

# NIGERIA

## CRACKDOWN IN THE NIGER DELTA

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## I. INTRODUCTION

The Niger Delta has for some years been the site of major confrontations between the people who live there and the Nigerian government's security forces, resulting in extrajudicial executions, arbitrary detentions, and draconian restrictions on the rights to freedom of expression, association, and assembly. These violations of civil and political rights have been committed principally in response to protests about the activities of the multinational companies that produce Nigeria's oil and the use made of the oil revenue by the Nigerian government. Although the succession by Gen. Abdulsalami Abubakar as head of state in June 1998 brought a significant relaxation in the repression the late Gen. Sani Abacha inflicted on the Nigerian people, human rights abuses in the oil producing communities continue and the basic situation in the delta remains unchanged.

When he took office, General Abubakar canceled the "transition program" established by General Abacha—which had apparently been designed to install the military head of state as a "civilian" president, released political prisoners, and instituted a fresh transition program under conditions of greater openness. Local, state, and national elections were held in December 1998 and January and February 1999, and were intended to lead to the inauguration of a civilian government, headed by president-elect and former military head of state Olusegun Obasanjo, on May 29, 1999. Since the death of Abacha, and in the context of the greater competition within the political environment encouraged by the elections, there has been a surge in demands for the government to improve the position of the different groups living in the oil producing areas. In particular, members of the Ijaw ethnic group, the fourth largest in Nigeria, adopted the Kaiama Declaration on December 11, 1998, which claimed ownership of all natural resources found in Ijaw territory. There has also been an increase in incidents in which protesters have occupied oil industry flow stations and stopped production or taken oil workers hostage.

In February 1999, Human Rights Watch published a 200-page report, *The Price of Oil: Corporate Responsibility and Human Rights Violations in Nigeria's Oil Producing Communities*, which examined human rights violations connected to the suppression of protest at oil company activities. The report went to press before details of a security force crackdown in the Niger Delta in late December 1998 and January 1999 were available. The current short report describes those events, on the basis of interviews conducted in the delta region during February 1999. We conclude that the military crackdown in Bayelsa and Delta States in late December 1998 and early January 1999 led to the deaths of several dozens of people, and probably more than one hundred; the torture and inhuman treatment of others; and the arbitrary detention of many more. These abuses took place as a response to demonstrations held by Ijaw youths in Yenagoa, the capital of Bayelsa State, and Kaiama, a community an hour away by road. The demonstrations were initially peaceful, and the majority of those killed were unarmed. Some were summarily executed. In another incident, two communities in Delta State were attacked by soldiers, using a helicopter and boats commandeered from a facility operated by Chevron, following an alleged confrontation that took place at a nearby Chevron drilling rig. More than fifty people may have died in these incidents. Chevron has asserted that it had no choice in allowing its contractors' equipment to be used in this way. The company did not issue any public protest at the killings; nor has it stated that it will take any steps to avoid similar incidents in the future.

Soldiers remain deployed in the riverine areas of Bayelsa and Delta States. While there are genuine security concerns relating to kidnappings of oil workers and to inter-community conflict, especially in Delta State, these soldiers are responsible for ongoing human rights violations. These violations range from routine extortion of money at roadblocks to arbitrary detention and torture. On a few occasions, individuals have also been summarily executed.

The recent elections were deeply flawed in many parts of Nigeria, but the elections held in the South-South zone, the area including the oil producing communities of the Niger Delta, were particularly problematic. Observers noted widespread electoral irregularities in Rivers, Bayelsa, and Delta States, those most troubled by recent protests.

Following the completion of the election process, the government of General Abubakar appointed a committee to consider the needs of the Niger Delta, which has recommended the immediate disbursement of 15.3 billion naira (₦), U.S.\$170 million, on development projects and the establishment of a Niger Delta Consultative Council, made up of

government figures and representatives of the oil companies, to oversee development projects. General Abubakar's government has also held discussions with selected leaders from, in particular, the Ijaw ethnic group, in relation to this plan.

The crisis in the oil producing regions will be one of the most pressing issues for the new government of Nigeria when it takes office on May 29. The level of anger against the federal government and the oil companies among the residents of the oil producing communities means that further protest is likely, as are further incidents of hostage taking and other criminal acts. The crackdown in the Niger Delta over the New Year indicates the extent to which the current government, which has otherwise showed increased respect for human rights, is still prepared to use military force to crush peaceful protest, rather than to seek to address the issues being protested. Yet any attempt to achieve a military solution will certainly result in widespread and serious violations of Nigeria's commitments to respect internationally recognized human rights. To avoid a human rights crisis, the incoming government must allow the peoples of the Niger Delta to select their own representatives and to participate in decision-making concerning the future course of the region. The flawed nature of the elections makes it all the more essential that attempts to address the grievances of the delta communities involve discussions with individuals who are freely chosen by the communities of the delta and with a mandate to represent their interests, rather than with individuals chosen by the government as representative. In addition, the government must take steps to reestablish respect for human rights and the rule of law, and to end continuing human rights violations resulting from the deployment of soldiers in the delta region.

The oil companies operating in Nigeria also share a responsibility to ensure that oil production does not continue at the cost of violations of the rights of those who live in the areas where oil is produced. Given the deteriorating security situation in the delta, it is all the more urgent for the companies to adopt systematic steps to ensure that the legitimate protection of company staff and property does not result in summary executions, arbitrary detentions, and other violations. Systematic monitoring and protest of human rights violations by the government, and steps to ensure that the companies themselves are not complicit in such human rights violations, are more important than ever.

## II. RECOMMENDATIONS

Human Rights Watch made extensive recommendations in our report *The Price of Oil: Corporate Responsibility and Human Rights Violations in Nigeria's Oil Producing Communities*. In addition to the steps set out in that report, Human Rights Watch makes the following recommendations to the Nigerian government, the oil companies, and the international community.

### **To the Current Military and Incoming Civilian Nigerian Governments:**

- Appoint judicial inquiries into the events in Yenagoa and Kaiama, Bayelsa State, during late 1998 and early 1999, and into the attacks on Opia and Ikenyan, Delta State, on January 4, 1999. Publish the reports, institute criminal and disciplinary proceedings, as appropriate, against those responsible for violations of human rights, and pay appropriate compensation to the victims and their relatives.
- Institute an immediate, inclusive and transparent process of negotiation with freely chosen representatives of the peoples living in the Niger Delta to resolve the issues surrounding the production of oil.
- Replace soldiers carrying out policing duties in the Niger Delta area and elsewhere with regular police. Immediately withdraw military units suspected of or known to have committed abuses, and, following judicial inquiries, withdraw units identified as abusive.

### **To Chevron Nigeria Ltd:**

- Publicly condemn the human rights violations carried out at Opia and Ikenyan by the Nigerian military and make clear to the Nigerian government that equipment owned by Chevron or its contractors will not be made available to the army in future unless proper safeguards are in place to ensure that similar gross violations of human rights do not occur, including written agreements relating to the commandeering of oil company facilities or equipment.
- Develop written guidelines on the provision of security for Chevron facilities and cooperation with government security forces, including rules ensuring the proportionate use of force as well as proper authorization and human rights safeguards should the military seek to commandeer the company's equipment.

#### **To Multilateral Institutions and Nigeria's Bilateral Trading Partners:**

- In discussions with the current and incoming Nigerian governments, insist on the need for investigation and punishment of human rights violations committed in connection with the incidents described in this report, for compensation to be paid to the victims, and for a negotiated solution to the crisis in the Niger Delta.
- Insist to oil companies operating in Nigeria that they should adopt measures (including those recommended in Human Rights Watch's report *The Price of Oil*) to ensure that human rights violations are not committed in connection with their operations.

### **III. BACKGROUND: THE KAIAMA DECLARATION**

Community protests and military government retaliatory actions have increased over the last decade in the oil producing regions of Nigeria's Niger Delta region of Nigeria. These communities have seen little benefit from the revenue derived from the export of around two million barrels of oil a day, and yet they have suffered the adverse consequences of oil production, including environmental degradation and the deployment of abusive army and police units.<sup>1</sup> These protests first came to international attention during the Ogoni crisis of 1993 to 1995, which resulted in scores of deaths in Ogoniland and culminated in the execution on November 10, 1995, of Ken Saro-Wiwa, the spokesperson of the Movement for the Survival of the Ogoni People (MOSOP), and eight other Ogoni activists, following an unfair trial before a special tribunal that blatantly disregarded international standards of due process.<sup>2</sup> Following the death in June 1998 of military head of state Gen. Sani Abacha, under whose government MOSOP's protests had been suppressed, the new head of state Gen. Abdulsalami Abubakar released many political prisoners, relaxed repressive measures (including in Ogoniland), and instituted a fresh transition program for the restoration of civilian government. The apparently improved respect for freedom of expression and association encouraged activists in the oil producing regions to make a case to incoming civilian politicians for their demands to be met. Most vocal among those activists have been those from the Ijaw, Nigeria's fourth largest ethnic group, numbering at least eight million, which occupies much of the land where oil is produced, in both riverine and dry land areas largely in Bayelsa, Delta, and Rivers States.

On December 11, 1998, youths meeting at Kaiama, Bayelsa State, formed an Ijaw Youth Council (IYC) and adopted a declaration which attributed "the political crisis in Nigeria" to "the struggle for the control of oil mineral resources," while asserting that "the degradation of the environment of Ijawland by transnational oil companies and the Nigerian State arise mainly because Ijaw people have been robbed of their natural rights to ownership and control of their land and resources." The Kaiama declaration also included a number of resolutions, of which the most important were statements that all land and natural resources (including mineral resources) within the Ijaw territory "belong to

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<sup>1</sup>See, Human Rights Watch, *The Price of Oil: Corporate Responsibility and Human Rights Violations in Nigeria's Oil Producing Communities* (New York, February 1999), for a discussion of the costs of oil production for the communities of the delta.

<sup>2</sup>For details of the Ogoni crisis and trial of Ken Saro-Wiwa, see Human Rights Watch/Africa, "The Ogoni Crisis: A Case Study of Military Repression in South East Nigeria," *A Human Rights Watch Short Report*, July 1995; Human Rights Watch/Africa, "Permanent Transition: Current Violations of Human Rights in Nigeria," *A Human Rights Watch Short Report*,

Ijaw communities”; and that the IYC ceased to recognize all decrees “enacted without our participation and consent.” In line with these statements, the youths also called for the military to withdraw from the region, and warned oil companies that they would be regarded as an “enemy” if they relied on military protection.

