

THE STATE OF HUMAN RIGHTS IN NIGERIA 2007



**Being a Report on the Human Rights Violations
Monitored in Nigeria by Network of Human
Rights Violations Monitors in collaboration
with the National Human Rights Commission,
UNDP and NORAD**



The State Of Human Rights In Nigeria 2007

A Report on the State of Human Rights in Nigeria, 2007

Copyright©NHRC 2007

Published by

National Human Rights Commission

19, Aguiyi-Ironsi Street, Maitama

P. M. B. Garki Abuja, Nigeria

Tel: +234-9-523 8658, 234-9-523, Fax: 234-9-523 8657

E-mail: info@nigeriarights.gov.ng

Website: www.nigeriarights.gov.ng

No portion of this e-book may be used without the written permission of the publisher, with the exception of brief excerpts in magazines, articles, reviews, etc.

Produced in Nigeria by

Bluesland Communications Ltd.

Suite BVS 6, Banex Plaza, Aminu Kano Crescent, Wuse II

P. O. Box 15229, Wuse Abuja Nigeria.

Tel: +234-9-4806912, 234-8029130285, 234-8034502266

E-mail: blueslandcomm@yahoo.com, ikbluesland@yahoo.com

NATIONAL HUMAN RIGHTS COMMISSION

The National Human Rights Commission was established by the National Human Rights Commission Act, 1995, in line with the United Nations General Assembly Resolution No. 48/134 of 20th December 1993, which enjoins all member states to establish National Human Rights Institutions relative to their environment.

The Act empowers the Commission to deal with all human rights issues taking into consideration the provisions of the Constitution of the Federal Republic of Nigeria, African Charter on Human and Peoples' Rights, United Nations Charter, Universal Declaration on Human Rights and all other International Human Rights Instruments, to which Nigeria is a party. The Commission is not a substitute or rival to law courts. Its complaint treatment mechanism is to complement the work of the Courts, whose Constitutional duty it is to enforce fundamental human rights. It targets the poor and vulnerable and other victims of human rights abuse and violations, by offering services, which are free, non-technical, less time consuming and more accessible to the public. The Functions and Powers of the Commission are set out under Section 5 of its enabling Act.

Functions and Powers of the National Human Rights Commission

The functions of the Commission are set out under section 5 of the enabling Act, and it provides that the Commission shall:

- a. Deal with all matters relating to the protection of human rights as guaranteed by the Constitution of the Federal Republic of Nigeria, the African Charter, the United Nations Charter and the Universal Declaration on Human Rights and other international treaties on human rights to which Nigeria is a signatory;
- b. Monitor and investigate all alleged cases of human rights violations in Nigeria and make appropriate recommendations to the Federal Government for prosecution and such other actions as it may deem expedient in each circumstance;
- c. Assist victims of human rights violations and seek appropriate redress and remedies on their behalf;

- d. Undertake studies on all matters relating to human rights and assist the Federal Government in the formulation of appropriate policies on the guarantee of human rights;
- e. Publish regularly, reports on the state of human rights protection in Nigeria;
- f. Organize local and international seminars, workshops and conferences on human rights issues for public enlightenment;
- g. Liaise and cooperate with local and international organizations on human rights for the purpose of advancing the promotion and protection of human rights;
- h. Participate in all international activities relating to the promotion and protection of human rights;
- i. Maintain a library, collect data and disseminate information and materials on human rights generally; and
- j. Carry out all such other functions as are necessary or expedient for the performance of these functions under the Act.

Network on Monitoring and Documentation of Human Rights situations

Section 5 (b) of the National Human Rights Commission Act 1995 empowers the Commission to “Monitor and investigate all alleged cases of human rights violation in Nigeria and make appropriate recommendations to the Federal Government for the prosecution and such other actions as it may deem expedient in each circumstance”.

Monitoring of human rights violations can only be effective if carried out in a collaborative manner with stakeholders. Conscious of this, the National Human Rights Commission facilitated the establishment of the Network on Monitoring and Documentation of Human Rights situations in Nigeria which is made up of the Commission and civil society organizations from the six geo-political zones of Nigeria. This Network monitored the state of human rights situation in Nigeria from January to December 2007.

The Monitors gathered information on Human Rights situation involving the following-

- Law Enforcement Agencies;
- Statutory bodies;

- Corporate bodies;
- Private organizations/individuals
- Educational institutions.
- Health institutions and facilities
- Environment etc.

Police cells, prisons and other detention centres were also visited to ensure compliance with the United Nations Minimum Standards.

The membership of the Network on Monitoring and Documentation of Human Rights situations which compiled the 2007 report include:

- National Human Rights Commission (NHRC)
- Human Rights Monitor Nigeria (HRM)
- Civil Liberties Organisation (CLO)
- Constitutional Rights Project (CRP)
- Legal Development and Assistance Project (LEDAP)
- Borno Coalition for Democracy and Development (BOCODEP)
- Institute of Human Rights and Humanitarian Law (IHRHL)
- Women Aid Collective (WACOL)
- Social and Economic Rights Action Center (SERAC)
- Radio Nigeria, Abuja
- Africa Independent Television (AIT) Abuja

ACKNOWLEDGMENTS

The Network on Monitoring and Documentation of Human Rights situations acknowledges the assistance of:

- United Nations Development Programme (UNDP) and the Norwegian Agency for Development (NORAD) for funding the project.
- The Nigerian Prison Service for facilitating and providing information and data on human rights issues in the Nigerian Prisons;
- Nigeria Police Force for facilitating access to Police cells across the country;
- Human Rights Monitor Nigeria (HRM)
- Civil Liberties Organisation (CLO)
- Constitutional Rights Project (CRP)
- Legal Development and Assistance Project (LEDAP)
- Borno Coalition for Democracy and Development (BOCODEP)
- Institute of Human Rights and Humanitarian Law (IHRHL)
- Social and Economic Rights Action Center (SERAC)
- Media Rights Agenda (MRA)
- Radio Nigeria, Abuja
- Africa Independent Television (AIT) Abuja.
- The Executive Secretary, NHRC, Mrs. K. F. Ajoni.

Without their support, this publication would not have been possible.

PARTICIPANTS AT HUMAN RIGHTS SITUATIONS MONITORING FORA AT MAIDUGURI AND LAGOS

- 1) Mrs. K. F. Ajoni - Executive Secretary, NHRC, Abuja
- 2) Winifred Nwoye - Human Rights Monitor, Kaduna
- 3) Bose Ijelekhai - Radio Nigeria, Abuja
- 4) Emily Herbert - Zonal Coordinator, NHRC,
South South Zonal Office,
Port Harcourt
- 5) Ogbonnaya Ogbonnaya - Institute for Human Rights Humanitarian Law, Port Harcourt
- 6) Madu Nkechi - Research Officer, NHRC, Abuja
- 7) Damian Ugwu - Civil Liberties Organisation, Lagos
- 8) Mohammed Wuyo - Borno Coalition for Democracy and Progress, Maiduguri

- 9) Babangida Labaran - Senior Investigation Officer, NHRC, North East Zonal Office, Maiduguri
- 10) Zubairu Mohammed - Legal Defense Advancement Project, Kano
- 11) Utibe Umoren - AIT, Abuja
- 12) Lucas Koyejo - Principal Legal Officer, NHRC, South West Zonal Office, Lagos
- 13) IHEME Richmond - Principal Investigation Officer, NHRC, Abuja
- 14) Hauwa Jauro - Principal Legal Officer, NHRC, North West Zonal Office, Kano
- 15) Okwa Morphy Enebeli - Principal Investigation Officer, NHRC, Abuja
- 16) Josiah Atu - Legal Officer, North Central Zonal Office, NHRC, Jos
- 17) Benadette Ako - Information Officer, NHRC, Abuja
- 18) Ibrahim El'yakubu - Assistant Director Research, NHRC, Abuja
- 19) Uche Nwokwocha - Assistant Chief Investigation Officer, NHRC, South East Zonal Office, Enugu.
- 20) Ifeoma Nwakama - Assistant Chief Research officer, and Programme Officer, Women and Gender Related Matters. NHRC, Abuja
- 21) A. A. Yakubu - Assistant Director Investigation, NHRC, Abuja
- 22) Aver Gavar - Zonal Coordinator, NHRC, North-Central Zonal Office,
- 23) Idris Bawa - Senior Legal Officer, (Monitoring) NHRC Headquarters, Abuja
- 24) Wahab Oyedokun - Principal Legal Officer (Monitoring) NHRC, Abuja.
- 25) Isaac Wuha Pitman - Monitoring Unit, NHRC Headquarters, Abuja
- 26) Tony Ojukwu Esq. - Deputy Director Legal and Head of Human Rights Violations Monitoring Unit, NHRC, Abuja (Project Coordinator)

RESOURCE PERSONS AT HUMAN RIGHTS VIOLATIONS MONITORING FORA AT MAIDUGURI AND LAGOS

- 1) Festus Okoye, Esq. - Executive Director, Human Rights Monitor (HRM), Nigeria 2)
- Titus Mann, Esq. - President, Civil Liberties Organisation (CLO), Nigeria

HARMONIZATION AND EDITORIAL COMMITTEE

Mrs. K. F. Ajoni	- Executive Secretary, NHRC, Abuja
Titus Mann, Esq.	- President, Civil Liberties Organisation
Festus Okoye, Esq.	- Executive Director, Human Rights Monitor
Emma Ofong	- Poor and Aids Rights Initiative for Nigeria(PARIN)
Oti Anukpe Ovwah,	- Ag. Director, Planning, Research and Statistics Dept, NHRC, Abuja
A. A. Yakubu	- Assistant Director Investigation, NHRC, Abuja
Ifeoma Nwakama	- Assistant Chief Research Officer and Programme Officer, Women and Other Gender Related Matters, NHRC, Abuja
Okwa Morphy Enebeli	- Principal Investigation Officer and Programme Officer, Corruption and Good Governance, NHRC, Abuja
Wahab Oyedokun	- Principal Legal Officer and Programme Officer, Treaty Reporting, NHRC, Abuja
Iheme Richmond	- Principal Investigation Officer and Programme Officer, Health, NHRC, Abuja
Idris Bawa	- Senior Legal Officer, Monitoring Unit, NHRC, Abuja
Isaac Pitman Wuha	- Monitoring Unit, NHRC, Abuja
Tony Ojukwu, Esq.	- Deputy Director Legal and Head of Human Rights Violations Monitoring Unit, NHRC, Abuja. (Project Coordinator)

FOREWORD

The *State of Human Rights in Nigeria Report 2007* produced by the National Human Rights Commission in partnership with the Network on Monitoring and Documentation of Human Rights Situation (NETWORK) is the 2nd in the series of this all important publication. The maiden edition was published in 2006. The 2007 Report is an improvement on the last edition in that it focuses more on the situation of economic, social and cultural rights (ESC rights) in Nigeria. It also highlights the challenges faced by government in the promotion and protection of human rights in the country.

