

Nigeria

More than halfway through his term in office, President Umaru Yar'Adua and his administration have done little to improve Nigeria's poor human rights record. Bloody sectarian clashes claimed hundreds of lives in late 2008 and 2009, while the government failed to investigate, much less hold accountable, members of the security forces implicated in numerous incidents of extrajudicial killings, torture, and extortion. The government's amnesty for militants in the Niger Delta failed to address the root causes of the violence.

Despite limited gains from anti-corruption efforts, Nigeria's political leaders continued to enjoy near-total impunity for massive corruption and sponsoring political violence. The National Assembly failed again to pass legislation to improve transparency and good governance. Nonetheless, free speech and the independent press remain fairly robust. Foreign partners took some positive steps in confronting endemic corruption in Nigeria, but appeared reluctant to exert meaningful pressure on Nigeria over its human rights record.

Government Corruption

Nigeria's fledgling anti-corruption campaign produced mixed results in 2009. In October a powerful ruling People's Democratic Party (PDP) chieftain, Olabode George, was convicted for financial crimes, in the most significant conviction secured by Nigeria's anti-corruption body since Yar'Adua came to power. The new chairman of the central bank, Lamido Sanusi, sacked the chief executives of eight Nigerian banks due to financial mismanagement and fraud. Farida Waziri, the head of the Economic and Financial Crimes Commission (EFCC), promptly filed corruption charges against several of the bankers, but failed to indict key politicians credibly implicated in the massive looting of the state treasury, including former Rivers State governor Peter Odili. Several other high-profile corruption cases initiated by Waziri's predecessor at the EFCC have been effectively stalled. Meanwhile, the country's tremendous oil wealth, which could have been used to improve the lives of ordinary Nigerians, continues to be squandered and siphoned off by the governing elite, leaving poverty, malnutrition, and mortality rates among the worst in the world.

Intercommunal and Political Violence

Intercommunal, political, and sectarian violence have claimed the lives of more than 13,500 people during the past decade in Nigeria. Nigeria's politicians continue to manipulate ethnic and religious tensions by sponsoring violence for personal political gain, and widespread poverty and poor governance have created an environment where militant groups can thrive. Violent clashes in July between government security forces and a militant Islamist group in northern Nigeria known as Boko Haram left at least 800 dead; according to the government, most of those killed were militants. Members of the Boko Haram group also burned churches and attacked and killed Christians during the violence. In November 2008 more than 700 people were killed during two days of Christian-Muslim sectarian clashes following a disputed local government election in the central city of Jos. Intercommunal tensions are exacerbated by state and local government policies that discriminate against "non-indigenes"—people who cannot trace their ancestry to what are said to be the original inhabitants of an area.

Yar'Adua had pledged to reform Nigeria's broken electoral system, but in 2009 rejected core recommendations of his electoral reform committee. The Supreme Court, in December 2008, upheld Yar'Adua's own controversial 2007 election. The government has still not held accountable those responsible for the 2007 election violence that left at least 300 dead, while a closely fought gubernatorial election rerun in Ekiti State in April 2009 was again marred by violence, vote-rigging, and fraud. Nonetheless, Nigeria's judiciary continues to exercise a degree of independence in electoral matters: Since 2007 the courts have overturned one-third of the PDP gubernatorial election victories on grounds of electoral malpractice or other irregularities.

Conduct of Security Forces

The government demonstrated a lack of political will to reform the police, who were again implicated in numerous extrajudicial killings of persons in custody, torture of criminal suspects, and widespread extortion and corruption. On July 30, 2009, the police in the northern city of Maiduguri brazenly executed the Boko Haram leader Mohammed Yusuf in police custody. The following day his father-in-law, Baba Mohammed, and a former state government official suspected of funding Boko Haram, Buji Foj, were also reportedly killed in police custody. Yar'Adua promised to promptly investigate these killings, but at this writing no one has been held accountable.

In November 2008 the police and military were credibly implicated in more than 130 unlawful killings while responding to the election-related violence in Jos. At this writing a

panel set up by Yar'Adua to investigate the Jos violence is scheduled to begin hearings in December 2009. The government has still not held members of the security forces accountable for past crimes, including the massacre of more than 200 people by the military in Benue State in 2001 and the military's complete destruction of the town of Odi, Bayelsa State, in 1999.