We demand the immediate withdrawal from Ijawland of all military forces of occupation and repression by the Nigerian State. Any oil company that employs the services of the armed forces of the Nigerian State to “protect” its operations will be viewed as an enemy of the Ijaw people. Family members of military personnel stationed in Ijawland should appeal to their people to leave the Ijaw area alone.<sup>3</sup>

The declaration also warned that “steps to implement these resolutions” would begin on December 30 1998, by youths in “all the communities in all Ijaw clans in the Niger Delta.” The oil companies were told to withdraw from the region by that date, under the implied threat of being caught up in unspecified actions of the IYC.

We, therefore, demand that all oil companies stop all exploration and exploitation activities in the Ijaw area. We are tired of gas flaring, oil spillages, blowouts and being labeled saboteurs and terrorists. It is a case of preparing the noose for our hanging. We reject this labeling. Hence, we advise all oil companies staff and contractors to withdraw from Ijaw territories by the 30th December 1998 pending the resolution of the issue of resource ownership and control in the Ijaw area of the Niger Delta.<sup>4</sup>

On December 28, the Ijaw Youth Council announced the launch of “Operation Climate Change,” to run from January 1 to 10, involving “activities aimed at extinguishing gas flares.”<sup>5</sup> On December 30, youths supporting the Kaiama Declaration held demonstrations in a number of communities across Ijawland, which were peaceful in most places. In Yenagoa, capital of Bayelsa State, a heavy-handed security force response led to confrontations over the next few days between youths and soldiers in Yenagoa and nearby communities that resulted in the deaths of dozens of youths and two or three soldiers, as described below.

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<sup>3</sup>Article 3, Kaiama Declaration.

<sup>4</sup>Article 4, Kaiama Declaration.

The Kaiama Declaration echoes previous documents along similar lines adopted by other groups in the oil producing regions.<sup>6</sup> Although some reservations were expressed about the ultimatum given to the oil companies, the substantive content of the Kaiama Declaration has not been rejected by any senior member of the Ijaw community, including the traditionally more conservative leaders of the Ijaw National Congress (INC), a representative body formed in 1991 and elected from among the various constituent communities speaking dialects of the Ijaw language. At the "Niger Delta Ethnic Nationalities Conference" held in Port Harcourt February from 4 to 6, 1999, Chief F.J. Williams, national secretary of the INC, publicly endorsed the Kaiama Declaration, which he interpreted to mean that "if you want to fight an enemy, you must bring it to its knees: first all the multinational oil companies must stop producing, and after we talk, then they can continue to produce."<sup>7</sup> In a public statement issued in late January, Chief Williams and Chief Joshua Fumudoh, president of the INC, blamed the violence that followed the declaration on official unwillingness to dialogue with the Ijaw people, stating that the Kaiama Declaration "merely repeated several demands made over and over again by the people," and that "the only panacea for continued peaceful co-existence in this country is for each ethnic nationality to have meaningful control over its own environment and resources and to use them for self-development in accordance with each nationality's aspirations."<sup>8</sup>

#### IV. NEW YEAR CRACKDOWN IN YENAGOA AND KAIAMA

In anticipation of the December 30 ultimatum set by the Kaiama Declaration, several thousand troops were moved into the Ijaw areas of Bayelsa and Delta states. In Yenagoa, the capital of Bayelsa State, located at the border between the riverine and dry land areas, residents spoke to Human Rights Watch of the arrival of several truckloads of soldiers on December 29 and 30. They said the soldiers boasted that they had come to attack the youths who wanted to stop the oil companies. The press reported that two warships and up to 15,000 soldiers had been moved to the region.<sup>9</sup> There were other reports that army officers who were indigenes of the delta area had been posted to the north of Nigeria, and replaced in Bayelsa State with northerners.

On December 30, several thousand youths supporting the Kaiama Declaration demonstrated peacefully in Yenagoa, Bomadi, Oloibiri, and in other communities across the Ijaw areas of the delta, taking part in a traditional dance known as an *ogele*. In Bomadi, Delta State, the military administrator, Navy Captain Walter Feghabo, attended the demonstration. The Ijaw Youth Council gave the youths clear instructions not to carry weapons and not to drink before the demonstrations, in letters which went out to all the various communities of the delta. In most places, the *ogele* went ahead peacefully, but in Yenagoa, a peaceful procession was met with force.

Early in the morning of December 30, 1998, up to 2,000 youths holding candles and dressed in black moved in a procession along the main street in Yenagoa, carrying candles and singing as they danced, starting from the waterside. According to eyewitnesses not involved in the procession, they were unarmed. They passed by the police station peacefully, but as they approached the entrance to State House, the base of the military administrator of Bayelsa State, Lt. Col. Paul Obi, soldiers posted at the gate fired on the demonstrators, using rifles and machine guns, as well as tear gas. At least three youths were killed.<sup>10</sup> Bayelsa State Police Commissioner Nahum Eli stated in a public broadcast that those killed had been shot by security agents acting in self defense when five hundred youths forced their way through the gate at government house, and that the youths had succeeded in taking a rifle from at least one of the soldiers.<sup>11</sup>

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<sup>6</sup>In August 1990, the Movement for the Survival of the Ogoni People (MOSOP) adopted an Ogoni Bill of Rights; in October 1992, the Movement for the Survival of the Izon (Ijaw) Ethnic Nationality (MOSIEND), adopted an Izon People's Charter; in November 1992, the Movement for Reparation to Ogbia (MORETO) adopted a Charter of Demands of the Ogbia People. Both the Izon and the Ogbia are sub-groups of the Ijaw. These various declarations are discussed in Human Rights Watch, *The Price of Oil*, pp.124-131.

<sup>7</sup>Human Rights Watch notes taken at the conference, February 4, 1999.

<sup>8</sup>Joseph Ollor Obari, "Why Niger Delta crisis festers, by Ijaw leaders," *Guardian* (Lagos), January 28, 1999.

<sup>9</sup>Reuters, January 1, 1999.

<sup>10</sup>Human Rights Watch interviews, Yenagoa, February 6, 1999.

<sup>11</sup>Joseph Ollor Obari, "Government deploys warships, troops, in Bayelsa," *Guardian* (Lagos), January 4, 1999; Robert

Several of those participating in the demonstration denied this to Human Rights Watch, stating that the soldiers had begun to fire when the youths were still some distance from the gate. Bystanders we spoke to had heard that some soldiers had been disarmed, but no one could confirm this information as an eyewitness.

One of those injured in the confrontation at State House, who later spoke to Human Rights Watch, was shot in the chest and fell to the ground as his colleagues ran away. By his account, when he regained consciousness, he tried to get away to a hiding place, only to be seen by the soldiers still at the gate. Two of them were ordered to chase him, and when they reached him lying on the ground, shot him in the leg at point blank range, shattering the bones. He was dragged across the road, and beaten severely, kicked on the head, and left unconscious. He regained consciousness several hours later, and said he found five corpses near to him (other eyewitnesses reported that three demonstrators had been killed). The military loaded him and the corpses into a commandeered Peugeot 504 taxi, after dragging out the passengers. He fell unconscious again and awoke in the mortuary at the Yenagoa hospital. He called for help, attracting the attention of another soldier, who wanted to shoot him, but was prevented from doing so by the nurses. Other eyewitnesses confirmed that a summary execution was prevented only by the courage of the hospital staff. The next day he was taken to Port Harcourt for better treatment, but his leg could not be saved and was amputated. When Human Rights Watch saw him in February 1999 he was still being treated in Yenagoa hospital, though all treatment had to be paid for by his family.<sup>12</sup>

In addition to those injured and killed at State House, up to twenty-five were arrested and taken to the police station. Eyewitnesses stated that those who had been demonstrating selected a group from among them to go to "rescue" the detainees.<sup>13</sup> They were stopped by the sports complex in Yenagoa by about three truck-loads of soldiers under the command of Major Oputa, the head of Operation Salvage, a special paramilitary anti-crime unit in Bayelsa State formed in August 1997 in response to threats to oil production. Major Oputa ordered them to go back and said that he would release those in the cells. According to onlookers, the youths started to turn back, but the soldiers opened fire. At least three more youths were killed there: "Ghadafi" Ezeifile, Nwashuku Okeri, and one other. Others were injured and were later taken to the hospital for treatment. Many of the residents of Yenagoa fled into the bush, leaving the town deserted. Local activists said they had confirmed the killing of two others: Frank Nwankwo and Army Igbila.<sup>14</sup> At Mbiama junction, where the road divides to lead to Port Harcourt or Kaiama, Timi Kaiser-Wilhelm Ogoriba, a co-signatory of the Kaiama Declaration and the president of MOSIEND, the Movement for the Survival of the Izon (Ijaw) Ethnic Nationality in the Niger Delta, and eleven others were arrested by soldiers and taken to Bori army camp, Port Harcourt. The Bayelsa State Police Commissioner Nahum Eli stated that they were being held in "protective custody" after Ogoriba disowned the demonstrators.<sup>15</sup> They were released several weeks later.

On the evening of December 30, the military administrator of Bayelsa State declared a state-wide state of emergency. In a broadcast on the state broadcasting corporation, Lt. Col. Paul Obi announced the imposition of a dusk-to-dawn curfew and a ban on meetings "to prevent violence."<sup>16</sup>

The next day, youths who had heard of these killings and of the arrest of T.K. Ogoriba came to Yenagoa from nearby communities, including Kaiama and its next-door community Odi, where there had been peaceful demonstrations on December 30. Large numbers of youths demonstrated along the main east-west road that runs from Port Harcourt to Warri through Kaiama, holding up traffic from early in the morning. Eyewitnesses told Human Rights Watch of a number of incidents during that day in which troops fired on unarmed youths, notably at Mbiama junction. While it is difficult to obtain a complete picture of the day's confused events, there were also confrontations between youths and soldiers in which youths themselves reacted with violence, including a small number of youths carrying firearms who came into Yenagoa and exchanged fire with soldiers; according to government statements, youths at Mbiama also disarmed some police posted there. Most of the youths were, however, reportedly unarmed.

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<sup>12</sup>Human Rights Watch interview February 6, 1999 (name withheld), and written statement given to Human Rights Watch by one of those injured during this shooting; Azibaola, *Field Report*.

<sup>13</sup>In July 1998, T.K. Ogoriba, the president of the Movement for the Survival of the Izon (Ijaw) Ethnic Nationality in the Niger Delta (MOSIEND) was rescued by a group of youths who broke into government house in Yenagoa, where he had been detained by the military administrator.