The NETWORK in its usual style has documented in a simple and clear language, issues relating to extrajudicial, summary and arbitrary executions, torture, cruel, inhuman and degrading treatment, freedom of expression and the media, freedom of movement and peaceful assembly and freedom of thought and religion. The report chronicles violations in Police and other detention centres, issues relating to women, children and young persons, health, labour, communal conflicts and violence, food and shelter, corruption and good governance, access to justice, environment, independence of the judiciary, political killings and violence. The report is broken into chapters with each chapter making specific recommendations for implementation by relevant authorities to improve human rights in that thematic area of focus.

This publication, which is a yearly report on the state of human rights in Nigeria, will be a tool to assess Nigeria's commitment to its international/regional human rights treaty obligations. It shows that human rights are violated on a daily basis and on a large scale in Nigeria with little or no means of seeking redress.

The revelations in this report should hopefully, discourage officials and agencies

involved in these violations, from committing further violations and create an enabling environment for accessing redress.

I commend the National Human Rights Commission and the NETWORK for sustaining this publication, which has thrown some light on the scale of human rights in Nigeria.

We look forward to the next publication.

Thank you.

Prof. Jadesola Akande

EXECUTIVE SUMMARY

The state of human rights in Nigeria report 2007 is a compilation of credible incidents on the human rights situation in Nigeria. It highlights the gaps in the promotion and protection of human rights in Nigeria and proffers recommendations to address identified challenges. The report serves as a national and international reference material for considering the human rights situation in Nigeria during the year under review.

The publication is a seventeen chapter document highlighting the following human rights issues:

- Extrajudicial, summary and arbitrary executions;
- Torture, cruel, inhuman and degrading treatment;
- Freedom of expression and the media;
- Freedom of movement and peaceful assembly;
- Freedom of thought and religion,;
- Police and other detention centres;
- Women, gender and other related matters;
- Children and young persons;
- Health;
- Labour;
- Communal conflicts and violence;

- Food and shelter;
- Corruption and good governance;
- Access to justice;
- Environment;
- Independence of the judiciary and;
- Participation and elections.

Each chapter begins with an introduction of the human right(s) issue(s) to be assessed. Relevant provisions of regional and International Conventions pertaining to the theme of the chapter as well as constitutional and statutory provisions are cited. These provisions are used as benchmarks to measure compliance of the government and its agencies with human rights standards and norms. The chapters also contain narratives on incidents of human rights violations and abuses monitored during the period under review. At the end of each chapter, specific recommendations on the thematic areas discussed are proffered.

This report is aimed at holding the government, its agencies and institutions, corporate bodies and individuals, etc accountable for human rights violations committed during the period under review. It is also expected that the report would attract attention to areas in need of intervention with a view to reducing future violations and gaining support to carry out the interventions identified.

The report for 2007 is unique and innovative. Firstly, it devotes a chapter to the right to participation in elections and governance which was not in the maiden edition. This was borne out of the role played by the Commission and stakeholders in monitoring the role of Security Agencies in the 2007 general elections. Secondly, the report also brought out some details on the effects of the Federal Government Monetization policy on public servants and members of the public as it affects housing generally. Searchlight is also beamed on the conduct of private estate developers as well as mortgage finance institutions that are generally perceived as being exploitative of members of the public who are desperate to own houses in Abuja.

Finally, the network has fulfilled its promise to sustain the yearly publication despite several challenges. The 2007 general elections affected network meetings in the first quarter of the year and part of the second quarter. In general, the overall objectives of the publication have been met with the innovations and

timely publication of this report. It is hoped that researchers and human rights activists will continue to find the publication useful. Our congratulations go to the network for making this second publication a reality.

CHAPTER ONE

EXTRA-JUDICIAL, SUMMARY AND ARBITRARY EXECUTIONS

Extra judicial, summary and arbitrary execution is a gross violation of the right to life. In Nigeria, extra judicial killings are still perpetrated by security officials with impunity. There are reports of many unexplained disappearances of persons held in police detention. The police authorities hardly take disciplinary action against officers who perpetrate these crimes and this has helped to perpetuate it. Apart from instances such as the celebrated Apo six extrajudicial- killings in Abuja which was initially refuted by the police, cases of extra-judicial, summary and arbitrary executions are hardly documented, investigated and prosecuted by the police.

Section 33 of the 1999 Constitution of the Federal Republic Nigeria (CFRN); Articles 3 and 5 of the Universal Declaration of Human Rights as well as Articles 4 and 5 of the African Charter on Human and People's Rights provide for the right to life, dignity of human person, freedom from torture, cruel, inhuman and degrading treatment respectively.

Section 33(1)

Every person has a right to life, and no one shall be deprived intentionally of his life, save in execution of the sentence of a court in respect of a criminal offence of which he has been found guilty in Nigeria. 1999 CFRN.

Article 4

Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right.

Article 5

Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited. African Charter on Human and Peoples' Rights. [See also African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, CAP.10 LFN].

Article 3

Everyone has the right to life, liberty and the security of person.

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Universal Declaration on Human Rights, 1948.

Despite the above elaborate legal provisions, nationally, regionally and internationally, the situation in Nigeria has not reflected the effective implementation of these standards. The incessant cases of Extra-judicial killings and the poor response of the authorities to these killings have become a source of concern to the human rights community in Nigeria. Some of the cases are highlighted below:

On 22nd October 2007, at about 8.30pm, along Jikwoyi Road, Karu, a suburb in the Federal Capital Territory Abuja, one Due Ingyugh, 25, was beaten to a state of unconsciousness by 3 Nigerian Air Force Personnel, led by Flight Lieutenant Sikiru. This led to his death three days later at the Specialist Hospital, Gwagwalada.

On the day of the incident, Flight Lieutenant Sikiru, resident at Defence Intelligence Academy, Karu, parked his car at the entrance of the Police quarters in Karu, thereby obstructing access to the quarters. Inspector Emmanuel Ver of the Nigerian Police Force, who resides within the police quarters could not gain access to his apartment and therefore had to wait a while for the person who parked the vehicle to remove it. When Flt Lt Sikiru came, he was asked why he obstructed access, and an argument ensued between the two officers. The Police Inspector drove away from the scene, while Flt Lt Sikiru also left, only to return with two other men of the Air Force, who demanded to see the Police Inspector that was 'insulting' their boss. When they did not see the Police Inspector, a

nearby shop attendant identified Due as the brother of the Police Inspector. The Air Force Officers approached Due demanding that he should produce his brother, the Inspector. All pleas by Due that he did not know the whereabouts of the Police Inspector fell on deaf ears. He was kicked with boots and flogged with belts by the Air Force personnel and a shop attendant who left him only when blood started rushing from his head due to a head injury. He was taken to ECWA Hospital Karu, and was later referred to General Hospital Asokoro for better medical attention. At the General Hospital, the case was further referred to Specialist Hospital, Gwagwalada (now University of Abuja Teaching Hospital). Due died three days later at the Specialist Hospital, after a head surgery on the 25th October, 2007.

On 23rd October, 2007, the shop owner was invited to assist the Police in the investigation with a view to apprehending the shop attendant who had absconded. The Divisional Police Officer (DPO) of Karu Station later allowed the shop owner to go. The next day, 24th October, 2007, two military personnel from the same Defence Academy went to the Police Quarters to harass them over the 'arrest' of the shop owner. They were subdued by the Police men resident in the quarters and taken to the Police Station but were later released by the DPO of Karu Police Division.

A Human Rights Monitor who visited the scene and spoke with a roadside akara (bean cake) vendor resident in the area was informed that the military men were notorious for raiding the place and taking people to their barracks. Further investigation revealed that the Police was unable to proceed with the investigation because the DPO claimed that he needed clearance from the Police Headquarters, Abuja before he could invite the alleged violators for questioning because they are military officers. Thus this incident has gone without being addressed.

On 28th March, 2007, two awaiting trial inmates (Mathew Mato and Joseph (surname unknown) were tortured to death inside Kuje prison, Abuja, by prison warders. According to information from fellow inmates, Mathew and Joseph died as a result of injuries sustained from torture for their participation in the protest of inmates over the dirty and smelly water used in the prison.

Prior to that period, the authorities had been serving inmates dirty water not fit for human consumption. Thereafter some inmates started complaining of stomach upset, some were vomiting while some fell ill from drinking the dirty

water. On noting the effect of the dirty water on their fellow inmates, the other inmates rejected it, chanting “we don't want the water”. At this point the warders guarding the cells ran into the yard and raised an alarm that the inmates were trying to escape.

