

NIGERIA

FEDERAL REPUBLIC OF NIGERIA

Head of state and government: Olusegun Obasanjo

Death penalty: retentionist

International Criminal Court: ratified

Penal legislation inspired by *Sharia* (Islamic law), which had been gradually introduced in 12 states in northern Nigeria since 1999, was applied throughout the year. One person was executed for murder after being sentenced to death in 2001 by a *Sharia* court in Katsina. During 2002 at least five people were sentenced to death under this legislation and in at least three cases corporal punishments of amputation of hands or flogging were carried out. Three people were sentenced to death by High Courts. The security forces continued to act with impunity. No one was brought to justice for the extrajudicial execution of civilians by the army in Bayelsa and Benue States in 1999 and 2001 respectively. Dozens of criminal suspects were tortured by the police; according to reports, at least two people died in custody as a result. At least five people were unlawfully killed by the police. State-endorsed vigilante groups carried out hundreds of extrajudicial executions in the southeast of the country and were responsible for acts of unlawful detention, torture and "disappearances". Peaceful protests by women in Niger Delta region outside oil company premises were repressed with excessive use of force by the army and the paramilitary Mobile Police.

Background

The cycle of intercommunal violence continued; hundreds of people died in clashes between different ethnic and religious groups in Plateau, Taraba, Kaduna, Lagos, Delta and other states. The Independent National Electoral Commission announced that general and presidential elections would take place between 12 April and 3 May 2003. In August the Federal House of Representatives passed a motion advising President Olusegun Obasanjo to resign or face impeachment for a series of accusations, including corruption and breach of the Constitution. The situation in the oil-producing Delta region deteriorated; women seized several oil flow stations to demand jobs and proper compensation for land acquisition and for environmental damage caused by oil companies.

Death penalty

At least three death sentences were passed by High Courts, and on 27 May the Supreme Court upheld four death sentences passed by a High Court in Abia State in 1999. There were no executions of people who had been convicted of offences under non-*Sharia* penal codes.

Sharia-based penal legislation, which provides for mandatory death sentences for extra-marital sex and for murder, continued to be implemented in some states of northern Nigeria. One person was executed for murder and at

least five death sentences were passed by *Sharia* courts in Bauchi, Kaduna, Jigawa and Niger States for offences related to sexual conduct.

☞ Sani Yakubu Rodi, aged 27, was executed by hanging on 3 January at Katsina Prison following the expiration of the statutory 30-day period to appeal against the sentence. He had been found guilty in November 2001 by a *Sharia* court in Katsina of the murder of a woman and her two children.

☞ Amina Lawal, aged 30, was sentenced on 22 March to stoning to death for adultery by a *Sharia* court at Bakori, Katsina State. She allegedly confessed at her first trial to having had a child while divorced. On 19 August the *Sharia* Court of Appeal in Funtua, Katsina State, upheld the death sentence. Amina Lawal's appeal against the sentence to the Upper *Sharia* Court of Appeal of Katsina was still pending at the end of the year. Amina Lawal's case was the subject of a worldwide campaign by several non-governmental organizations, including AI, against death sentences and cruel, inhuman or degrading punishments passed by *Sharia* courts in northern Nigeria.

☞ On 25 March the *Sharia* Court of Appeal of Sokoto State ordered the acquittal of Safiya Yakubu Hussaini, who was facing death by stoning for adultery. She had been sentenced to death in October 2001 by a *Sharia* court in Gwadabawa, Sokoto State.

Cruel, inhuman and degrading punishments

Sharia courts sentenced several people to cruel, inhuman and degrading punishments. Dozens of people were sentenced to have their hands amputated for theft or armed robbery and to flogging for fornication, consumption of alcohol and other offences. The sentences were passed in Sokoto, Zamfara, Kano, Kebbi, Bauchi, Kaduna, Jigawa and other northern states. At least three sentences of flogging or amputation were carried out in Zamfara and Bauchi States.

Most of those convicted under the new penal legislation were from economically deprived backgrounds. In the majority of cases, international standards for fair trial, such as the right to legal representation, were not observed. Floggings and amputations were repeatedly carried out in towns and villages within hours of sentencing.

In March, in a letter to the governors of the 12 states that had introduced *Sharia*-based penal legislation, the Minister of Justice and Attorney General of the Republic stated that the new codes were unconstitutional as they were discriminatory on grounds of religion. The Minister stated: "[A] Muslim should not be subjected to a punishment more severe than would be imposed [on] other Nigerians for the same offence". However, the federal government took no action to change the new penal legislation or prevent its application.

☞ Mohammed Na'ila, a *Sharia* court judge from Zamfara State, received 80 strokes of the cane in public on 18 January. The judge had been found guilty of consuming alcohol by an upper *Sharia* court in Kaura Namoda, Zamfara State.

Killings, torture and ill-treatment by police

The proliferation of anti-crime operations by the federal police resulted in extrajudicial executions, deaths in custody, torture

and cruel, inhuman or degrading treatment in police detention centres throughout the country. In most cases, the policemen responsible were not brought to justice.

☞ Ndujiri Onyekwere, a 28-year-old student, was arrested by the police on 11 June in Onitsha, Anambra State, and taken to Alausa police station. A friend had accused him of robbery. Ndujiri Onyekwere died six days later, after he had been transferred to the Special Anti-Robbery Squad facility in Panty. According to his family, he was taken to Ikeja General Hospital on 17 June after complaining of stomach pains, and died there hours later. An autopsy showed that he had been severely beaten and attributed his death to "traumatic shock consequent upon multiple soft tissue and skeletal injuries".