<sup>14</sup>Human Rights Watch telephone interviews, December 31, 1998.

<sup>15</sup>Reuters, January 2, 1999. Local activists alleged to Human Rights Watch that Ogoriba, who was a co-signatory of the Kaiama Declaration, accepted inducements from the Bayelsa State military administrator to disassociate himself from the declaration and its authors. He has since been expelled from MOSIEND and the IYC.

<sup>16</sup>Human Rights Watch Nigeria, December 31, 1998, as reported by FBIS, January 4, 1999. May 1999, Vol. 11, No. 2(A)



At Mbiama junction, youths from Odi were met with live fire from soldiers, and ran into the bush, most of them retreating back along the road to Kaiama. While Human Rights Watch cannot verify numbers shot, it seems likely that more than ten youths were killed in this confrontation, and tens of others injured.<sup>17</sup> Some of the youths from Odi interviewed by Human Rights Watch, however, passed through Mbiama junction without any confrontation with the soldiers there—possibly earlier or later in the day—and came along the road to Yenagoa. At the motor park there, they were met by soldiers, who they said used live rifle and machine gun fire without warning once again. Several youths were killed, and others seriously wounded. About ten youths came right into Yenagoa—independent witnesses confirmed to Human Rights Watch that these youths were armed, with rifles reportedly captured from soldiers along the way. They met more soldiers as they came into the town along the main road and exchanged fire, driving the soldiers back, but eventually the youths retreated. At least one person not involved in the confrontation, Bonseni Ayowei, a resident of one of the houses along the road, was killed by a stray bullet. Several other bodies were taken away, but residents of the area could not say how many died or who they were.<sup>18</sup> According to the version of events given in a statement by the state police commissioner, youths had commandeered vehicles at Mbiama junction and seized weapons from police at the boundary between Bayelsa and Rivers States and at the roadblock in Mbiama, and were only driven back from the Ekeki motor park, in Yenagoa.<sup>19</sup>

Over the next few days, soldiers were stopping young men and checking them for marks indicating they supported “Egbesu,” a traditional Ijaw god followed by many of those involved in the ogele. Egbesu is believed by many Ijaws—and by many of the soldiers assigned to suppress their demonstration—to give protection from bullets when a particular ritual is followed; those participating in the demonstrations of December 30 and other militant Ijaw youth are sometimes disparagingly referred to as “Egbesu boys.” Many people, not only youths, were beaten severely at road blocks. Others were detained. Some were shot. Local human rights activists reported that one of those wounded on December 30, who was receiving treatment in Yenagoa hospital, was taken out of the hospital on January 2 and shot dead by soldiers.<sup>20</sup>

In the “black market” slum area of Yenagoa, soldiers and Mobile Police posted to the community raped many local women, dragging them from their shacks at night, and threatening them and their husbands with violence if they did not comply. Several women described to Human Rights Watch how they had been brutalized, saying that they were just a few of those who had been raped in this way. One story is typical:

It was during the curfew. By seven in the evening we were all asleep because of the curfew. Three policemen came to my place and told me to open the door. I said I fear to open the door. They said I must come out because the soldiers are looking for me. I didn’t come out, but they broke in and raped me. They said they were going to drag me to the road for the other soldiers to use. One other MoPo [Mobile Police] man came and was talking to them. I managed to run away to the waterside, where I stayed till the next day. Many other women have been raped. One of them was married and because of the shame she has gone back to her own community. The army is still coming and flogging and terrorizing people every day. Nothing like this has happened before.<sup>21</sup>

A young man of twenty described how he and his brother were beaten and his twelve-year old twin sisters raped:

It was after the marching happened. They made everybody sleep at 7 p.m. Around four in the morning MoPo people started coming around and saying that soldiers had been killed and because of that they were going to kill us. My little brother was looking through a hole in the side of our shack, and he made a sound and attracted their attention. They pushed the door open and said he is an Egbesu boy. They were flogging us

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<sup>17</sup>Human Rights Watch interviews, Odi and Sagbama, February 16, 1999.

<sup>18</sup>Human Rights Watch interviews, February 6, 1999.

<sup>19</sup>Joseph Ollor Obari, “Govt deploys warships, troops, in Bayelsa,” *Guardian* (Lagos), January 4, 1999.

<sup>20</sup>Azibaola, *Field Report*.

<sup>21</sup>Human Rights Watch interview, Yenagoa, February 7, 1999. Translated from Pidgin English.

using a koboko [raw hide whip]. They stole ₦1,200 [U.S.\$13] from under my bed. Then they saw my two sisters and started to flog them. They pushed us boys outside. They threatened the girls that if you don't sleep with us we will shoot you. Three of them raped the two girls. We did not report this to anyone: the police are no good.<sup>22</sup>

On January 11, 1999, several hundred women from the waterside slum areas of Port Harcourt took part in a march organized by Niger Delta Women for Justice, in conjunction with the Ijaw Youth Council, to deliver a letter to the military administrator at the Rivers State government house protesting the rape and assault of women in Yenagoa. At the Moscow Road junction, a major intersection in Port Harcourt, they were stopped by five armored vehicles full of soldiers, Mobile Police, and ordinary police. They were told to go back, but stated that their only intention was to present a petition to the military administrator calling for troops to be withdrawn from Yenagoa and for the soldiers and police involved in raping women to be prosecuted, and that they would return peacefully if the letter would be delivered. The Divisional Police Officer (DPO), named Okafor, collected the letter and said he would pass it to the military administrator. The women then turned around to go, but as they did so one of the police or soldiers fired into the air, and then others started firing teargas. The women ran, but several were badly beaten with gun butts, whips, sticks, and boots, among them at least one who was pregnant. At least thirty-four women were arrested by the soldiers, and publicly stripped and beaten, though most of them were released the same day. Five were detained for several days at the police station.<sup>23</sup>

In Kaiama, the site of the Kaiama Declaration, about one hour by road from Yenagoa, there were peaceful demonstrations on December 30. Over the next few days, after the disturbances originating in Yenagoa, the people of Kaiama were the object of systematic abuse by troops. During the disturbances of December 31 along the road between Kaiama and Yenagoa, youths returning from Yenagoa/Mbiama reportedly seized an army truck being driven by a man in civilian dress and burnt it on the bridge at Kaiama. Two or three soldiers were, according to accusations made by soldiers to local residents, killed by youths; it was also reported that soldiers shot dead eight youths in this incident and threw their bodies in the River Nun.<sup>24</sup> In retaliation, soldiers under the command of an army major, whom witnesses described as having one eye, went to Kaiama on January 2, where they carried out reprisals for these deaths over the next few days, apparently believing that those responsible had come from there, though this was denied by local residents.<sup>25</sup>

When the soldiers arrived at Kaiama, parking three trucks on the bridge over the River Nun which overlooks the town, one of the traditional leaders of the community, Chief Sergeant Afuniamia, was holding an emergency meeting of his council in the local primary school to discuss the events of the previous days. When they heard the news that soldiers had come to the town, he dismissed most of the youths present, but took his advisers to the house of the overall traditional ruler of Kaiama, the *amanowei*, in case the commanding officer of the troops would want to meet with the leaders of the area to discuss what problems they might have with the community. However, there was no attempt to carry out any negotiation: when four soldiers led by a lieutenant arrived at the *amanowei*'s house, they simply ordered those present to raise their hands and come with them, first to wait under the bridge and later to the motor park at the bridge head, where the buses traveling between Port Harcourt and Yenagoa and Warri stop to set down passengers. One of those at the meeting, Lokoja Perewarie, was shot dead as he tried to run away.

As the troops came into the village, most people fled, but some were found in their homes and beaten. Houses were ransacked and valuable property and money taken; others were set on fire. The headmaster of the primary school was paying his teachers when the soldiers arrived; seven soldiers dragged him from his house and beat him severely. He subsequently spent two weeks in Port Harcourt receiving treatment in hospital for head injuries. He later reported that ₦65,000 (U.S.\$722) in salary money was stolen, as well as ₦6,000 (\$67) exam fees, and ₦4,000 (\$44) staff savings. The substantial home of retired Major F.G. Berezi was also looted, and a sum of over ₦100,000 (\$1,100) in cash reportedly stolen; two cars parked at the property were burnt. A full-length portrait of the major was vandalized, and the head of the picture slashed off. The home of Kaiama's Anglican priest was looted, church property vandalized, and money stolen. Others also said they had sums of several thousand naira taken.

At least two people were shot dead as they tried to escape, including Lokoja Perewarie; others are missing and it is not known if they fled or were killed. Witnesses told Human Rights Watch that they saw soldiers load several bodies

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<sup>23</sup>Human Rights Watch interview with Anemeyeseigha Brisibe of Niger Delta Women for Justice, February 4, 1999; *Ogele*, Bulletin of the Ijaw Youth Council, Special Issue, January 11, 1999.

<sup>24</sup>The killing of eight youths was reported in Azibaola, *Field Report*.

<sup>25</sup>Human Rights Watch this section is largely drawn from Human Rights Watch interviews in Kaiama, 1999, Vol. 7 | 1999. 2(A)

into wheelbarrows and throw them into the river. Several women were reportedly raped. Soldiers also went to Olobiri, a neighboring community, where they found Wariebe Ajoko, the son of Chief Ajoko, and shot him dead in his house.

Sixty-seven people were eventually taken to the motor park in Kaiama, among them Chief Sergeant Afuniama—who was killed in custody—and several of his advisers who had been at the meeting. All of them were men and most of them were elderly, though there were a few teenagers and one boy of no more than nine or ten. These people were kept in the burning sun for three days, with no water or food for a large part of that time, and were severely and repeatedly beaten by the soldiers. One man of fifty-six described the ordeal:

I can only tell you what I saw with my own eyes. At about ten o'clock in the morning on January 2, I was visiting Chief Ajoko. While I was there I saw a crowd running towards us saying "soldiers are coming!" We turned to go into the next room of the house to decide what to do, and as we turned three soldiers came and called to us to come out. We went out, Chief Ajoko, myself, and two others, and the soldiers told us to lie on the ground. I was kicked in the hip. The soldiers went away and then came back and said we should move with them. As we went we met Milton Pens Arizia, Moses Ogori, Nairobi Finikum, Chief Geigei, and Aklis Ogbugu. We were all taken to the motor park. As we got there they sat us under the fruit tree. Others were lying down in the gutter. Chief Ajoko was by me. A soldier just came and used his knife to cut off the bottom of his ear. The soldier took it and told him he should eat it. He refused, and one other soldier told the first, "don't do that." They brought four corpses on a wheelbarrow. In the evening they took them away.