Reacting to the alarm, the prison armed squad was brought into the yard and started shooting sporadically. In the process, they shot and wounded 3 inmates. Most inmates were beaten with wooden sticks and iron rods. On realization of the harm inflicted on most inmates, the other inmates became more riotous and set ablaze the prison workshop and broke glass windows of the prison's church and mosque. While this was going on, the warders then invited some armed policemen to come and quell the alleged jail break. Upon arrival, the armed policemen discovered they were wrongly informed and therefore decided to remain outside the prison yard. After a while, they returned to their station when it was obvious that it was a false alarm.

The same day, some warders in combat uniform came to the cells at 6.00 pm, called out names of some inmates, and started beating them. They were transferred to another cell where they were tortured for three days. Mathew and Joseph died as a result of injuries received from the torture.

After the death of the two inmates, the others were returned to their original cells. From then onward all awaiting trial inmates were served a cup of clean water each, at morning and evening along with their food.

Records of the inmates were destroyed during the crisis. Up to the time of filing the report, some inmates had not been taken to court as a result of this.

According to the Controller of Prisons, Federal Capital Territory (FCT), Mr. Abdul-Rahman Ashafa, Mathew Mato died in a hospital and the prison authorities had a medical report to confirm this fact. He further emphasized that the crisis in the prison resulted from an attempted jailbreak. The Controller however did not comment on the circumstances of the death of Joseph.

On 16th September, 2007, Mobile Policemen on 'stop and search'¹ duty in Mbo Local Government Area of Akwa Ibom State, allegedly extorted money (N20 each) from commercial motorists and motorcyclists plying Ewang road in Mbo.

The money extorted for the day amounted to N8,000.00 (Eight Thousand Naira only) which they hid in a nearby bush. They later discovered that the money had

disappeared. In order to make up for the missing money, they decided to increase the amount being extorted from N20 to N500 each. As a result, the motorcyclists, in a bid to avoid harassment from the policemen, decided to stop work at 5.00 pm, which was earlier than usual. This later led to a confrontation between the motorcyclists and the Police, during which 2 Policemen were declared missing. The Police in reaction stormed the community.

According to the traditional ruler of the community, His Royal Highness, Obong Effiong Etifit Iniquo, the police stormed his palace at 2:30 am in search of the culprits. He was arrested (half dressed) and forcefully taken away. They ransacked his house, and removed his N800,000.00 (Eight Hundred Thousand Naira). The police burned houses, raped women and children, and committed all sorts of havoc in the community in search of the culprits and their missing colleagues. Some people died in the process.

A victim who recounted her ordeal, said she lost her 25 year old daughter, Mummy Okon Etim, during the mayhem. When contacted, the Force Public Relations Officer, Mr. Haz Iwendi, denied the report.

Two policemen attached to the Rumuji Police Station in Port Harcourt were killed by men of the Joint Task Force (JTF) at the Mgbuitanwo junction in Emuoha Local Government Area of Rivers State on Tuesday, March 28, 2007.

Policemen, comprising of an Inspector, a Sergeant, a Corporal and a Constable were at a check point when they received a report that there was a robbery incident taking place in the neighbourhood. They were promptly dispatched to the scene. Incidentally, when they got there, the robbers had fled. As they were driving back to the check point, they encountered men of the JTF who might have received same signal but mistook the policemen for the robbers or militants. They disarmed them, searched and forced them into a vehicle, and then drove them into a bush where they were shot dead.

The Rivers State Police Command confirmed the incident. In the same vein, both the officer in charge of JTF, Brig. Gen Samuel Salihu, and the Brigade Commander of 2nd Amphibious Brigade, Port Harcourt, confirmed the incident and disclosed that it was being investigated.

On Sunday August 19, 2007, Mr. Olusegun Openiyi, 34, father of two, resident at No. 73 Olateju Street, Mushin Lagos, was on a visit to the University of Lagos and

was returning at about 8.00pm. He was stopped at the University gate by policemen from Sabo Police Station. After a brief argument with the policemen, Openiyi drove off without clearance. The police shot at his rear tyres and rushed towards him. One of them pulled open the door, while another shot and killed him at close range.

The Police Public Relations Officer of the Lagos State Police Command, Superintendent Olabode Ojajuni said that the police was investigating the case even though, according to him, the circumstances that led to Openiyi's killing were not yet clear. No arrest has been made so far.²

On Monday July 9 2007, Nicholas Ihuoma, 21, was killed by members of a vigilante group at Oboukwu, Obizi autonomous community, Ezinihitte Mbaise Local Government Area of Imo State. The youths were on a peaceful protest over the presence of the vigilante group in the community. They had protested against the elders for inviting the vigilante group to stem the wave of crime in the community. After the protest, a member of the vigilante group had a clash with Nicholas Ihuoma, one of the youths in the community. This angered members of the vigilante group who shot and killed Nicholas leading to a further clash between the youths and the vigilante group. Several youths sustained varying degrees of injuries from the hands of the members of the vigilante group.

The Imo State Commissioner of Police, Donald Iroham, visited the crisis spot to assess the situation and said that the police had commenced investigation into the matter and was on the trail of those believed to have played various roles in the crisis.³

On July 19, 2007, Mr. Haruna Lasisi, 27, was shot dead at Moshalasi area of Alakuko, Lagos State, by some policemen attached to the Alakuko Police Station. The Police claimed that there was a distress call from the neighbourhood reporting an armed robbery operation in the area. On getting there, the policemen opened fire on a group of young men who had gathered to mourn the death of one Akin who was earlier in the day knocked down by a truck.

According to the police, the case was under investigation at the State Criminal Investigation Department (SCID), Panti, Lagos. No arrest has been made and as at the time of the report, the corpse had not been released to the family for burial.⁴

On July 10, 2007, Mr. Chukwuma Madu, a trader, was stabbed to death by three soldiers following a minor traffic incident at Barracks bus-stop along Mile Two,

Badagry Expressway, Lagos State. Following Chukwuma's death, two of the soldiers took to their heels while the third was apprehended by a police officer who took him to a nearby police station for further interrogation. He has however confessed to the crime, blaming the 'devil' for his involvement.

At the time of the report, no charges have been preferred against him.

Kennedy Yusuf Danladi, 25, an Electrical and Electronics Engineer, died in police custody on 13th January, 2007

In a petition signed by his uncle, DSP Mamman Danladi (Rtd), a group of police officers from Jikwoyi Police station Abuja, arrested Kennedy on January 10, 2007 at about 10.00 am, handcuffed him and took him to the to Jikwoyi police station. He was charged with stealing two bags of cement.

Danladi stated that Kennedy denied the allegation and was beaten by five police officers whom he said locked him up in a cell. DSP Mamman further disclosed that on January 11, 2007, at about 3.00 pm, the police officers again tortured Kennedy to a state of coma in the presence of his friends, Felix Dabo and Peter Orji. According to them, he was left on the floor unattended to for several hours before he was rushed to a nearby clinic called POGMA.

Peter Orji said that Kennedy was abandoned in the clinic without attention, as no cash deposit was made towards his treatment by the police. His family was not contacted. According to Peter, he rushed to Kwoi, Jaba Local Government of Kaduna State on the same day to inform the father about his son's ordeal. At the time the father got to Jikwoyi Police Station, he was taken to the clinic to see his son. The doctor told the father that they could not commence treatment because the police did not deposit any money for his treatment. Kennedy's father then deposited three thousand Naira (N3, 000), after which treatment commenced at about 11:00 am. Kennedy died at about 3:00 pm and the corpse was taken by the policemen to National Hospital mortuary.

Kennedy's father petitioned the Attorney General of the Federation and Minister of Justice, and copied the Senate and House Committees on Police Affairs and the Chairman, Police Service Commission. The Monitor, in the course of investigation confirmed that the letters had been received at the above-mentioned offices.

Kennedy's father vowed that he would pursue the matter to its logical conclusion and make sure that his son's killers are prosecuted so as to serve as deterrence to other police officers that brutalize innocent citizens. A visit to the Federal Capital Territory (FCT) Police Command revealed that the five policemen who participated in the torture and killing were in detention.

On 24th January, 2007, Onyeka Obinali, 32, father of eight, was shot dead by some policemen attached to Ezinifitte Police Station in Nnewi South Local Government Area of Anambra State. The policemen had mounted a road block along the major road linking Ezinifitte and neighboring Imo State for 'stop and search' exercise. While at the road block, they stopped Onyeka Obinali, who was driving his Tipper Lorry, registration number XA 74 AFR. The policemen demanded for bribe but Onyeka refused to oblige and attempted to continue his journey. Apparently infuriated by his refusal, the policemen gave him a chase with their official pick-up van, registration number XB 989 ENU. They caught up with him at Amaruru Market square in Imo State, dragged him out of the lorry, brutalized him and shot him dead. The policemen then fled the scene, abandoning their official pick up van.

Villagers who witnessed the incident were infuriated by this apparent abuse of power by the police. When the news got around, an angry mob went and sacked the Ezinifitte Police Station, setting it ablaze, along with the abandoned pick-up van.

The following day, 25th January, 2007, two- lorry load of fully armed policemen from Anambra State Police Command invaded the two villages of Amaruru and Ihitenansa, Orlu Local Government Area, Imo State. On arrival, the policemen allegedly engaged in indiscriminate shootings and burnt down about one hundred houses and cars; raped some young and old women, and subjected the men to gruesome torture. At the end of it all, about forty (40) persons were arrested and taken to the Anambra State Police Command. The Inspector General of Police has not responded to several enquiries from the National Human Rights Commission on the matter. At the time of the report, none of the policemen involved in this revenge attacks on the two communities have been brought to justice.