Violence and Poverty in the Niger Delta

An amnesty for armed militants in the oil-rich Niger Delta led several thousand men, including top militant commanders, to surrender weapons to the government. Since the latest escalation of violence began in early 2006, hundreds of people have been killed in clashes between rival armed groups vying for illicit patronage doled out by corrupt politicians, or between militants and government security forces. Armed gangs have carried out numerous attacks on oil facilities and kidnapped more than 500 oil workers and ordinary Nigerians for ransom during this period. The amnesty offer, announced in June 2009, followed a major military offensive in May against militants in the creeks of Delta State, which left scores dead and thousands of residents displaced.

The government's blanket amnesty, cash payouts to armed militants, and a proposal to give oil-producing communities a 10 percent stake in government oil ventures bought some respite from militant attacks, but further entrenched impunity and failed to address the government corruption, political sponsorship of violence, and environmental degradation that underlie the violence and discontent in the Niger Delta. A similar amnesty granted to rival armed groups in 2004 failed to end the Niger Delta violence.

Human Rights Concerns in the Context of Sharia

Twelve state governments in northern Nigeria continue to apply Sharia law as part of their criminal justice system. Sentencing provisions such as the death penalty, amputations, and floggings amount to cruel, inhuman, and degrading punishment. Although the death sentences appealed to date have been overturned, lower Sharia courts continue to hand them down. Serious due process concerns also exist in Sharia proceedings. Most defendants are tried without legal representation. Judges are poorly trained and, as is also common in Nigeria's conventional criminal courts, often rely on statements that were extracted by the police through torture. Evidentiary standards in the Sharia codes discriminate against women, particularly in adultery cases where standards of evidence differ for men and women.

Sexual Orientation and Gender Identity

Nigeria's federal criminal code punishes consensual homosexual conduct with up to 14 years in prison. In the states applying Sharia, consensual homosexual conduct among men is punishable by death by stoning, and by flogging in the case of women. Draft federal legislation that would criminalize anyone who enters into or assists a "same gender" marriage was introduced in the House of Representatives in December 2008.

Freedom of Expression and the Media

Civil society and the independent press openly criticize the government and its policies, allowing for robust public debate. However, journalists are still subject to intimidation and violence when reporting on issues implicating the political and economic elite. On September 20, 2009, Bayo Olu, the deputy political editor of the *Guardian*, one of Nigeria's largest newspapers, was gunned down at the entrance to his home. During the April elections in Ekiti State, PDP members reportedly detained and assaulted three journalists inside the state government headquarters. Journalists working for local media outlets generally enjoy considerably less freedom than their national counterparts and are more often subjected to harassment by government officials.

Health and Human Rights

Health indicators, including those for infant and child mortality and women's reproductive health and maternal mortality, remain some of the worst worldwide. An estimated 250,000 terminal cancer and HIV/AIDS patients suffer in pain needlessly as a result of the government's failure to provide access to inexpensive pain medications such as morphine.

Key International Actors

Because of Nigeria's role as a regional power, leading oil exporter, and major contributor of troops to United Nations peacekeeping missions, foreign governments—including the United States and the United Kingdom—have been reluctant to publicly criticize Nigeria's poor human rights record.

Although US Secretary of State Hillary Clinton spoke out forcefully against endemic government corruption during her August visit to Nigeria, she was unwilling to publicly condemn the serious abuses committed by Nigeria's security forces. The UK government continued to play a leading role in international efforts to combat money laundering by corrupt Nigerian officials. However, in fiscal year 2009 it provided £132 million in aid to Nigeria, including security sector aid, without demanding accountability for Nigerian officials

and members of the security forces implicated in corrupt practices or serious human rights abuses.

Multinational oil companies operating in the Niger Delta did little to curb pollution and environmentally harmful gas flaring and oil spills caused by ageing and poorly maintained infrastructure.

In its February review under the Universal Periodic Review mechanism, the UN Human Rights Council recommended, among other things, that Nigeria improve its legal framework for the protection of human rights, declare a moratorium on the death penalty, end torture, and reform the police and criminal justice sector.