They took us into the motor park. We were sixty-seven when we went in. They put us in three groups and guarded us with soldiers till morning. There were more than one hundred soldiers. They told us to take off our shirts. For some time they told us to look up at the sun when it was very high and they beat us if we closed our eyes. They took sand and sprayed it in our eyes. They said we should do some frog jumps. For some years I have had a problem with my right leg which does not bend properly. Up to today I now have pain in my leg because of the frog jumps. They said we should walk on our knees with our hands on our head. Then we had to lie on our back on top of broken bottles and creep along. They also had broken bottles and used them to cut us on our backs. Then they came with machets [machetes] and told us to sit on the ground looking forward. They cut me on my head, which started bleeding—my clothes I was wearing that day are still stained with blood. They were beating us all the time for just anything. Chief Sergeant Afuniama, the traditional leader of Kaiama; T.K Owonaro, the deputy chief of Kaiama; Chief Tolumoye Ajoko, traditional leader of Olobiri; and Pereowei Presley Eguruze, the youth president of Kolokuma-Opokuma local government area, were taken outside for "special treatment." When Chief Afuniama was brought back into the park he fell down unconscious. a soldier came and dropped a stone on his head. He released it twice, and he said "The chief is sleeping." This was in the morning. They left his body until the evening and then took it out.

About ten that evening, January 3, another group of soldiers came, and one of them said "have these people taken water and food?" and he fetched water for us. Up to that time we had no water. Some were drinking their urine; about four were ready to give up had water not been given to them. The following morning the MilAd [military administrator] came, with the commissioner of police and the commissioner of health and education, and said we should be handed over to the police, who then took names and addresses, and then released us. The MilAd said nothing about compensation.

Twenty or more of those who had been held in the motor park were taken to Yenagoa, where most of the rest were released and some taken to hospital. Several of them spent some weeks receiving treatment (at their own expense). Pereowei Presley Eguruze, the youth president of Kolokuma-Opokuma local government area, was still unable to move unaided in mid-February. The body of Chief Afuniama was found a day after the others were released, floating in the river several kilometers away. The soldiers posted to Kaiama were reinforced by two more truckloads two days after the first contingent arrived, and only left around January 11. About a week after that people who had fled began to

come back to the community. Many are still missing: local residents believe that up to forty-five people, including those who have not returned, may have been killed.<sup>26</sup>

Apparently, the crackdown on the community was ordered not by the military administrator of Bayelsa State, Lieutenant Colonel Obi, but by the military commander based in Warri, Delta State. Lieutenant Colonel Obi subsequently ordered the release of those held at the motor park, and also invited youth leaders from Kaiama to meet with him in Yenagoa; but it seems that he was not prepared to take steps to provide redress for the military's abuses in Kaiama. When the youths went to Yenagoa, they were told that they should not allow "other youths" to cause them problems—that is, the ones who had killed soldiers and caused the reprisals—but that they should now "forget the past." Obi made no suggestion that there might be any compensation paid or that any soldier might be disciplined for the people killed and injured and the property stolen and damaged during the military occupation of Kaiama.<sup>27</sup>

The state of emergency in Bayelsa State was lifted after five days, on January 4, 1999, though the military administrator stressed that meetings and demonstrations remained banned, and that anyone wishing to engage in any procession must obtain a police permit.<sup>28</sup> Dozens of youths were detained for several weeks following these incidents in Port Harcourt, Warri and Yenagoa; those injured in the shootings who sought hospital treatment in Yenagoa and Sagbama were kept under guard. According to those still in the hospital in mid-February, those still able to move had been chained to their beds when they first arrived. As a condition of release, they had been urged to sign an undertaking that they would not engage in any further Ijaw youth protests.<sup>29</sup>

In late January, the Ijaw National Congress emphasized the need for dialogue to resolve the crisis, and appealed to the head of state to order the withdrawal of troops, approve appropriate compensation to the families of those killed, to release youths still being detained, and to hand over the bodies of those killed and kept in state mortuaries for burial.<sup>30</sup> Although most of those detained have been released, the other demands have not been met. Local activists discovered that on March 6, bodies of twenty-one youths killed during the protests and held at Yenagoa mortuary were buried in a common grave, without any notification to the families of the dead.<sup>31</sup>

The death toll from the events of December 30 and the succeeding days is still unknown, but available evidence suggests that over one hundred people—and possibly over 200—were killed by soldiers and Mobile Police in Yenagoa, Kaiama and nearby communities during this period. The great majority of those shot were themselves unarmed; others were beaten to death after arrest. As noted, two or three soldiers were alleged to have been killed prior to the attack by troops on Kaiama, although no detail of casualties of this kind have been released by the military. Human Rights Watch was not able to confirm these deaths with eyewitnesses, and, despite attempts to arrange a meeting with Lieutenant Colonel Obi, was unable to meet with him to discuss these events.

## V. CONTINUING HARASSMENT

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<sup>26</sup>Human Rights Watch telephone interview, Patterson Ogon, of the Ijaw Council for Human Rights, April 16, 1999.

<sup>27</sup>Human Rights Watch interviews, Kaiama, February 7, 1999.

<sup>28</sup>Chris Ikwunze, "Ijaws: Curfew lifted in Bayelsa," *Vanguard* (Lagos), January 5, 1999; Reuters, January 4, 1999.

<sup>29</sup>Notes provided to Human Rights Watch by the German organization Urgewald, April 21, 1999.

<sup>30</sup>Joseph Ollor Obari, "Why Niger Delta crisis festers, by Ijaw leaders," *Guardian* (Lagos), January 28, 1999.

<sup>31</sup>Human Rights Watch telephone interview, Patterson Ogon, April 22, 1999.

Soldiers and Mobile Police are still posted in Yenagoa, Kaiama, Mbiama junction, and other locations in Bayelsa State, and are continuing to harass local people. During the period of the state of emergency, there was virtually no transport coming into Yenagoa, causing a food shortage and price inflation. Although the state of emergency was lifted quickly, large numbers of soldiers remained in the community and continued to harass local people and extort money. Boats at the waterfront were charged sums of several thousand naira as well as a ₦50 (U.S.55¢) landing fee for each individual, causing the market to close for some time, since boatmen and traders were no longer making money by coming to Yenagoa. Market women from Yenagoa marched to State House to protest to the military administrator, who said that they should report any soldier taking money to him. Similarly, soldiers posted at numerous roadblocks on the road between Mbiama junction and Yenagoa were taking so much money that the commercial drivers went on strike and also protested to the military administrator. For a while in March the roadblocks were lifted, but as of mid-April they had been restored, though at a lesser level.<sup>32</sup> While the level of extortion at the waterfront had decreased somewhat, and the market had resumed, there were still two machine guns mounted at the waterfront in early May, and prices for boat journeys were inflated by as much as 100 percent because of the bribes required by soldiers posted there. More positively, the harassment and rape of local women by soldiers had markedly decreased following publicity in the local press about the abuses in the “black market” area.<sup>33</sup>

Harassment of youths, on the other hand, has continued since the crisis. Five youths were stopped at a roadblock in Yenagoa on January 29 by members of Operation Salvage. They were stripped to their underwear, and examined for scars believed to be associated with the followers of the Ijaw god Egbesu. Two who had such marks were taken aside to be shot: the soldiers had raised their rifles to fire when the warrant officer in charge recognized one of the other young men, who had assisted him to identify a thief on a previous occasion, and let them go.<sup>34</sup> Godfrey Okolo, the forty-nine year old external relations coordinator of MOSIEND, was detained from March 6 to 19, and badly beaten, after being arrested in Yenagoa by members of Operation Salvage, the Bayelsa State anti-crime unit.<sup>35</sup>

Human Rights Watch spoke to young men from Odi in mid-February, who had not left the village since the events of December 31, for fear of being picked up and beaten or worse by soldiers posted at the junction of the dirt road that leads to Odi and the tarred road that runs through Kaiama. On February 3, 1999, two youths on a motorbike had been shot dead at the junction, apparently when the driver had failed to pay the customary ₦20 (22¢) bribe to pass. In another case in February, two youths from Odi were pulled out of a vehicle stopped at Mbiama junction, examined for “Egbesu marks,” and beaten severely.<sup>36</sup> On March 14, soldiers came right into Odi during the night, and shot one young man dead. The next day, three youths were arrested at Odi junction and severely beaten. Soldiers then went to the clinic in nearby Sagbama reportedly looking for a young man with gunshot injuries from Odi. They intimidated staff and fired shots in the air.<sup>37</sup> On March 20, three people were arrested at Odi junction, when they were found with copies of *Ogele*, the bulletin of the Ijaw Youth Council, badly beaten, and detained for several days.<sup>38</sup>

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<sup>32</sup>Human Rights Watch telephone interview, Patterson Ogon, April 16, 1999.

<sup>33</sup>Human Rights Watch telephone interviews, Patterson Ogon, April 16 and 22, 1999.

<sup>34</sup>Human Rights Watch interviews, Odi, February 16, 1999.

<sup>35</sup>Human Rights Watch telephone interview, Patterson Ogon, April 16, 1999.

<sup>36</sup>Human Rights Watch interviews, Odi, February 16, 1999.

<sup>37</sup>Human Rights Watch telephone interview, Patterson Ogon, April 16, 1999.