On 8th October 2007, Uchenna Nnadi was shot in Enugu by policemen from Abakiliki Road Police Station, Enugu. He was branded an armed robber by the

police and his body was eventually found by his relatives at the University Teaching Hospital, Ozalla, Enugu State. The family wrote a petition to the Commissioner of Police, Enugu State, who detailed a Deputy Superintendent of Police (DSP) to investigate the matter. Nothing has been done so far because the DSP is demanding money for transportation from the family.

A mad man who was walking on the street of Shagari quarters in Kumbotso Local Government Area of Kano State was shot dead by some policemen at the early hours of 17th of January 2007. The deceased who is well known by the residents of the area was walking on the street, carrying a bunch of rugs when the policemen who were on patrol shouted at him to stop. When he did not stop he was shot on the pretext that he was carrying dangerous weapons. Many of the residents of the area stated that they heard the shooting. When the Police Public Relations Officer, Kano State Command was contacted on the incident, he confirmed it and claimed that it was still being investigated. No arrest had been made as at the time of this report.

Titi Momoh and Danjuma Momoh are cousins who lived in Auchi, Edo State. They were arrested on May 18, 2007 by a team of policeman, comprising Clement Abba, Friday Agada, Alfa Usman, and Jibril, from Divisional Police Command, Auchi, Edo State, over the theft of a mobile telephone in Jattu-Uzairue, a village close to Auchi. On the intervention of members of their family and friends, they were released on the same day. Titi was however re-arrested on 19th May 2007 and Danjuma on 20th May 2007. The two were tortured with guns, belt, baton and cable wires to make them confess to the theft.

On May 21, 2007, Titi and Danjuma were transferred to Special Anti-Robbery Squad (SARS) Headquarters, Benin City. Due to the condition of their health, which had deteriorated as a result of the torture, they were rejected at SARS headquarters, Benin City, and were directed to be returned to the Divisional Police Command, Auchi. Upon their return to Auchi, they were locked up in the cell despite the fact that Danjuma was unconscious. It was only after persistent pressure on the police by family members and friends, that the police took Danjuma to Jay-M-Jay Clinic, Auchi. Dissatisfied with the treatment given to Danjuma at the clinic, the family members requested that he be given better medical attention. He was subsequently transferred to Auchi General Hospital. On May 24, 2007, Danjuma's condition deteriorated. Dr. Nzete Edison of Auchi General Hospital requested that the hand cuffs be removed from Danjuma to

enable them take him to the theatre for surgery. This request was turned down by the Divisional Crime Officer, DSP Salami who insisted that it was only the Investigation Police Officer from SARS headquarters that had the authority to remove the cuffs. Danjuma died on May 25, 2007 at about 11.00am. His hands were still in cuff till 3.30 pm.

Mr. Alexannder Shado, 40, United States based Nigerian, on a visit to his home town Magongo in Kogi State, was killed by a police corporal on 16th February 2007 at about 5pm,.

According to an eye witness, Mr. Tunde Adeshola, the incident occurred at the border between Magongo and Lampese in Edo State. Adeshola said that Mr. Shado was on his way to buy fuel at Lampese for his Honda Jeep Registration No. AV 95 KUJ in company of three other friends when he was stopped by Corporal Hyacinth Okwodafe at a police check point. Adeshola said that Mr. Shado was shot in the chest inside his car by the policeman even before he could alight from the car to answer questions from the policeman. He died a few minutes later at the Okene General Hospital. As at the time of this report, the policeman had not been arraigned.

Six students of the Polytechnic, Ibadan, (Saki Campus) who were returning to school from Lagos in a Peugeot 504 station wagon died when their vehicle somersaulted on March 23, 2007.

The survivor of the accident, Funmi Ayodade, said that the police stopped their vehicle and the driver of the vehicle gave them N50 which they rejected. The driver then drove off and one of the policemen shot at the tyre of the vehicle causing it to somersault.

The monitor learnt that the students of the Polytechnic took to the street the following day, protesting the death of their colleagues. In the course of the protest, four other students were shot by the police in Saki Township.

The monitor further gathered that two students of Okere High school were also hit by stray bullets from policemen of Saki police station. This provoked further demonstrations by the inhabitants of the town who attempted to burn down the police station.

On May 4, 2007, Ahmadu Adah, father of seven who lived at Gbadiya, Kado Mbiko, Gwarimpa, Abuja, was shot dead in his house by six policemen who invaded his residence while pursuing a 10 year old boy that ran into the house.

Sanusi, 9 and Bello 10, went to a nearby bush to ease themselves at about 8pm when six policemen ran after them. The police claimed that the boys were smoking Indian hemp (cannabis). Sanusi was arrested while Bello was pursued into the house of his elder brother Mallam Yakubu who tried to intervene. He was beaten by the police until he lost consciousness.

According to Mallam Haruna Daudu, the traditional head of Gbadiya, Ahmadu came out as a result of the commotion. The policemen opened fire on the residents of the compound and Ahmadu was hit on the chest by a bullet. When the police noticed this, they ran away. Ahmadu was taken to a nearby clinic by the neighbors where he died twenty minutes later. The policeman that shot Ahmadu was later identified as ASP Aaron Kaura.

The traditional head further reported that the police alleged the next morning that, Ahmadu was caught stealing when he got killed. ASP Aaron Kaura had not been arrested as at the time of this report.

On Monday May 25, 2007, Abubakar Babangida, 19, was shot dead by a police officer when he went with his mother's car to buy fuel.

His mother, Hajiya Fatima Abubakar who lives at Gwarimpa Estate said she sent 'Abu' as he was fondly called, to buy fuel from a nearby filling station only for her to receive a distress call in less than an hour that her son had been killed. Hajiya Fatima further stated that her late son called her to ask if he could buy the fuel from 'black market' since the queue was long but she told him to bring the car home instead. According to Hajiya, she got another call at about 30 minutes later from an unidentified person that someone was shot at close range in her car by a mobile policeman and was taken to National Hospital, Abuja for treatment.

She rushed to the scene of the incident and thereafter, to Gwarimpa police station where the DPO confirmed that Abu was shot by Hashim Yakubu, a mobile policeman who had been apprehended and detained. On getting to the Emergency Unit of National Hospital Abuja, she discovered that her son had been bleeding profusely and had been taken to the theatre. 10 minutes later, the

doctor confirmed Abu dead.

On March 1 2007, members of the Odua People's Congress (OPC) allegedly struck and killed a motorcyclist and his passenger with machetes. This incident took place along Ahmadiya bus-stop, Ijaye, Ojokoro, a Lagos suburb. The deceased, identified as Jelili Adetunji and Idowu Makanjuola were said to be on their way to Sango-Ota in Ogun State when they met their death.

The incident happened when the motorcyclist ran into a Toyota Hiace bus with registration number, XC 781 AGL flying a banner with the inscription *Gani Adams, Onikoyi Unit, Orile Agege*. The monitor gathered that the four OPC members rushed down from the vehicle with cutlasses and hacked the deceased persons to death for obstructing their vehicle and slowing their speed.

Police detectives from Ojokoro police station rushed to the scene of the incident but the OPC members had escaped. At the time of this report no arrest has been made.

Miss Patience Ukpung was shot dead at about 11 p.m. on October 2, 2007 at her residence, No. 3 Kevin Street, Uyo, Akwa Ibom State, by Miss Gift Iniga, a Police Constable attached to "A" Division in Uyo during a struggle over whose turn it was to fetch water.

The Police Constable, Miss Iniga got into an argument with Miss Ukpung when the Police Constable insisted on filling all her containers before allowing other co-tenants to take their turn. It resulted into a fight between both ladies. The Police Constable went into her room, brought out a pistol and shot and killed. The Police Constable has been arrested while investigation in the matter was still going on at the time of this report.

On April 15 2007, Samuel Aayongo, a domestic servant to Professor Daniel Saror, an ANPP Gubernatorial Candidate in the 2007 governorship election in Benue State, was shot and killed by gunmen who were later identified as policemen from Benue State Police Command.

According to report, policemen who came to arrest Professor Daniel Saror were overpowered and arrested by security men on guard at the Professor's residence. The policemen identified to have shot and killed Mr. Samuel were yet to be

charged to court at the time of this report. The incident was confirmed by the Police Public Relations Officer for Zone 4, Police Command, Makurdi, Benue State.

On October 12, 2007, at about 11: 30 p.m., Seyi, 25, was shot at close range by a policeman at No. 25 Ipaja Road, Agege Lagos as a result of an argument between him and the policeman. Sympathizers rushed him to the General Hospital, Ikeja where he later died. As at the time of this report, the policeman was yet to be arrested.

Aminu Baba Tete, 30, an undergraduate of Federal University of Technology Yola, Adamawa State was shot to death on the night of Monday November 19, 2007 by a police Sergeant while driving in his car along Fufore- Yola road.

When contacted, the State Commissioner of Police, Mr. Aloysius Okorie, stated that Aminu failed to stop for routine check being carried out by the police patrol team. He also refused to stop at a second 'roadblock'. According to him, the police patrol team pursued him in their vehicles and Aminu's car collided with another police vehicle. It was then that the police sergeant shot at his vehicle in order to immobilize it. Aminu was hit and he died on the spot. The Police Commissioner stated that the sergeant would face disciplinary action as human life was involved. The death of Aminu ignited violent demonstration by students on November 20, 2007 leading to destruction of properties worth millions of Naira.

A policeman attached to the Ologede Police Division, Ado-Ekiti, Ekiti State was alleged to have shot and killed a commercial motorcycle operator who was protesting an accident caused by a member of the State Police Command in their bid to extort money.

