Lagos State police in connection with the comments he had made during the meeting. It is not known whether he was subsequently released or transferred to another location. Members of a nongovernmental organization who made inquiries with the police in Ikoyi, Lagos, where he was normally based, were told that he was not there, and have not been able to make direct contact with him since. As of September 2003, his whereabouts were not known. In response to a letter addressed to the Minister for Police Affairs by the Network on Police Reform in Nigeria (NOPRIN), which was made

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<sup>87</sup> Ruling of the Federal High Court of Nigeria in the Kaduna Judicial Division holden at Kaduna on Thursday the 26<sup>th</sup> day of June, 2003, before the Hon. Justice A.M. Liman Judge (Suit no. PHC/KD/CP/ 23/03).

public, the Lagos State commissioner of police denied arresting or questioning Sergeant Musa, claiming that it was a routine procedure.<sup>88</sup>

## IX. Recommendations

### ***To the Nigerian government and security forces:***

- Ensure that all individuals are allowed to express their views freely and openly without fear of arrest, violence or other forms of intimidation.
- Allow members of human rights organizations and journalists to carry out their legitimate work, including exposing government abuses, without harassment.
- Allow supporters of opposition parties, as well as other political activists, to express their views, including views that are critical of government policies, as is expected in any democratic system. Issue clear instructions to all members of the security forces and intelligence services that no one should be arrested or detained without charge purely on the basis of their political views.
- Issue clear instructions to the police that they should not use force or violence to respond to peaceful protests.
- Ensure that members of the police force abide by the U.N. Code of Conduct for Law Enforcement Officials and the U.N. Basic Principles on the Use of Force and Firearms by Law Enforcement Officials at all times. Senior police officials should ensure that all their members are trained in these standards and should monitor their practical application. Remind the police that even in situations of tension or if some protestors threaten violence, they should respect strict guidelines on the use of force and only use lethal force as a last resort, in situations where lives are directly threatened and where there is no alternative.

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<sup>88</sup> Human Rights Watch telephone interviews, September 30, 2003; letter to Chief Broderick Bozimo, Minister for Police Affairs from NOPRIN, August 29, 2003; and Media Rights Agenda press release "*MRA condemns arrest and detention of police Sergeant Musa Usman*," August 31, 2003. See also "Travails of police Sergeant Musa," *ThisDay*, September 2, 2003.

- Launch immediate, independent and thorough investigations into all reported cases of fatal shootings and injuries by the police during the fuel strike and protests in July 2003 and ensure that those responsible for ordering these actions and carrying them out are suspended from active duty, charged and tried. The role of senior police officials should also be investigated and they too should be removed from duty and brought to justice if found responsible for ordering extrajudicial killings. Make public the results of these investigations and any action taken. Ensure that these investigations conform with the U.N. Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions.
- Provide compensation to those injured by the police during the protests and to the families of those killed by the police.
- Conduct an independent investigation into reports of torture of those arrested in connection with the peaceful protest at the U.S. embassy in Abuja in July 2003. Identify the individuals responsible for ordering and carrying out the torture and take immediate action to suspend them from active duty and bring them to justice. Issue clear instructions to all members of the police force that torture is a crime which will not be tolerated under any circumstance.
- Investigate the disappearance of Hussaini Umar from Kaduna in April 2003; establish his whereabouts and allow him immediate access to his family and lawyers; release him unless he is charged with a recognizable criminal offence, in which case he should be tried without delay, according to due process.

***To foreign governments and intergovernmental organizations:***

- Urge the Nigerian government to implement the recommendations above and to ensure full freedom of expression in Nigeria.
- Call for an end to the impunity which has protected members of the police force and intelligence services responsible for human rights violations in this context.
- Governments providing assistance or training to the Nigerian police should ensure that human rights standards, including the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and

Firearms by Law Enforcement Officials, are incorporated into the training at all levels and that mechanisms are in place to monitor whether police officers adhere to them in practice.

- The United Nations Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression should visit Nigeria and investigate restrictions on freedom of expression, including the cases described in this report and others documented by Nigerian organizations. The information gathered should be included in the report of the Special Rapporteur to the 2004 session of the Commission on Human Rights.
- The African Commission on Human and Peoples' Rights should raise concerns with the Nigerian government regarding restrictions on freedom of expression, in line with its Declaration of Principles on Freedom of Expression in Africa.<sup>89</sup> The commissioner with specific responsibility for Nigeria should visit the country; investigate the violations of the right to freedom of expression described in this report, as well as other cases; and urge the Nigerian government to implement the recommendations above. At its next session, the Commission should adopt a resolution on freedom of expression in Africa, in which it should express concerns at violations of freedom of expression in Nigeria.
- Governments of Commonwealth countries should pay particular attention to the situation in Nigeria, which is hosting the Commonwealth Heads of Government Meeting (CHOGM) in December 2003. Commonwealth leaders should take this opportunity to express concern about restrictions to freedom of expression in Nigeria and to call for an end to impunity. They should continue to monitor the situation in Nigeria after the CHOGM and urge President Obasanjo to end any ongoing human rights violations.

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<sup>89</sup> Declaration of Principles on Freedom of Expression in Africa, adopted by the African Commission on Human and Peoples' Rights at its 32<sup>nd</sup> Ordinary Session in Banjul, October 17-23, 2002.

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