The Nigerian government is apparently anxious to prevent monitoring of security force and oil company activity in the region. On February 4, about five police in civilian clothes and in uniform, armed with rifles, confiscated the film from the camera of a local human rights activist as he attempted to take photographs of approximately twenty-five armed soldiers posted at Shell's Kolo Creek flow station, near Yenagoa.<sup>39</sup> On February 12, two British journalists interviewed Chief E. Abule, the paramount ruler of Oporoma, in the riverine area of Bayelsa State, about the oil companies operating in his area. Two days later other journalists attempted to interview him, only to find that the SSS (State Security Service) had warned him not to speak to anyone else, and that he would not talk to them.<sup>40</sup> On March 6, Shuchen Tan, Hans Fels, and another journalist from Dutch television station VPRO-Televisiek, who were filming a line of cars waiting for fuel, were arrested and detained for six hours by members of the Delta State paramilitary crime unit, Operation Flush.<sup>41</sup>

On January 13, 1999, police arrested Kennedy Esi, the president of the Egi Youth Organization, in Omuku, Rivers State, for distributing two leaflets put out by the Ijaw Youth Council headed "a Call for Unity" and "a Call for Solidarity," addressed to Ijaw youths and members of the petroleum industry unions. He was kept in detention until February 4, when he was released on ₦10,000 (\$110) bail and charged with conduct likely to cause a breach of the peace. While he was in detention his sister was beaten when she came to visit him bringing food.<sup>42</sup> On April 19, Mobile Police reportedly shot indiscriminately at youths from Ogbugu in Egiland, arriving after the completion of successful negotiations for the youths to release a vehicle they had seized from an Elf contractor to draw attention to their grievances. Several youths and bystanders received gunshot injuries, some serious.<sup>43</sup> The Warri law offices of Bello Orubebe, a radical Ijaw leader, were broken into on February 12, by men believed to be from the SSS. No valuables were taken, but the scrambler on his phone and confidential files were removed.<sup>44</sup>

In the riverine areas of Bayelsa and Delta States there are continual reports of youths being killed in confrontations with soldiers, as well as of kidnappings, and of soldiers themselves also being killed in some cases, though details are very difficult to establish. There are also regular clashes in Delta State between members of the Ijaw, Ilaje, and Itsekiri ethnic groups. In one of the more serious incidents, on April 19, 1999, soldiers escorting Agip personnel reportedly killed eight people, including a two year-old child, from Ikebiri community, Bayelsa State. The shootings followed the recent closure of several Agip wells by youths frustrated at the lack of progress in long-running negotiations between the community and Agip over compensation for oil spills. The soldiers allegedly fired without provocation into two speed boats (reportedly donated to the community by Agip) filled with youths and traditional leaders from Ikebiri on their way to a meeting with the Bayelsa State commissioner of police.<sup>45</sup>

## VI. MILITARY ATTACKS ON OPIA AND IKENYAN

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<sup>39</sup>Human Rights Watch interview, Port Harcourt, February 4, 1999.

<sup>40</sup>Human Rights Watch interviews, Port Harcourt, February 15, 1999.

<sup>41</sup>*Nigeria Media Monitor 04-11*, March 22, 1999 (E-mail news service distributed by the Independent Journalism Centre, Lagos).

<sup>42</sup>Charge sheet in *Commissioner of Police vs. Kennedy Esi*, Case 11C/99, Omuku Magistrates Court; Human Rights Watch interview with Kennedy Esi, February 6, 1999. The Egi community has seen numerous protests against Elf's Obite gas project, which it hosts, and security force action to suppress such protest. See Human Rights Watch, *The Price of Oil*, pp.151-2.

<sup>43</sup>Institute of Human Rights and Humanitarian Law, "Another Impunity in the Niger Delta Region: Paramilitary Security Unit Outfit Operation Flush No.016-30 Raid Ogbugu at Egiland in Ogba, Egbema, Ndoni Local Government Area of Rivers State, Nigeria," Press Release, April 24, 1999.

<sup>44</sup>Human Rights Watch interview, February 13, 1999.

<sup>45</sup>Joseph Ollor Obari, "Groups blame oil firm over killing of Ijaw youths," *Guardian (Lagos)*, April 26, 1999; Environmental Rights Watch, "Human Rights Watch at Ikebiri," ERA Field Report No.22, April 20, 1999. May 1999, Vol. 11, No. 2(A)

On January 4, 1999, Opia and Ikenyan, two small Ijaw communities of around 500 people each in Delta State, Warri North local government area, were attacked by about one hundred armed soldiers using boats and a helicopter contracted to Chevron Nigeria Limited. While the context is different, the incident has some similarities to an incident at Chevron's offshore Parabe Platform in May 1998, in which two youths were killed by navy and mobile police brought to the platform by Chevron.<sup>46</sup> The two communities are situated close to each other in the riverine area of Delta State, about two hours by speed boat from Warri, and five or ten minutes by speed boat from each other. Each community is built on low-lying land edging a creek and surrounded by mangrove forest, with "economic trees," such as mango and coconut palm, interplanted among the houses. Like most houses in the delta, the homes in the villages prior to the attack were built of wood and other local products; there were no brick structures.

Community members described to Human Rights Watch how a helicopter of the kind they are used to seeing flying on Chevron's operations first flew low over Opia: they thought nothing of it, since there are two Chevron wells within one hundred meters of Opia village and a pipeline that runs nearby; but as the helicopter approached the village it started firing down at them. Everyone ran into the bush. After staying about half an hour at Opia, the helicopter flew to nearby Ikenyan and did the same thing. Again, everyone ran into the bush.<sup>47</sup>

After the helicopter left, people came back to the villages, but a short while later soldiers came first to Opia and then Ikenyan in four boats. Three of these boats were "sea trucks" from a contractor used by Chevron, the fourth was a military boat with a machine gun mounted on it. At each village in turn, as the boats came towards the community the soldiers started firing indiscriminately, killing and wounding possibly dozens of people, including the traditional leader of Ikenyan, Bright Pablogba, who had been approaching the waterside to try to negotiate. Each village was torched by the soldiers before they left, destroying virtually all the houses; canoes were sunk and other property destroyed.

When Human Rights Watch visited both communities, in February 1999, the death toll was still uncertain. Only four bodies had been found, but a woman and her five children fishing from a canoe by Ikenyan village were also presumed dead, since the boat was sunk and they had not returned. Fifteen people from Opia and forty-seven from Ikenyan were still missing: those who still remained in the villages believed that they were dead, and that their bodies had been thrown in the river or taken away—given the isolated position of the two communities it is unlikely that they could have simply fled without anyone knowing. In Opia, which previously had a total of perhaps fifty or sixty houses, we counted forty-six completely destroyed by fire, and others were damaged. In Ikenyan, about fifty homes were destroyed, and only four left standing at one end of the village. Teargas canisters and cartridge cases were still scattered on the ground.

A youth from Opia described what happened:

On January 4 we were here in the village. At about 2-3 p.m. we saw a Chevron helicopter flying by on the other side of the river, and then flying along the route of the pipeline. We thought it was on a Chevron operation because they normally fly that way. By the time it got to us it was flying very low, and then it started firing at us. We were surprised, we didn't know what to do, and we ran into the bush. After thirty minutes or so the helicopter was gone. Then some of the community members came back and were calling to the others to come back from the bush. We were gathered here on the river side and discussing what had happened when we saw Chevron boats coming towards us carrying soldiers. Three were Chevron sea trucks (two numbers were 221 and 242), the ones they normally use, and the other one was a military boat with a machine gun mounted on it. They were full of soldiers, maybe more than one hundred in all. We ran into the bush again but as we were running they started firing, it was so intense I can't describe it, dugu-dugu-dugu-dugu-dugu. As I was running a bullet wounded me on my leg. When we went into the bush we saw fire everywhere in the community, everything burning.

Then we heard the boats leaving, so we came back carefully, crawling to see if it was safe and watching who was around. No one was there, so we called to the others in the bush to come back. We saw two people

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<sup>46</sup>See Human Rights Watch, *The Price of Oil*, pp.148-151.

<sup>47</sup>Human Rights Watch based on Human Rights Watch interviews in Warri, Opia and Ikenyan, February 1999, Vol 4, 1, 990. 2(A)



lying dead on the ground, Kekedu Lawuru, and Timi Okuru, a woman. We started crying, and called to the others to come. But some did not come back: fifteen are missing till today. Maybe the bodies are in the river. About twenty were injured, of which ten or so were from bullet wounds, the rest from branches and stones as they ran into the bush. Almost all the houses were destroyed, burnt to the ground. All our property was destroyed. We had a boat that could carry forty or fifty persons which was sunk in the river. All our canoes were destroyed. We have nothing now, no means of livelihood.

Since then Chevron have not visited or come to their wells which are behind the village. Major Joseph Osadolo from Koko [where soldiers have been posted since the “Warri Crisis” of 1997] came and sympathized with us on January 6—he told us the soldiers who attacked came from the Madagho military base by Chevron’s operation at Escravos—and he promised the Military Administrator would come to see what had happened. We were told he would come on January 16, and we all gathered here from the communities where we are refugees, but he only went to the local government headquarters at Koko and did not come here. Up to now nobody has come.<sup>48</sup>

Right behind Opia community are two Chevron wellheads and a manifold, though they are not yet producing oil. They stand in an inlet from the creek which was created by excavating land, some of which previously supported “economic trees” such as palms, mangos, coconuts, and breadfruit, rather than the surrounding mangrove. In addition, the route for a new pipeline has been cleared, a strip of land about three meters wide, which terminates right before the village. If it were to be continued along its present direction, the pipeline route would have to go through the village: some of the villagers have concluded that the January 4 attack was aimed to clear away the village and allow the pipeline to continue along the most convenient line for Chevron, though Chevron denied this to Human Rights Watch. Others believe that the army might have been acting on behalf of local Itsekiris, a neighboring ethnic group between whom and the Ijaws there has been serious conflict over the last two years, or that the attack was simply revenge from the military for the Kaiama Declaration.

Following the attack, the remaining population of Opia and Ikenyan largely dispersed to other communities, and established a committee to take up their case with the military authorities and with Chevron. They corresponded with Chevron, who replied to them as follows:

Following the ultimatum given on December 11, 1998 to companies operating in the Delta area by the Ijaw youths who gathered at Kaiama in Bayelsa State, Chevron made necessary efforts to evacuate most of its staff working in its swamp locations, including those in and around our Dibi field. These are the closest locations to the two settlements of Ikenyan and Opia. The Searex 4 Rig and other facilities in the area were, however, secured by a contingent of Nigerian government armed forces. These had been posted around the Niger Delta by Government following the general insecurity in the area, a situation which was further heightened by the December 11 publication of the ultimatum by the Kaiama group.

On January 3, 1999, a group of youths from Opia and Ikenyan came to the rig location to demand for money from Chevron, failing which they threatened to forcibly empty the rig. We did not oblige but rather reported the matter to the Military Security detachment. The Security detail promptly told the Ijaw youths that Chevron owed them nothing and they should immediately desist from attempts to extort money from Chevron. They were also told in very strong terms that the security situation in the area made it imperative for them to steer clear of the facility in which the Federal Government has significant interest. These people, we understand, grudgingly left the location only to return the next day in increased numbers and this time fully armed. The report indicates that they engaged the armed forces in a shootout.

From information available to us, it was based on this initial attack that the contingent of security forces requested for reinforcement and made a counterattack on the two camps of Opia and Ikenyan. We do not know of any casualties resulting from these incidents as none of our own security was involved.