According to the report, the cyclist was coming from Ikere en route Ado- Ekiti, when the policemen flagged him down but he refused to stop. This action infuriated one of the policemen at the road block within Ologede Division. He flung a stick at the motorcyclist who fell on the tarred road and was seriously injured. The victim was rushed to the hospital where he was receiving treatment but rumour went round to other motorcyclists that he was dead. This angered them and they went to the said police station to register their protest. It was in the course of this protest that one of the policemen on duty allegedly shot one of them dead.

At the Ekiti State Police Command, the State Police Public Relations Officer, Celestine Gabriel, an Assistant Superintendent, stated that he was not aware of anybody who was shot by the police, but confirmed that the first victim refused to stop for a search, was wounded and, was receiving treatment at the Hospital.⁵

Kabiru Adio, 23, of Mararaba, Nasarawa State was arrested by the police on November 13, 2007 at his workshop in Garki, Abuja, on allegation of theft of car tyres by one of his clients.

Kabiru accepted responsibility for the missing tyres and though he agreed to offset part of their cost, was detained. Five days after his arrest, members of his family received a phone call informing them of the arrest. Rabiun Adio, Kabiru's elder brother said the client who instigated the arrest met with him and complained of the missing tyres but did not disclose his brother's arrest and detention to him. According to him, Kabiru was tortured to death while in detention.

Rabiun however stated that on learning of his brother's death, he went to the police station to confirm the story and was informed by the DPO that he had written to the DCO directing that Kabiru be released on bail or charged to court on the second day of his arrest but, the DCO did not comply with the directives. The DPO however expressed surprise at the death of Kabiru.

The family of Mr. Lukman Akinremi, an Ibadan based bricklayer, appealed to the Inspector General of Police in Abuja to look into the death of Mr. Lukman Akinremi who was arrested for wandering and suspected to have been killed by the police of Akobo Police Division, Ibadan. Speaking on behalf of the family on the matter, Mr. Taofeek Oyatokun said that Akinremi was arrested by the police and later handed over to the Special Anti-Robbery Squad (SARS) in Ibadan.

The arrest of Mr. Lukman Akinremi was not disputed but, the police and SARS officers differ in their account of where and in whose custody he died. Mr. Oyatokun narrated that Lukman Akinyemi had visited him to rejoice over a new born baby and was arrested for wandering, shortly after leaving his house. Thereafter, the police called and informed him about Akinyemi's arrest. He was then asked to come to the station to bail Lukman Akinyemi.

At the Station, the police informed Mr. Oyatokun that his brother had been arrested among some hoodlums under the bridge. However, Lukman Akinyemi said that he was arrested while crossing the road having alighted from a taxi-cab. The Force Headquarters was investigating the matter as at the time of this report.

RECOMMENDATIONS

1. The practice of shooting suspects at sight by the police should be stopped. Under no circumstance can such practice be justified under the law.
2. Police authorities should put in place appropriate mechanisms for addressing the recurring cases of extra judicial killings and summary executions. Officers found to have been involved in such cases should be promptly prosecuted.
3. The Police Human Rights desks should be strengthened to ensure that cases of extrajudicial killings are properly documented and addressed. In this regard, the National Human Rights Commission and other key stakeholders should take steps and advocate for a total abolition of roads blocks by law enforcement agents.
4. Law enforcement officers, in dealing with persons in their custody, should employ modern investigation techniques in obtaining information from suspects and not resort to torture as a tool of investigation.
5. Due to long period of military rule in Nigeria, law enforcement agencies and agents habitually operated in an arbitrary manner while carrying out their duties without regard or consideration for the human rights of citizens. The training curricula of law enforcement agencies should therefore be reviewed to incorporate human rights standards and practices as obtainable in a democratic society.
6. There is need for law enforcement officers to be sensitized on the need to subject themselves at all times, to the law in the cause of their duties.
7. The law enforcement institutions in Nigeria should create an enabling environment for making their personnel accountable for human rights violations.
8. Law enforcement officers should not use excessive force in dealing with cases of prison or other protests as this tends to escalate the problem and

frequently leads to loss of lives and property.

9. The practice of revenge attacks and killings on communities by security agencies is unlawful and condemnable. In this regard, government should be held accountable and must pay adequate compensation and carry out comprehensive reconstruction and rehabilitation of affected communities. All officers involved in such revenge attack missions should be appropriately punished, in accordance with the law.

TORTURE, CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Torture is universally regarded as one of the most extreme forms of human rights violations. It is a non-derogable right as no circumstances can legally justify it. Torture can be physical and /or psychological. Torture is principally administered to extract confessional statements by security officials from suspects under their custody. Resorting to torture in order to obtain information reflects in part, a breakdown of human intelligence on the part of state officials administering it.

Section 34 of the 1999 Constitution.

The Constitution of the Federal Republic of Nigeria guarantees the right to dignity of the human person. It further states under sub section (1) paragraph (a) that “no person shall be subjected to torture or to cruel, inhuman or degrading treatment.

Torture is defined under Article 1 (1) United Nations Convention Against Torture... (CAT) to mean:

“Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions”.

Furthermore, Article 4 (1) & (2) of the CAT provides that:

Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture. Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature.

Torture is also prohibited under Article 5 of the Universal Declaration of Human Rights (UDHR); Article 5 of the African Charter of Human and Peoples' Rights; and Article 2 of the UN Convention Against Torture (CAT).

Nigeria ratified the Convention against Torture in the year 2004. However, under section 12 of the 1999 Constitution of Nigeria, the Convention must be domesticated before it becomes applicable as a local legislation in Nigeria. Despite the rampant cases of torture in the society, it has not been outlawed in Nigeria in line with the provisions of international instruments outlined above. The consequence has been increasing use of torture by law enforcement agents as official means of investigation of offences. Most cases in court are prosecuted by the police based on 'confessions' obtained under circumstances of torture from accused persons. The only thing the court can do in such circumstances is to conduct a 'trial within a trial' to find out whether such evidence was obtained by torture to enable it decide whether to admit or reject the evidence.

However, incidents of torture also take place at the domestic sphere, leading to life threatening outcomes against vulnerable groups such as women, children and the physically challenged. Such inhuman and degrading treatments are as a result of obnoxious cultural practices that are still practiced to date in our society.

At about 2.00 pm on October 16, 2007, 5 students of Enugu State University went to eat at a restaurant in Agbani, Enugu, Enugu State. While there, six policemen from Agbani Police Station arrested them, stripped them naked and hit them with the butts of their guns. They were taken into the cell at the police station in that naked condition. A monitor from the South East Zonal Office of the National Human Rights Commission inquired from the DPO of Agbani Police station, Mr. Chukwujekwu about the reason for their arrest. He replied that he had no money to run the police station and therefore resorted to raiding and extortion, to sustain the operations of the police station. He further stated that he needed money to buy tyres for the police van and other things.

He eventually promised to grant them bail if capable sureties were provided. On the realization of the implications of his statements to the monitors from the Commission, the DPO transferred the student- suspects to the National Drug Law Enforcement Agency (NDLEA) office instead of releasing them on bail as promised. He claimed that they were found smoking Indian hemp at the time of

their arrest. The State NDLEA Commandant, Mr. Oduma, after investigation, found that the allegation was false and ordered their release. The National Human Rights Commission brought the issue to the public domain by featuring Mr. Oduma of NDLEA on COSMOS Radio, Enugu. While contributing on the said radio programme, both Mr. Oduma and the Commission condemned the activities of the police on the matter. When this matter was brought to the attention of the then Enugu State Deputy Commissioner of Police, Alhaji Dikko, he failed to take any action against the DPO.

On Wednesday, September 26, 2007, members of Joint Task Force (comprising the police and the army) from Uyo, Akwa Ibom State, apprehended some female students of the University of Uyo. They attempted to strip the students naked but this was resisted by other students present. On enquiry, members of the Task Force stated that they were enforcing dress code and that the students were arrested for violating the code by wearing trousers.

The State Government issued a statement condemning the act. The members of the Joint Task Force who committed this violation were yet to be brought to justice at the time of this report.

On Saturday October 13, 2007, Mr. Godwin Adiele, a Manager with EcoBank in Port-Harcourt, Rivers State, attended a ceremony in Owerri, Imo State. On his return trip, he was arrested a few meters from his house for violating the 9.00 pm-6.00 am curfew imposed by the State Government. The State Government had imposed the curfew in order to contain the deteriorating security condition in the state occasioned by the activities of the Niger-Delta militants.

Mr. Adiele identified himself with his identity card. He also pointed to his house from the place of arrest in order to demonstrate that he was a responsible person. The Joint Task Force (JTF) insisted on taking him to the Artillery Police Station. He was not allowed to make or receive calls. At the office, he was asked to pay N10,000.00 (Ten Thousand Naira) as a condition for his release. When he told them that he had no such money on him, he was stripped to his underpants and thrown into the cell. While in the cell, he was kept with under aged children similarly detained for their inability to pay the sums demanded by the JTF. Some of the detainees had been detained for over five days without being allowed to contact their relatives. The next morning, a search party mounted by his relatives found

Godwin Adiele in the police cell. They yielded to police pressure by paying a sum of N5, 000.00 (Five Thousand Naira) to the police to secure his release.

Following his complaint to the National Human Rights Commission, a monitor visited the police cell. She was informed that the matter had been brought to the attention of the Rivers State Commissioner of Police for necessary disciplinary action. As at the time of this report, the police authority in Rivers State had not brought the perpetrators to book.