Vigilante brutality and killings

Armed vigilante groups, especially in the south and southeast, were responsible for killings; acts of torture; cruel, inhuman or degrading treatment; unlawful detention; and "disappearances" of alleged criminals. Some of the groups were tacitly or officially endorsed by state governments to conduct law enforcement functions.

Dozens of people were extrajudicially executed in Anambra State during the year by the Anambra State Vigilante Service (AVS), a vigilante group officially endorsed by a law passed in 2000 by the Anambra State House of Assembly. On 24 September Mobile Police officers attacked premises of the AVS in and around Onitsha, Anambra State, and found five illegal detention centres in Ihala, Nnewi, Onitsha, Awka and Ekwulobia. At least 100 members of the group were arrested and subsequently released without charge. State-endorsed vigilante groups were also responsible for extrajudicial executions, torture and unlawful detention in Abia and Imo States.

☞ On 5 February at least 10 people were publicly killed by the AVS with machetes at Onitsha main market and other locations in the town.

☞ On 10 April an AI delegation witnessed AVS members trying to set a man on fire inside the compound of the Government House of Anambra State. The government of Anambra State refused to explain the incident or provide information about the identity of the suspect or any subsequent treatment he received at the hands of the vigilante group.

Political violence

Allegations of politically motivated killings and acts of harassment and intimidation spread throughout the country, with allegations of involvement of individual members of state and local governments and political parties. Political violence was particularly acute in Ebonyi and Bayelsa States. Thirteen people were arrested in connection with the assassination in 2001 of Bola Ige, Minister of Justice and Attorney General of the Republic. They were charged with murder and complicity in murder in October.

☞ On 1 September Barnabas Igwe, president of the Nigerian Bar Association in Anambra State, and his wife were killed by a group of people armed with machetes. Barnabas Igwe had publicly opposed state-endorsed vigilante groups in Anambra and openly criticized the governor of the state.

Impunity

The authorities continued to fail to bring to justice perpetrators of human rights violations.

Odi and Benue massacres

No one was brought to justice for the raid by the army in the town of Odi, Bayelsa State, in 1999, in which over 250 unarmed civilians were killed, nor for the killing of more than 200 civilians in Benue State in 2001. The federal government did not apologize officially for the killings and none of the victims or the families of those killed received compensation.

A 10-member Judicial Commission of Inquiry created by the federal government began sitting in May. The commission was mandated to investigate the causes of intercommunal violence in Nassarawa, Plateau, Benue and Taraba States, and to set up lasting strategies to secure peace. The commission's terms of reference did not mention explicitly investigation into the actions of the armed forces in the Benue massacre.

Human Rights Violations Investigation Commission

The Human Rights Violations Investigation Commission, known as the Oputa Panel, inaugurated in June 1999 to investigate human rights violations committed between 1966 and the return to civilian rule in May 1999, submitted its final report to President Obasanjo in May. The report was not made public and the government failed to disclose its plans to implement recommendations made by the panel.

Economic interests and human rights in Niger Delta

Tension continued to mount in the oil-producing Delta region. There were widespread protests against the oil companies and the federal government on issues such as environmental degradation, lack of compensation, and lack of development assistance to local communities. Permanent deployment of army and navy troops to protect oil companies against "saboteurs" led to a series of clashes between armed forces and local students, youths and activists.

☞ On 8 August several hundred Ijaw, Itsekiri and Urhobo women staged a peaceful protest outside the operational headquarters of the oil companies Shell and Chevron-Texaco in Warri, Delta State. Some of the women, who said the protests were violently broken up by soldiers and Mobile Police officers, had scars and bruises, which they said had been caused by beatings, floggings and kicking by police and soldiers.

☞ In June the African Commission on Human and Peoples' Rights made public its ruling in relation to an accusation filed in 1993 by a Nigerian human rights group against the federal government for the violation of the rights of the Ogoni people in Rivers State. The Commission ruled that the Nigerian government had violated several articles of the African Charter on Human and Peoples' Rights. It appealed to the government to stop all attacks on Ogoni leaders and communities by the Nigerian security forces; investigate human rights violations in the area; ensure adequate compensation to victims of human rights violations, including relief and resettlement assistance and the clean-up of lands and rivers damaged by oil operations; ensure that appropriate environmental and social impact assessments were prepared for future oil development; and provide information on health and environmental risks of oil operations.

AI country reports/ visits

Reports

- Nigeria: Vigilante violence in the south and south-east (AI Index: AFR 44/014/2002)
- Nigeria: Security forces – Serving to protect and respect human rights? (AI Index: AFR 44/023/2002)

Statements

- BAOBAB for Women's Human Rights and Amnesty International: Joint statement on the implementation of new *Sharia*-based penal codes in northern Nigeria (AI Index: AFR 44/008/2002)
- Nigeria: Amnesty International witnesses attempted summary execution by Anambra Government Security Force (AI Index: AFR 44/009/2002)
- Nigeria: Death by stoning upheld in the case of Amina Lawal (AI Index: AFR 44/017/2002)
- Nigeria: Amina Lawal – the Nigerian government's double speech (AI Index: AFR 44/022/2002)
- Nigeria: Intimidation of human rights defenders (AI Index: AFR 44/025/2002)

Visits

In March an AI delegation met government officials and undertook research in Lagos, Abuja and southeast Nigeria. In October an AI delegation conducted research in Lagos and the oil-producing Niger Delta region.