It has always been and continues to be our company's policy to have enduring and mutually beneficial relations with communities hosting our operations. Ikenyan and Opia, even though smaller settlements, have not been an exception to this rule. ...<sup>49</sup>

Chevron expressed no regret for what had happened, nor any explanation for the use of its equipment, and by mid-February no company representatives had visited the communities since the events of January 4. Members of the community stated to Human Rights Watch that they knew of no altercation at the drilling rig, which was several kilometers away; though they agreed it was possible that youths from other communities might have been involved in such an incident.

On February 17, 1999, community members attended a meeting at the David Ejoor barracks in Warri with both military and Chevron representatives, and there have been several other meetings since then. Human Rights Watch has seen a copy of a letter dated March 19 from Chevron Nigeria Ltd to the committee representing the communities, indicating that Chevron had made an offer of compensation to the committee at a meeting on March 5, totaling ₦500,000 (U.S.\$5,500) to each of the communities, plus relief materials. The committee had, according to the letter, turned this offer down and presented documents calling for compensation totaling ₦120 million (\$1.3 million). Chevron stated that the company “completely absolves itself from any responsibility regarding the incident as it was a matter between Federal Government Armed Forces and community militants,” but that “despite Chevron’s lack of involvement and in line with Chevron’s tradition of Care for host communities, we have offered to donate relief materials and some cash as humanitarian assistance and a goodwill gesture.”<sup>50</sup> Chevron stated that, following the intercession of some prominent chiefs, it had decided to raise the amount of its proposed donation to ₦750,000 (\$8,300) to each community. It is Human Rights Watch’s understanding that this offer has also not been accepted.

In a meeting with Human Rights Watch on February 24, 1999, George Kirkland, the managing director of Chevron Nigeria Ltd, and other representatives stated that Chevron had evacuated all its facilities in swamp locations from December 29, 1998. Despite these precautions, seventeen of its staff had been taken hostage in the creeks in Delta State on December 30 (in an incident unrelated to the razing of Opia and Ikenyan); eleven of these were later released; six, all Itsekiris, are presumed dead. Following the evacuation of staff, eight soldiers were left at the Searex drilling rig which was working near Dibi oil field, the closest field to Opia and Ikenyan; according to Chevron, this was a government decision to protect facilities abandoned by oil operators. In addition to the account given in the letter to the community representatives, Chevron stated that the soldiers at the rig had radioed to the Madagho military base for assistance, and that the soldiers at the base had in turn come to Chevron’s nearby Escravos facility and demanded use of the helicopters and boats on contract to Chevron. Chevron states that company staff at their facility did not allow the soldiers to take the helicopter and boats for one hour, until the sound of gunfire over the radio had ceased. Kirkland did not believe that Chevron had any right to refuse the soldiers permission to take the equipment; nor any choice, since they would have taken it anyway. Chevron categorically denied that the route for a pipeline would go through the community.

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<sup>49</sup>Chevron Nigeria Ltd letter (signed O.A. Omole, General Manager Public Affairs) to Opia and Ikenyan communities, dated January 22, 1999.

<sup>50</sup>Human Rights Watch letter to “The Chairman, Elevenmiles Committee, Opia/Ikenyan Communities,” March 11, 1999 (A)

Chevron director Kirkland told Human Rights Watch that the company had expressed its concern about this incident to General Karmasche, the head of the military task force deployed in Delta State since the 1997 Warri crisis, but did not offer copies of any written expression of such concern. He said Chevron had been told that the attack on the communities was a military action, and that if there were any similar confrontation between youths and soldiers the military reaction would be the same. However, Chevron was informed that the officer in charge of the attack on Opia and Ikenyan was facing a court martial.<sup>51</sup> Local human rights activists have not been able to verify for Human Rights Watch whether he has in fact faced any disciplinary action. Chevron has not made any public statements critical of the military's use of its equipment to destroy the two communities, nor has it responded to Human Rights Watch's written enquiries as to how the company intends to avoid similar incidents in future. The company said that it did not have internal written guidelines relating to security at its facilities and the response of company staff or contractors to security incidents, and that there is no written agreement with the Nigerian government relating to the provision of government security at its facilities.

In connection with media enquiries relating to these events, Mike Libby, speaking for Chevron's U.S. headquarters, read out a prepared statement on the program *Democracy Now*, broadcast from New York City on Pacifica Radio, February 24, 1999, asserting that:

Chevron has no involvement in or connection to any internal police activities in Nigeria, and any suggestion to the contrary is based on misinformation.<sup>52</sup>

He refused to answer further questions posed by Amy Goodman, presenter of *Democracy Now*, and asserted that previous statements had been twisted by the program. Similarly distancing Chevron from any responsibility for what happened, Chevron maintains in a statement posted on its website that:

It has been inaccurately reported that Chevron helicopters were used during alleged incidents involving the communities of Opia and Ikenyan. Chevron does not own helicopters or boats. The company operates a joint venture partnership with the Nigerian National Petroleum Company, a wholly owned Nigerian Government company, which has a 60-percent majority interest in the Joint Venture. The Joint Venture leases helicopters and boats for exploration and production operations. As the majority partner, the government has the right to and does on occasion make use of the joint venture's leased equipment for purposes they deem necessary. Chevron has no involvement whatsoever in this activity.

We remain committed to and proud of Chevron's partnership with the Nigerian people.<sup>53</sup>

The fact that Chevron has a joint venture with the Nigerian government does not remove its responsibility—as the operating company in effective control of all day to day decisions—to take all possible steps to ensure that its equipment, or that of its contractors, is not used to commit human rights violations against those who live near its operations.

At the April 29, 1999, Chevron shareholders' meeting held in San Ramon, California, Ken Derr, Chairman and CEO of Chevron, seemed to confirm the impression that Chevron has not accepted that it has responsibilities in the area of human rights—an impression given by previous statements, and by the company's failure to respond to Human Rights Watch's own written inquiries regarding the steps taken to avoid security incidents involving Chevron facilities. Amy Goodman of Pacifica Radio questioned Ken Derr about Chevron's activities in Nigeria, asking if Chevron would officially demand that the Nigerian military not shoot protesters at Chevron sites. Derr's response was "No."<sup>54</sup>

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<sup>51</sup>Human Rights Watch meeting with Chevron Nigeria Ltd, February 24, 1999.

<sup>52</sup>Tape of *Democracy Now*, broadcast on Pacifica Radio, February 24, 1999. Libby was responding also to concern about the May 1998 Parabe Platform incident. See, Human Rights Watch, *The Price of Oil*, pp.148-151.

<sup>53</sup>"Chevron's Nigeria Commitment," available at <[www.chevron.com](http://www.chevron.com)>.

<sup>54</sup>Human Rights Watch, *Democracy Now*, broadcast on Pacifica Radio, April 30, 1999.

Chevron's position is that the company is operating in a region facing ongoing ethnic conflict, which requires a military presence. There is serious violence in the delta, especially in Delta State, which has been centered in recent years especially on conflict between the Ijaw and Itsekiri communities over the siting of a local government headquarters near Warri.<sup>55</sup> There is also violence between the Ijaws and the Ilajes of Ondo State. Based on this situation, Chevron stated in correspondence with Human Rights Watch:

Ethnic rivalry and disputes over landownership and the potential compensation derived therefrom are ... at the heart of the violent inter-ethnic clashes reported over the past several months in areas of the Niger Delta where we operate. These incidents of ethnic unrest have led to significant loss of lives and property, with complete villages wiped out by rival ethnic groups. This area of the Niger Delta has witnessed an enormous increase in the acquisition of firearms and ammunition by unemployed and largely disenfranchised community members. This has in turn resulted in a breakdown of law and order, while acts of arson, kidnapping and hostage-taking for ransom have become apparent. The Government's delay in responding to and addressing this situation in the Niger Delta has resulted in many deaths that otherwise could have been avoided.<sup>56</sup>

In this context, Chevron asserted to Human Rights Watch that the presence of soldiers in the delta has in fact reduced casualties from ethnic conflict. In particular, according to Chevron, the military presence at the Madagho base—which the army originally wanted to site inside Chevron's Escravos facility—has ensured relative stability around their site.<sup>57</sup> In the meeting with Human Rights Watch, Chevron stated that Opia and Ikenyan were Ijaw communities in what would otherwise be Itsekiri territory, and that they had been only recently settled by Ijaws.<sup>58</sup> They stated that Chevron had bought the land where the villages are sited from Itsekiris, and suggested that the Ijaw communities had moved there in order to obtain the benefits of being located close to Chevron facilities. Chevron emphasized that they had in general no trouble with communities where they had regular contact, but that outsiders came in and caused problems. They therefore also accepted that the incident at the drilling rig which led to the attack on Opia and Ikenyan could have involved youths from other communities. However,

It would, in our opinion, be counter-productive for us to single out incidents committed by one group against another rather than condemning the entire situation of deprivation and lawlessness that has resulted in excesses by different parties, and caused so much loss of lives and valuable property.<sup>59</sup>

While Human Rights Watch joins Chevron in condemning all attacks on civilians, we cannot agree with the implication that the Nigerian security forces are just another party to the ongoing conflict in the Niger Delta, in which violations by the military and police are on a level with ethnic violence, kidnappings and other criminal acts carried out by groups of young men, some of whom claim to be acting on behalf of the peoples of the delta. The Nigerian government has a responsibility to ensure respect for human rights and the rule of law in the Niger Delta as in other parts of Nigeria. It will not achieve that respect by itself using indiscriminate and disproportionate force against unarmed civilians who have themselves committed no criminal acts but chance, perhaps, to be of the same ethnic group as those who have, or to have exercised their right to peacefully express their views about the need for a new dispensation for the oil producing communities.

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<sup>55</sup>See, Human Rights Watch, *The Price of Oil*, pp.111-114, for a discussion of the 1997 "Warri Crisis," whose effects are still ongoing.

<sup>56</sup>Chevron Nigeria Ltd letter to Human Rights Watch, March 24, 1999.

<sup>57</sup>According to press reports, however, Ijaw youths attacked an Itsekiri community at Madagho on May 6, 1999, killing dozens and driving hundreds of others away from their homes. Francis Onoiribholo, "25 Soldiers Missing in Warri Crisis," *Post Express* (Lagos), May 9, 1999

<sup>58</sup>It was not quite clear whether Chevron were arguing that Opia and Ikenyan had been recently settled on previously uninhabited land, or that they had been taken over from pre-existing Itsekiri communities. Human Rights Watch has written to Chevron to clarify this point, but has received no response. The villages have Ijaw names, and there are mature "economic trees" at their sites.