Happiness Chukwunyere, 13, was brought to Ibadan, Oyo state by her aunt to live with her. Prior to that time, Happiness was living with her parents in Obigbo, Rivers State. On completion of her primary school leaving certificate examination, her aunt took her to Lagos to spend her holiday with another relation of theirs, a middle aged woman based in Ojo, Lagos. While in Lagos, Happiness was accused of theft of N2, 000 (Two thousand Naira). Chibuzor, a banker -daughter of her madam had sent a sum of N58,000.00 (Fifty-Eight thousand Naira) to her mother. Few days later, the madam found that the money was short by N2,000 (Two thousand Naira). Happiness was questioned over the missing money. Apparently not convinced of her innocence, Chibuzor (who was pregnant at the time) and her sister, Chizoba requested their mother to send Happiness to them in Shomolu, another suburb of Lagos. On getting there, Happiness was stripped naked, flogged with two canes and had boiled water poured on parts of her body. Her buttocks, belly and laps were seared with a hot electric iron. She was later locked up in a room and a life electric wire was used to cross the door to prevent her leaving the room. Happiness took the risk of escaping when power supply to the house was interrupted. On escape, a kind citizen took her to Alade Police Station in Somolu, Lagos where a report was made. The two sisters, Chibuzor and Chizoba were arrested and detained by the police at Somolu Police Station. They were yet to be charged to Court at the time of this report. Meanwhile their relations were mounting pressure on the police to compromise the case by releasing Chibuzor and Chizoba without undergoing criminal trial.

Mr. Wale Babatunde, the Manager of Texaco Filling Station, Ajah, Lagos, employed the services of three technicians, Mr. Samson Ijaodola, Mr. Sunday Olojede and Mr. Leke Oyegbami, to repair his faulty power generating set. Apparently dissatisfied with the work done by Mr. Sunday Olojede, (one of the

three service repairers), the Manager reported the matter to the police. Olojede was ill and hospitalized at the time in question. The police arrested his colleagues in place of Mr. Olojede. The two men were detained at Ajiweh Police Station, Ajah in Lagos State on Friday June 1, 2007. They were released after five (5) days on the intervention of the South West Zonal Office of the National Human Rights Commission. Lagos.

While in police custody, they were subjected to varying degrees of inhuman and degrading treatment and neglect. They were beaten up in the police cell by their fellow inmates. No sleeping materials were provided for them and their health condition deteriorated to the extent that Mr. Samson Ijaodola, an asthmatic patient was rushed to hospital for treatment due to the inhuman conditions under which they were kept in police detention. When contacted by the South West Zonal Office of National Human Rights Commission, Lagos on the allegations by the complainants, the police officer in-charge of Ajiweh police station, Ajah refused to make any comments on the matter.

Dr. Garba Shehu of the Faculty of Sciences, Bayero University, Kano, went out on Saturday, 7th July 2007 to buy food items for his family at Yahaya Gusau Road, off BUK road, Sharada NNDC Civilian Residential Quarters, Kano. Shortly after he parked his car, he was confronted by some uniformed military personnel who were yelling, shouting and insulting him for parking his car in a place marked 'Military Zone'. He returned to his car with the intention of re-parking but was immediately pulled out of the car. He was beaten mercilessly by six uniformed military men and two others not in uniform, with army belts, boots and sticks. Other passersby who witnessed the incident were not allowed by the said military personnel to come to his rescue. The monitor who also witnessed the incident followed up the case to the Sharada Police Station where Dr. Shehu formally lodged a complaint. He later went to the Specialist Hospital, Kano for treatment.

The monitor facilitated the airing of the incident on Freedom Radio, Kano in one of the popular Hausa current affairs programmes, called “*Inda Ranka*”⁶ The officials of the Academic Staff Union of Universities (ASUU), BUK Branch, petitioned the State Government and the authority of the 3rd Mechanized Brigade of the Nigerian Army, Kano. The Commandant of the brigade gave an order for the arrest of the erring soldiers and, investigated the matter. At the end of

investigation, the six soldiers who had been in uniform when they perpetrated the act, were dismissed from service while the other two who had worn civilian clothing, were suspended from service for their roles. The Commandant also directed all military officers living in civilian quarters to remove the “Military Zone Keep Off” sign usually placed in front of their residential houses.

On Tuesday, August 12, 2007, Mr. Yemi Turner was beaten up to a state of coma by men identified as operatives of the State Security Service (SSS) following an accident with a car driven by a State Security Service operative.

Yemi and his sister, Biodun, were driving in a Honda Accord Car popularly called Bullet with Abuja registration number DC 916 ABC. Their car had a collision with another Honda car along Aminu Kano Crescent, Wuse II, Abuja, FCT. Findings showed that the second Honda car was driven by a State Security operative. Mr. Yemi Turner demanded that his car be fixed, believing the operative was at fault. The Security Operative denied responsibility for the accident and instead telephoned his colleagues. According to Mr. Adeko Fature who witnessed the incident, his colleagues arrived the scene of the accident armed with guns and assaulted Mr. Turner, took him to the residence of their Director General, Mr. Afakriya, and later brought Mr. Turner to the scene of the accident, in a state of coma. The Security operative was later identified as the Aide-de-Camp to the Director General, of State Security Service.

The incident was reported at Wuse Zone 3 Police Station but they were rather directed to Utako Police Division. The Divisional Transport Officer (DTO) at Utako Police Division, Mr. Gbenle Jimoh, in company of a patrol team drove to the scene of the accident after the alleged violators had left the scene.

No further action was taken by the police. Mr. Turner was discharged from Maitama General Hospital on September 2, 2007. At the time of writing this report, the police had not made any arrest.

When the matter was brought to the attention of the National Human Rights Commission, Abuja by a lawyer representing Mr. Turner, a monitor visited the SSS Headquarters and was able to identify the SSS operative involved. He admitted responsibility for the accident and apologized to Mr. Turner through his lawyer.

The parties agreed to workout some terms of settlement and lay the matter to rest.

On August 29 2007, Adebayo Ishola, 35, from Gusau, Zamfara State, was forcefully taken away from his house by one Captain Saleh Taofeeq of No.1, Ammunition Depot, Gusau. Captain Saleh said that Adebayo was having an affair with his girlfriend, Aisha, a member of National Youth Service Corps and law graduate of University of Abuja, from Kogi State. He alleged that despite his warning, Adebayo and Aisha continued cohabiting.

Captain Saleh then took eight other soldiers, broke into Adebayo's apartment, ransacked everywhere but could not find Aisha. Saleh ordered the abduction of Adebayo and forced him into their vehicle amidst beatings and humiliation. He was taken to Gusau barracks where he was detained for 2 days. At this point, Aisha came out from hiding to discuss with Captain Saleh over Adebayo's detention and maltreatment. Adebayo, who is a mechanical engineer based in Gusau, alleged that while he was in detention, he was badly beaten and buckets of cold water poured on him on the orders of Saleh. He was stripped naked and forced to fondle his genital in the presence of Aisha to further torture and humiliate him. Upon release, Adebayo reported the matter to Tudun Wada Police Station, Gusau. The police then reported the matter to 88 Battalion, Nigeria Army, Sokoto which is in-charge of 1, Ammunition Depot Gusau. Saleh has been dismissed from the Nigeria Army and the case is in Court.

Mrs. Ogbonna, 30, a widow from Eziamia Quarters, Agunese Afam Mmaku, Awgu Local Government Area, Enugu State, is a petty trader who moved from Lagos to her community along with her five children after the death of her husband. On arrival home, she started facing threats and harassment from her detractors because she refused to attend their meetings to support one Cyprian Nevobasi, a South African based businessman contesting for Igwe Chieftaincy title in the community.

On June 30, 2007 at about 7pm, while in the company of Mrs. Juliet Udeogbeke, Mrs. Ogbonna was attacked with her 30 month old baby strapped on her back on her way home from the burial ceremony of late Ojinkenta Ojiobasi. Suddenly, Emeka Anime, one of the attackers emerged from a nearby bush and started beating her. Others joined in the attack though she managed to escape. The assailants then broke into her house, destroyed properties and made away with food items and money.

Consequent upon the attack, her 30 month old baby died. She reported the incident to Awgu Police Station but, it did nothing. She went further to report the matter to the Police Zonal Command, Umuahia which contacted Enugu State Police Public Relations Officer, Mr. Mike Abattam. He denied knowledge of the incident and the death of the baby but, confirmed knowledge of the chieftaincy tussle in the community.

One assistant Superintendent of Police(ASP)(name not fully ascertained at the time of going to press) , 41, attached to Enugu State Police Command parked his Mercedes Benz car at the entrance to an electronic shop belonging to Chief Benny Madueke in Uwani Enugu, thereby hindering movement in and out of the premises. About 45 minutes later, the ASP came back and found his tyres deflated. He confronted the boys in the electronics shop who denied knowledge of the act. The officer went to the nearby Uwani Divisional Police Station and returned with 10 armed officers, who immediately descended on the boys with guns, horsewhips, canisters of tear gas and batons. Serious injuries were inflicted on the boys. Two of them, Ekene Aneke and Sunday Ani, collapsed as a result of profuse bleeding and were dragged to the police station. The other two, Ifeanyi Enyidiobi and Nkemjika Brodericks were also seriously wounded.

Passers-by attempted to intervene on seeing the brutality of the attack but the police shot sporadically into the air to disperse the crowd and then took the boys away. The crowd in protest threw stones at the Police Station causing the Divisional Police Officer (DPO) to come out and address them. He then ordered the immediate release of the boys for medical treatment.

The counsel to Benny Madueke, Mr. Chuma Oguejiofor, petitioned the Inspector General of Police (IGP), asking for a thorough investigation of the matter. When contacted, the Enugu State Police Public Relations Officer (PPRO), Mr. Michael Abattam, (DSP) said that the command had begun investigation of the actions of the officers. According to him, the officers went to arrest the boys, when the ASP reported that they had deflated his tyres for no just reason.