<sup>59</sup>Human Rights Watch Ltd letter to Human Rights Watch, March 24, 1999.

In particular, Human Rights Watch believes that the oil companies operating in Nigeria have a responsibility to monitor and promote respect for human rights, and to take all possible steps to ensure that human rights violations are not committed in connection with their own operations. These steps include:

- making provision in agreements with the Nigerian government for security provided to the oil industry to conform to international standards of human rights;
- making public the provisions of their security agreements with the government and private security organizations;
- screening security staff assigned for their protection to ensure that those implicated in past human rights violations are not engaged;
- investigating and protesting abuses that do occur, and calling on the Nigerian authorities to institute disciplinary or criminal proceedings against those responsible and to compensate the victims; and
- adopting internal guidelines surrounding the provision of security emphasizing the need to respect international standards of human rights.

In cases where the military attempt to commandeer oil company equipment, proper authorization from a senior officer should be demanded, according to prior arrangements between the company and the government which include human rights guarantees in relation to the way the equipment will be used. In the absence of such arrangements, use of company or contractors' equipment should not be authorized and any attempt to commandeer equipment without express authorization should be publicly and privately protested with the appropriate authorities.

During December and January there were other violent confrontations between soldiers and community members in the delta area. In anticipation of the Kaiama Declaration ultimatum, thousands of troops were moved to ports on the Atlantic coast, including Brass, where Agip has a terminal, and to Forcados, where Shell has a major facility. Up to nineteen people were reportedly killed by soldiers based at Shell's Forcados terminal in a confrontation involving nearby communities in early January. There has also been violence involving the neighboring Okpoama and Twon-Brass communities close to Agip's Brass terminal. Leaders of the Okpoama/Ewoama communities have alleged that soldiers attacked their community on January 4, 1999, without provocation, destroying over forty houses. They also alleged that Agip provided vehicles and fuel for the attack.<sup>60</sup> Human Rights Watch has not investigated these incidents directly.

## VII. ELECTIONS IN THE DELTA

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<sup>60</sup>“An Open Letter to the Head of State of the Federal Republic of Nigeria and Commander-in-Chief of the Armed Forces, His Excellency General Abdulsalami Abubakar,” signed by Chief B.O. Beredugo-Ambule, Chief A.E. Benson-Oweifa, Ben A. Basuo, and I.A. Yousuo. *This Day* (Lagos), February 23, 1999. In June 1998, Agip's Brass terminal was invaded and looted by youths from the Brass area. Human Rights Watch, *Human Rights Watch* 21 May 1999, Vol. 11, No. 2(A)

The elections in Nigeria that have brought retired general and former head of state Olusegun Obasanjo to the presidency were conducted under a transition program established by Gen. Abdulsalami Abubakar, who became head of state on the death in June 1998 of Gen. Sani Abacha. General Abubakar aborted General Abacha's transition program, which seemed intended to install General Abacha himself as a "civilian" president,<sup>61</sup> and set a new nine-month timetable for installation of an elected civilian government under conditions of greater openness than had been the case.

Abacha's National Electoral Commission of Nigeria (NECON) was dissolved (together with other transitional bodies) and an Independent National Electoral Commission (INEC), headed by retired Justice Ephraim Akpata, established in its place to oversee local government elections held on December 5, 1998, state assembly and governorship elections on January 9, 1999, National Assembly elections on February 20, 1999, and presidential elections on February 27, 1999.<sup>62</sup>

INEC released guidelines for the conduct of each set of elections, and the government also promulgated decrees on the "basic constitutional and transition provisions" relating to the holding of each set of elections; in many cases these decrees were only published days before the election in fact took place.

INEC registered nine parties to contest the local government elections. Of these, three parties, the Peoples' Democratic Party (PDP), the All Peoples' Party (APP), and the Alliance for Democracy (AD), qualified to contest state and national elections.<sup>63</sup> For the presidential election, the APP and the AD formed an alliance and presented a joint candidate, Olu Falae of the AD, in order to have a more realistic chance of challenging the PDP's candidate, Olusegun Obasanjo. Both these selections were made less than two weeks before the presidential election.

National and international observers noted widespread irregularities in the conduct of the elections at all stages, including inflated vote returns, ballot box stuffing, altered results, and disenfranchisement of voters, as well as administrative problems such as late delivery of voting materials at a large number of polling stations. Although, in the case of the presidential election, the Carter Center and National Democratic Institute, for example, noted "no systematic evidence indicating that these abuses would have affected the overall outcome of the election," they did conclude that "these abuses may have substantially compromised the integrity of the process in the areas where they occurred."<sup>64</sup> The Transition Monitoring Group, a coalition of sixty-three Nigerian human rights and civil society organizations, noted after the presidential elections that a "trend of awarding high votes, or votes in excess of the number of accredited voters, which had been observed during the National Assembly Election assumed much greater proportions during the

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<sup>61</sup>See, "Permanent Transition: Current Violations of Human Rights in Nigeria," *A Human Rights Watch Short Report*, September 1996, and "Transition or Travesty? Nigeria's Endless Process of Return to Civilian Rule," *A Human Rights Watch Short Report*, October 1997.

<sup>62</sup>INEC was established under the Independent National Electoral Commission (Establishment, etc.) Decree No. 17 of 1998, and the Independent National Electoral Commission (Establishment, etc.) (Amendment) Decree, No. 33 of 1998. The timetable for the transition was set out in the Transition to Civil Rule (Political Programme) Decree, No. 34 of 1998, and in a *Transitional Time Table* released by INEC on August 21, 1998. See also Simon Clarke and Susan L. Palmer, *Report of the AAEA/IFES Observation of the Transitional Elections in Nigeria, December 1998–February 1999* (Washington DC: Association of African Election Authorities and the International Foundation for Electoral Systems, March 29, 1999) for a discussion of the background to the elections.

<sup>63</sup>As in previous transitions, the Political Parties (Registration and Activities) Decree, No. 35 of 1998, and regulations made by INEC under the decree, set out rules providing for political parties to have a national support base. The AD, whose support is primarily in the south west of the country, was registered (although it did not fulfil the requirement to have 5 percent support in local government elections in at least twenty-four (of thirty-six) states), under an amendment to the guidelines which provided (essentially to accommodate the AD) that where only two parties provisionally registered for the local government elections achieved this threshold the next most successful party should also be registered.

<sup>64</sup>*Statement of the Carter Center/NDI International Observer Delegation to the Nigerian Presidential Election*, March 1, 1999. See also *Statement of the NDI/Carter Center January 1999 Election Assessment Delegation to Nigeria*, January 12, 1999; *Statement of the NDI/Carter Center Election Assessment Delegation to Nigeria*, December 8, 1998; Simon Clarke, Trefor Owen and Susan L. Palmer, *Local Government Elections in Nigeria: December 5, 1999; The Report of the AAEA/IFES Joint International Observer Mission* (Washington DC: Association of African Election Authorities and the International Foundation for Electoral Systems, January 1, 1999).

Presidential Elections,” and that “both parties were heavily involved in election malpractices, although it is difficult to say the extent to which the efforts of the two parties canceled each other out.”<sup>65</sup>

Most observers agreed that election malpractices were particularly widespread in the “South-South” zone of the country, the minority areas of the Niger Delta and its environs. Human Rights Watch spoke to many of those deployed in the region, who all reported serious problems on the ground. In many places no elections in fact took place, but winners were announced nonetheless; in others, bribery and/or intimidation of voters and electoral officers were the norm. Few if any INEC officials have faced disciplinary action as a result of their involvement in such activities. Turnout everywhere was very low.

Within the political parties contesting the elections there were serious problems with lack of internal democracy and respect for party constitutions. In numerous cases, candidates selected at local level for local government positions were replaced at the instance of those more senior in the party; at all levels there was widespread use of bribery and of intimidation of party members by candidates and others to ensure that particular individuals were selected. Because of the short period of time within which the elections were organized, candidates were approved at the last minute, and many voters did not know who the candidates standing for local government or state assembly positions were.

In the riverine areas of Bayelsa and Delta States, there were transportation problems for electoral materials; in at least one case, boats were provided by one of the political parties, allowing a veto on who could travel with the electoral materials.<sup>66</sup> In Bayelsa State, local government, state assembly and governorship elections held elsewhere on December 5, 1998 and January 9, 1999 were all held on January 30, having been postponed for logistical reasons and as a result of the New Year disturbances. In Delta State, national assembly elections took place in circumstances of complete disarray in several districts, as INEC and the military administrator issued and countermanded instructions for the polls to be postponed, amid allegations that national PDP party leaders were imposing their choices on the local membership.<sup>67</sup>

Reported turnout figures for the elections were not plausible in many states across Nigeria, but were particularly incredible in the delta area, where observers present throughout the day at different polling stations noted that very few voters had presented themselves. Most estimated turnout of a maximum of around 20 percent (one hundred people, for the standard minimum 500 registered voters at each polling station), and in the majority of locations 5 percent or less. Yet Rivers, Bayelsa, and Delta States reported 71.08, 69.88 and 45.5 percent turnout, respectively, for the presidential elections, and 64.56, 59.74 and 17.29 percent turnout for the gubernatorial and state assembly elections, based on a voters' register that was already regarded as being of dubious integrity. In areas around Warri, Delta State, for example, many Ijaws refused to register because the government had not created a specifically Ijaw local government area to represent their interests.<sup>68</sup>

The Transition Monitoring Group (TMG) concluded that in Rivers State "the presidential election witnessed the worst level of malpractice in the state since the commencement of the transition elections."<sup>69</sup> Anyakwee Nsirimovu, the coordinator for the TMG in Rivers State noted that there were serious defects throughout the series of elections. During local government elections:

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<sup>66</sup>*Interim Report of the Transition Monitoring Group on the National Assembly Elections Held on Saturday 20th February 1999* (Lagos, February 22, 1999).

<sup>67</sup>Christian Ita, "Crisis of Delta PDP," *This Day* (Lagos), February 24, 1999; Ehichioya Esomon, "In Delta, vested interests at work," *Guardian* (Lagos), February 26, 1999.

<sup>68</sup>Figures for turnout taken from INEC statistics published in Clarke and Palmer, *Report of the AAEE/IFES Observation of the Transitional Elections in Nigeria*. The turnout figure for Bayelsa State was initially reported as 119 percent in the gubernatorial elections and 123 percent in the presidential elections. These figures were, apparently, based on incorrect figures for voter registration and were corrected when INEC adjusted its registration figures to 873,000 for Bayelsa State. Human Rights Watch telephone interview with Simon Clarke, International Foundation for Electoral Systems, April 14, 1999.