Mohammed Ashafa, Adult, male, Nigerian, resident in Kano, was arrested in 2005 by men of the State Security Service (SSS) in Kano and was taken to Abuja, FCT. He was subsequently charged and arraigned before the Federal High Court, Abuja on a five count charge of receiving monies from two Al-Qaeda operators of Tabligh

headquarters in Lahore, Pakistan for the purpose of training and equipping terrorists in Kano to attack Americans and their interests in Nigeria.

On January 21, 2007, Mohammed Ashafa informed the court that he went through various forms and degrees of torture for two years in the hands of the SSS to confess to a crime he says he did not commit. On a number of occasions he said, he was hung upside down with his legs and hands tied. Investigation revealed that Ashafa made over twenty statements that were rejected by the security operatives because the statements lacked the 'necessary ingredients' needed by the SSS to indict him.⁷ At the last adjourned date, the court conducted a 'trial within trial' to determine the voluntary nature of the said confessional statements. The court was yet to deliver a ruling at the time of this report.

Mrs. Victoria Abaji, 32, business woman from Lokoja, Kogi State owned a provision store and supervised the sale of petroleum products at a petrol filling station located along Lagos road in Lokoja. Mrs. Abaji was six months pregnant at the time she was brutalized by a police officer.

On October 29, 2007, at about 9:00am, Mrs. Abaji went to her provision store to resume business and discovered that her shop was broken into and goods worth millions of Naira stolen. Just as she was about to go to the police to lodge a report, Mr. Lawrence Solomon, an Assistant Commissioner of Police, attached to Kogi State Police Command, approached her and persuaded her not to report the matter to the police. He promised to do every thing to help her recover the stolen goods.

Two days after the promise, Mrs. Abaji came back to her shop and saw a man inside the shop and raised an alarm. Suddenly, Mr. Solomon appeared from a hidden location and challenged the lady. A heated argument ensued and the senior police officer pounced on her and beat her mercilessly. As the incident was going on, a police patrol team appeared on the scene and Mr. Solomon ordered the patrol team to arrest and lock her up. But the patrol team refused to carry out his order, having ascertained what happened and saw the helpless condition of Mrs. Abaji.

She was then taken to the Federal Medical Centre, Lokoja, where she underwent medical treatment. She lost the pregnancy.⁸

RECOMMENDATIONS

1. The Attorney General of the Federation and Minister of Justice should set up Panels of Enquiry in collaboration with the Inspector General of Police (IGP) and the National Human Rights Commission to investigate the cases of torture, inhuman and degrading treatment or death by law enforcement agents and ensure that offenders are prosecuted according to the law.
2. The cases of invasion of communities by the police and other security agencies should be investigated by the office of the Attorney General of the Federation and Minister of Justice, and the extent of the damage caused to such communities should be computed and appropriate financial or other compensation paid to affected persons.
3. Torture should be made an offence and outlawed clearly as a method of investigation. In this regard, the Convention Against Torture (CAT) should be domesticated in Nigeria by the National Assembly. Furthermore, where a court of competent jurisdiction makes a finding in a case of trial within a trial that evidence has been obtained by torture, upon rejection of such evidence, the court should try any officer or officers who obtained such evidence through torture.
4. Nigeria should as a matter of priority ratifies the Optional Protocol to the Convention Against Torture (CAT) to enable the National Assembly incorporate its provisions in the domestication of CAT.
5. Horrifying atrocities go on in detention centres kept by the Police, SSS and other security agencies. There is need for all security agencies including the SSS to open their detention centers for routine inspection by the National Human Rights Commission and other stakeholders. In this regard, the National Human Rights Commission and other relevant stakeholders should be empowered to carry out routine inspection of all cells and detention centres maintained by all security and law enforcement agencies in Nigeria in order to curtail these atrocities.
6. Human Rights desk offices should be established in the SSS and other security agencies.

7. The Legislature at the Federal and State levels should as a matter of urgency amend the Criminal and Penal Codes to address, in comprehensive terms, the lacuna in the two Codes with regards to the criminalization of torture.

8. The legislature is called upon to expedite the passage into law of all Bills before it seeking to criminalize torture. In this regard, the coalition of civil society advocating for the passage of these bills should work closely with the relevant human rights institutions, the government and parliament to ensure an early realization of this objective.

9. The Police, State Security Service, Armed Forces and other law enforcement agencies should overhaul their institutional and training mechanisms by incorporating human rights into their training curricula and engaging in value re-orientation for its officers and men.

10. The Police in collaboration with stakeholders should establish a mechanism that will ensure that detainees get access to their relations immediately upon arrest. In this regard, they should take advantage of current state of information and communication technology (ICT) and collaborate with telecommunication operators to facilitate this process.

11. The Police authorities must take drastic steps to condemn and discourage the use of torture as a means of investigation by its personnel. To this end, all officers found to have used torture to carry out investigations must be disciplined publicly. Apologies and compensation should also be paid to the victims of such acts of torture pending when the appropriate constitutional and legal provisions are made by the legislature. Accordingly, the Police should weed out all officers and men with proven cases of torture and brutality against detainees.

12. The level of education, exposure and enlightenment of police officers affect their propensity to rely on torture as a means of investigation. To this end, the Police should raise its educational entry requirements and institute programmes which will enlighten and expose their officers to modern investigation techniques in order to reduce the incidence of use of torture as a principal tool of investigation.

13. There is need to sensitize the Judiciary to be more wary of convicting offenders based on confessional statements considering the circumstances

under which these statements are obtained in Nigeria. In this regard, the Chief Justice of Nigeria should review the Practice Directives in line with the special circumstances under which these statements are obtained while the National Judicial Institute should address these issues in the training of judges.

CHAPTER THREE

POLICE AND OTHER DETENTION CENTRES

Liberty of the human person is a fundamental right, the protection of which has engaged the attention of political and legal scholars, over time. In Nigeria, the Nigeria Police Force is empowered under section 4 of the Police Act to maintain law and order, investigate and prosecute crimes, amongst others.

In discharging these responsibilities the police very often, infringe on the right to liberty of persons, by arresting and detaining them longer than is allowed by law. In many cases, suspects are detained under inhuman conditions at poorly maintained detention facilities.

Although the Police is the primary institution responsible for the maintenance of law and order, there are other government security agencies such as the State Security Service (SSS), the Customs Service, Immigration Service, The Independent Corrupt Practices and other Related Offences Commission, Economic and Financial Crimes Commission, National Drug Enforcement Agency, amongst others. These institutions have powers of arrest and detention. They maintain detention facilities and in some cases, depend on police detention facilities.

These law enforcement agencies, especially the police are yet to align their investigations techniques to modern international standards. In many cases, law enforcement agents arrest and then investigate, rather than conducting some investigation before arresting and detaining suspects. This usually leads to congestion of detention centres, extortion from suspects, delay in trials and congestion of prisons.

The 1999 Constitution of the Federal Republic of Nigeria as well as other Regional and International Human Rights Instruments provide for the personal liberty of the human person and that no one shall be detained longer than necessary. The instruments provide as follows:

The State social order is founded on ideals of Freedom, Equality and Justice.

In furtherance of the social order-

(a) every citizen shall have equality of rights, obligations and opportunities before the law;

(b) the sanctity of the human person shall be recognised and human dignity shall be maintained and enhanced;

(d) exploitation of human or natural resources in any form whatsoever for reasons, other than the good of the community, shall be prevented; Section 17 (1) &(2), 1999 CFRN

Section 35, 1999 CFRN

35. (1) Every person shall be entitled to his personal liberty and no person shall be deprived of such liberty save in the following cases and in accordance with a procedure permitted by law -

(a) in execution of the sentence or order of a court in respect of a criminal offence of which he has been found guilty;

(b) by reason of his failure to comply with the order of a court or in order to secure the fulfillment of any obligation imposed upon him by law;

(c) for the purpose of bringing him before a court in execution of the order of a court or upon reasonable suspicion of his having committed a criminal offence, or to such extent as may be reasonably necessary to prevent his committing a criminal offence; Section 36, 1999 CFRN

36. (1) In the determination of his civil rights and obligations, including any question or determination by or against any government or authority, a person shall be entitled to a fair hearing within a reasonable time by a court or other tribunal established by law and constituted in such manner as to secure its independence and impartiality.

Article 6 (AFCHPR)

Every individual shall have the right to liberty and to the security of his person. No one may be deprived of his freedom except for reasons and conditions previously laid down by law. In particular, no one may be arbitrarily arrested or detained.

Article 3 UDHR

Everyone has the right to life, liberty and the security of person.

Article 9 (ICCPR)

1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.

3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgment.

4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.

5. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

Article 10 (ICCPR)

1. All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.

2. (a) Accused persons shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons;

(b) Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication. 3. The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status.

Mr. Dave Iffi, is an Administrative Officer with the Pension Department of the Office of the Head of Service. In August 2007, he was alleged to have demanded

for gratification from Mr. Salihu, a pensioner, who reported the alleged demand to officers of Independent Corrupt Practices and other related Offences Commission (ICPC).

Officers from ICPC went to Mr. Iffi's office, arrested him, hand-cuffed and pushed him into a car. They then took him to their office. Mr. Iffi was not allowed to contact his office or anybody until late in the evening of the same day. After five days in detention, he was released without any charges made against him.

Suleiman Mustapha, an almajiri,⁹ 19, Hausa- Fulani of Karkasara Quarters, Kano, was arrested on April 17, 2007 around 7:30pm while riding a motor bike (Okada) at Panshekara Ward, Kano. Soldiers arrested him for wearing a green shirt that was said to resemble the army uniform. He was detained at 3rd Mechanized Brigade Bukavu Barracks, Kano.