<sup>69</sup>Human Rights Watch, *Transition Monitoring Group on the Presidential Election*, March 1, 1999, May 1999, Vol. 11, No. 2(A)



The result sheets were not there in 80 percent of cases—the returning officers just disappeared with them. In Port Harcourt, Obia/Akpor and in Ikwerre local government areas I confronted electoral officers at collation centers who were filling in the results right there, when they should have just been adding them up. Some of those filling in the results were party politicians. There was heavy security, lots of MoPo and army. Returning officers bringing in an AD [Alliance for Democracy] result were taken to the police station a number of times: one guy, Akamey Worlu, the returning officer for Elenwo community in Obia/Akpor local government area, was locked up for one week in Obia/Akpor police station, then moved to the SIIB [State Intelligence and Investigation Bureau] cells in Port Harcourt. He was eventually taken to court and released on bail. He had been offered ₦15,000 (\$167) by the PDP [Peoples' Democratic Party] to change the result and he had refused, so they said it was electoral malpractice. It was the same story for the state assembly and governorship elections. On January 9, my wife was monitoring and at one place found the papers were missing. She traced them, and found PDP party agents stamping the ballot papers and filling the ballot box in someone's living room. She was threatened, but eventually allowed to go—but was not allowed into the collation center. At Obia/Akpor I myself approached a policeman at the collation center, who said the order was that no observer was allowed, and threatened me with his gun.<sup>70</sup>

Other observers in the area noted similar results. Uche Okwukwu, a lawyer who handles many civil rights cases who was elected to the Rivers State state assembly on the APP ticket for the Ikwerre constituency, commented to Human Rights Watch:

There was no election. It was all rubbish. ... Most electoral officers, from polling clerks and party agents to returning officers and presiding officers are poor, illiterate and biased. To a large extent they favor the candidates that they have been bribed to favor. For example, in Ubima ward, where my opponent comes from, I had thirty-nine votes, because my supporters were not allowed to vote, and he had six thousand or more. In my ward in Elele, he had 170 votes, and I had 7,118. In some wards there was no election at all, and votes were just allocated. ... On election day, very few people came out to vote; the results that are published are not the actual results, for all parties concerned. Everybody used some level of intimidation and bribery. Mostly it was not thumbprinting ballot boxes, but just a question of arresting the returning officers and bribing them to write the results. There was nothing like free and fair here.<sup>71</sup>

Human Rights Watch itself was present during the presidential elections in Rivers State. Turnout appeared to be very low, with virtually nobody visibly voting, yet at the great majority of polling stations the officially reported results indicated 100 percent turnout, often all voting for the PDP. At Ibaa-Omuikea community, there were 569 votes for the PDP and none for the APP/AD at one polling station; at another there were 499 votes for the PDP and one for the APP/AD. At the majority of polling stations, there was no APP/AD party agent present at the polling station, but only a representative of the PDP. In most cases, the ballot boxes were not locked, or, if they were, the key was in the lock. At several polling stations, including the girls' secondary school in Rumueme community on the edge of Port Harcourt, ballot boxes were filled with neatly and uniformly folded papers, all marked for the PDP. At the school, only 129 people had been accredited to vote, yet 231 votes were recorded for the PDP, and twelve for the APP/AD.<sup>72</sup>

The defects in the electoral process in the delta region in particular may have serious consequences. If the representatives of the delta region in local, state, and national democratic institutions are not in fact representative, then the chances of their responding to the grievances of the peoples living in their constituencies are substantially reduced.

## VIII. GOVERNMENT INITIATIVES TO ASSIST THE DELTA

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<sup>70</sup>Human Rights Watch interview, February 12, 1999.

<sup>71</sup>Human Rights Watch interview, February 15, 1999.

<sup>72</sup>In order to prevent multiple voting, the required procedure on the day of the poll was for voters to come to the polling station to be "accredited" by having their name checked off against the voters' register, and to remain there until voting began, when they would mark the ballot paper and actually vote. In practice, accreditation and voting either took place together, or, if at Human Rights Watch were not kept at the polling booth.

Recent protest and repression in the oil producing region, especially related to the Kaiama Declaration and the events that followed it, provoked a response from the government of General Abubakar. On March 3, 1999, General Abubakar appointed a twenty-two member committee, headed by Maj. Gen. Oladayo Popoola, to examine existing development initiatives and “to make appropriate recommendations on what can be done before the end of the current administration.” The members of the committee were the military administrators of the South-South zone, several ministers (military and civilian), representatives of the Petroleum (Special) Trust Fund, the Oil Mineral Producing Areas Development Commission (OMPADEC), and other government figures. No civil society representatives were included. The committee submitted its report on March 16, recommending the immediate expenditure of ₦15.3 billion (U.S.\$170 million) on infrastructure projects in addition to normal budgetary allocations, as well as the establishment of a Niger Delta Consultative Council, made up of government figures and representatives of the oil companies, and chaired by the chief of general staff or vice-president, to oversee development projects.<sup>73</sup> On April 10, 1999, General Abubakar met more than two hundred delegates from the oil producing regions to discuss the report. While many of the delegates were reportedly looking rather for individual projects in their own region, the meeting was reported to have approved the report—though some of those present contested this interpretation.<sup>74</sup> While the meeting included a more widely representative selection of people than many previous discussions, they were invited as individuals rather than as representatives of organizations with a mandate to discuss the proposals put to them. The Ijaw Youth Council, the principal mover of the Kaiama Declaration, was not invited.<sup>75</sup>

On April 12, 1999, the military administrator of Bayelsa State, Lt. Col. Paul Obi, met with selected Ijaw leaders at state house in Yenagoa, stating, according to press reports, that the “Federal Government is favourably disposed towards tackling the critical problem of underdevelopment facing the state” while urging the people of Bayelsa State to “embrace the path of peace and dialogue at all times.”<sup>76</sup>

Since being elected, future president Olusegun Obasanjo has largely spent time outside the country, seeking international support for his government. He has not traveled to the delta. Before being elected, though already likely to be so, he invited selected delta youths to talk with him in Benin City, at the height of the New Year crisis, on January 3, 1999. While the media reported that he had secured the promise of a ceasefire, none of those invited represented major constituencies. One of those present said that he had not apparently realized the seriousness of the demands raised by the Ijaw Youth Council and others, and appeared rather to want to act as mediator between the youths and the military.<sup>77</sup> Obasanjo also appointed a committee to consider the situation in the Niger Delta, which submitted a report to the Presidential Policy Advisory Committee, reportedly recommending greater development spending in the oil producing regions.<sup>78</sup>

## IX. INTERNATIONAL RESPONSE

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<sup>73</sup>Emeka Nwankpa, “Abubakar raises panel on Niger Delta,” *Guardian* (Lagos) March 4, 1999; Emeka Nwankpa, “Panel suggests ₦15b for facilities in Niger Delta,” *Guardian*, March 17, 1999; Josiah Emerole, “Committee recommends 20 year development plan for Niger Delta,” *Post Express* (Lagos), March 18, 1999.

<sup>74</sup>Remi Oyo, “Unrest in the Niger Delta May Soon be Over,” IPS, April 18, 1999, quoting MOSOP Ledum Mitee as saying that “contrary to media reports the Abuja meeting at which the plan for the Niger Delta was reached did not come out with any decision.”

<sup>75</sup>Emeka Nwankpa, “Govt approves panel report on Niger Delta,” *Guardian* (Lagos), April 12, 1999; Human Rights Watch telephone interview, Oronto Douglas, April 16, 1999.

<sup>76</sup>Adagogo Brown, “Administrator Tasks Ijaw Leaders on Development,” *Post Express* (Lagos), April 13, 1999.

<sup>77</sup>Human Rights Watch telephone interview, Warri, April 22, 1999.

<sup>78</sup>Human Rights Watch Committee on Niger Delta submits report,” *Vanguard* (Lagos), April 27, 1999, Vol. 11, No. 2(A)

International attention to Nigeria since the death of General Abacha has focused on the transition process due to culminate on May 29, with numerous statements from Nigeria's bilateral trading partners and from multilateral organizations welcoming the election of Olusegun Obasanjo as president and the completion of the process of local, state and national elections. While some statements have noted concern about allegations of irregularities in the process, the international community—like many Nigerians—has been prepared to turn a relatively blind eye to electoral fraud in the interests of finally seeing the end of military government. For the same reason, there were few if any public expressions of concern at the New Year crackdown in the Niger Delta, though diplomats claimed to Human Rights Watch that private representations had been made emphasizing the need to find a political and not military solution to the crisis. The U.N. Commission on Human Rights, which for two years had voted to appoint a special rapporteur on the situation of human rights in Nigeria, at its 1999 session adopted a resolution which expressed no concern of any kind at continuing human rights violations in Nigeria and decided simply to cease its consideration of the human rights situation.<sup>79</sup> Barring a fresh military intervention into Nigerian politics, it is virtually certain that all remaining sanctions in place against Nigeria, imposed since the cancellation of the 1993 elections and the 1995 executions of Ken Saro-Wiwa and his codefendants, will be lifted. The World Bank and International Monetary Fund are also negotiating for a resumption of financial assistance to Nigeria, and members of the Paris Club for renegotiation of Nigeria's debt, upon the formal ending of military rule and the adoption by Nigeria of economic policies designed to curtail corruption, deregulation, privatization, and reallocation of resources towards social spending.

On March 9, 1999, Democratic Congressman Dennis J. Kucinich of Ohio, together with Rep. Cynthia McKinney (D-GA), Rep. Donald Payne (D-NJ) and Rep. Maxine Waters (D-CA), called for a congressional investigation into Chevron's role in abuses by the Nigerian security forces in a letter to the chair of the House International Relations Committee Ben Gilman. In the letter, Kucinich stated, "we believe that there is growing evidence that the U.S. oil companies are accepting extra-judicial killings and other human rights abuses as just another cost of doing business in Nigeria." The congressman was acting on information relating to the Opia and Ikenyan attacks, and an incident in May 1998 when Chevron had called for military intervention to remove 200 demonstrators from its offshore Parabe platform.<sup>80</sup> No hearings on the role of U.S. multinationals have yet been announced, though the House of Representatives International Relations Committee Subcommittee on Africa may hold hearings on Nigeria generally.

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<sup>79</sup>U.N. Commission on Human Rights, Resolution 1999/11.

<sup>80</sup>Human Rights Watch, *The Price of Oil*, pp.148-152.

## X. ACKNOWLEDGEMENTS

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