When his relatives could not locate his whereabouts, they reported to North-West Zonal Office of the National Human Rights Commission (NHRC) in Kano. Investigation revealed that Suleiman was detained at Bukavu Barracks. A Monitor visited the Barracks and had discussion with the Brigadier General in charge who informed him that military personnel arrested 3 civilians impersonating military officers by wearing military uniforms during gubernatorial elections in Kano and Katsina States. He further said that according to military law, it is an offence for any person not enlisted in the military to wear military uniform.

Suleiman and others in detention were flogged daily and were subsequently transferred to the 1st Mechanized Divisional Headquarters of the Nigerian Army, Kaduna on 3rd May 2007. A Monitor visited the 1st Mechanised Division on 27th May 2007 in respect of the case. After discussion with the officer in charge, Sulaiman and another detainee from Katsina were released after 23 days in detention.

Mr. Adeghe, a father of four, was detained at State Criminal Investigation Department (SCID) Panti, Lagos State without bail. He was not informed of the charges against him until the day he was arraigned on a charge of conduct likely to cause the breach of peace.

Mrs. Augusta Adeghe reported to the National Human Rights Commission, South West Zonal Office, Lagos that her husband, Mr. Adeghe, a construction worker was arrested and detained by the police on 4th August, 2007 while returning from

a construction site at Lagos Island. He was detained for 4 days and was charged to court on the 5th day following the intervention of a monitor.

Further investigation by the Monitor revealed that teams of policemen frequently embark on “raids” ostensibly to rid the streets in Lagos of criminals. In the course of such operations, they often make indiscriminate unlawful arrests and detentions, thereby violating the rights of citizens. Mr. Adeghe was a victim of one of such raids.

On 12th May, 2007, policemen from State Criminal Investigation Department (SCID) Panti, Lagos came in two buses and invaded Blocks 6 & 7, Gowon Estate in Alimosho Local Government Area, Lagos State. They forcefully ejected the occupants in the premises. In the process, some of the occupants including children were arrested and a policeman was accidentally shot dead by one of his colleagues. Those arrested and detained at SCID, Panti, included Stella Bello, Jacob Ominiya, Emmanuel Edet, Andy Tukurah and Saheed Nurudeen. They were subsequently arraigned for murder.¹⁰

The police claimed that they were in the process of effecting a High Court Order to eject the occupants of the premises when they were attacked by the occupants and in the ensuing scuffle, one of the policemen was shot dead.

The occupants however refuted the police report stating that the policemen were on an illegal assignment as the occupants claimed they had appealed against the judgment asking them to quit the premises. They further alleged that the conduct of the policemen and the manner in which the illegal ejection was carried out by sporadic and indiscriminate shooting, led to the death of one of the policemen who was killed by a stray bullet.

Investigation revealed that the occupants of the building, who claimed to have been allocated the property by the Federal Housing Authority, are involved in a litigation with Mr. and Mrs. Charles Igwuoba who are also claiming ownership of the property.

On July 6, 2007, the South West zonal office of the National Human Rights Commission received a complaint from Comrade Phillip Odekeye, the National Coordinator of Legion of Aggrieved Nigerians Against Crime.

The complaint stated that a couple Mr. and Mrs. Sunday Arije were arrested by

the police over a minor misunderstanding with a neighbour and kept in detention at Area G Command, Ogba, Lagos. The police refused to grant them bail until they had paid N20, 000.00 (Twenty Thousand Naira). Investigations by the monitor revealed that the couple was arrested and detained without being informed of the charges against them, their names were not entered in the detention register and, no statements were obtained from them.

The monitor contacted the Area Commander, Area G, who denied the allegations. However, the police officers who arrested them accepted that the couple were arrested and detained, but were silent about the extortion.

Mr. Wale Babatunde, the manager of Texaco Filling Station, Ajah, Lagos, employed the services of three technicians, Mr. Samson Ijaodola, Mr. Sunday Olojede and Mr. Leke Oyegbami, to repair his faulty power generating set. Apparently dissatisfied with the work done by Mr. Sunday Olojede, (one of the three service repairers), Mr. Babatunde reported the matter to the police. Olojede was ill and hospitalized at the time in question. The police arrested his colleagues in place of Mr. Olojede. The two men were detained at Ajiweh police station, Ajah in Lagos State on Friday June 1, 2007. They were released after five (5) days on the intervention of the South West Zonal Office of the National Human Rights Commission. Lagos.

While in police custody, they were subjected to varying degrees of inhuman and degrading treatment and neglect. They were beaten up in the police cell by their fellow inmates. No sleeping materials were provided for them and, their health condition deteriorated to the extent that Mr. Samson Ijaodola, an asthmatic patient was rushed to hospital for treatment due to the inhuman conditions under which they were detained. When contacted by the South West Zonal Office of National Human Rights Commission, Lagos on the allegations by the complainants, the police officer in-charge of Ajiweh police station Ajah, refused to make any comments on the matter.

Tolulope Ebenezer Omotola, a 2006 graduate of Political Science of the University of Lagos commenced his National Youth Service Corps (NYSC) programme on September 15, 2006 and was posted to the Federal Capital Territory, Abuja. On September 26, 2006, Tolulope was arrested by the police about two hours after receiving his deployment letter, while standing in front of

NYSC orientation camp in Kubwa, Abuja.

At the police station, he was informed that the complainant Yusuf Ibrahim Khadi, another corps member, reported and identified him as a member of a criminal gang that robbed him of his Honda Civic Car (2005 model). Tolulope was detained for investigation and on the 6th day of detention, he was confronted by the complainant, Yusuf Ibrahim Khadi, who identified him (Tolulope) as one of the robbers. Tolulope on the other hand contended that Yusuf was on a vendetta mission having felt humiliated over his (Yusuf) futile bid to win over Tolu and Tutu - two female colleagues of his.

Tolulope said that Yusuf offered to provide accommodation for the two ladies during the NYSC service year. The two ladies, who were in the company of Tolulope and one Nnamdi at the time the offer was made, doubted its genuineness and rejected it. This apparently infuriated Yusuf who allegedly contrived the arrest of Tolulope on malicious ground, using his contacts in the police. On the 3rd of October, 2006, Tolulope was transferred to the F.C.T Police Command and was paraded with the other armed robbery suspects. He was thereafter arraigned at the High Court of the F.C.T where his counsel, S.A Mustapha moved an application for his bail on the 14th December, 2006. The Court however adjourned to 1st February 2007 for ruling and further ordered his remand in prison custody. The Court admitted him to bail on the resumed date, but this temporary freedom was cut short by the police from the same FCT Police Command who re-arrested and detained him in defiance of the subsisting Court order.

The National Human Rights Commission intervened and secured his release from police detention. The criminal charges made against him were subsequently dropped by the police, for lack of evidence. Tolulope thereafter, filed a civil suit against the police at the FCT High Court, claiming damages for breach of his fundamental human rights. At the time of the report, the matter was still pending in court.

Mrs. Linda James was an officer of the Federal Road Safety Commission (FRSC), Headquarters, Abuja. The management of FRSC reported her to the police for alleged extortion and obtaining by false pretence. She was arrested in the second week of July 2007 and detained without trial at the Criminal Investigation

Department (CID) Police Zone 7, Headquarters, located at the Wuse Zone 3, Abuja. Linda spent about a month in a police cell without trial. While in detention, Linda, a nursing mother, fell ill and the police took her to their clinic at Garki, Abuja on Friday August 17, 2007. She was diagnosed with pneumonia and malaria. Her child had to be abruptly weaned due to her incarceration.

Her counsel, M.O. Onwukwe, filed an application for her bail in suit No MN/13/07 before the Karu Magistrate Court, Abuja, presided over by Mr. S.E Idiarhi. The court in its ruling dated 16th August 2007, ordered that she be produced before it or any other court for trial or be released forthwith, pursuant to Section 35 and 36 of the 1999 Constitution of the Federal Republic of Nigeria.

Both the Inspector General of Police and the Assistant Inspector General of Police were duly served with the court order. The order was however ignored by the police and Linda was not released on bail, until a monitor from the National Human Rights Commission intervened, insisting that she be released forthwith. She was released on bail while investigations continued.

On July 21, 2007, the National Human Rights Commission received a complaint from a law firm on behalf of its client, Reverend Sister Queen King, a member of Christian Praying Assembly Church. Queen resides at 17 Akinsanya Street, Ajao Estate, Lagos. According to the complainant, on 31st December 2006, at about 8.00 p.m., Queen was accosted by 10 men in mufti, 8 of whom were later identified as officers of the Lagos State Anti-Robbery Squad (SARS). The officers were accompanied by Mr. Timothy Ezeuko and his brother, Christian, who identified Queen as the person who abducted the wife of Corporal Friday Ekpa of the Anti-Robbery Squad.

Queen was dragged by these men to the church office at No. 4 Canal View Layout, Ajao Estate and ordered to open the gates. She could not produce the keys and this caused the men to beat her severely. One of the officers identified as Corporal Friday Ekpa, tore Queen's clothes including her under wear and attempted to rape her, but the other officers intervened and stopped him. While this was going on, Queen lost consciousness. When she recovered, she discovered that she was at the State Anti- Robbery Squad office (SARS) with her clothes half torn. The pains from the bruises on her body and the realization that she was bleeding from her genitals caused her to lose consciousness again. On waking up in the morning she discovered that some other members of the church had also been arrested the previous night. Her jewelry worth N50, 000:00, cash of N10, 000 and

\$500 which had been in her bag, were missing. Upon the intervention of the Commission, the officer in charge of SARS, released Queen along with other members of the church unconditionally because, the allegations against them were found to be false. An enquiry was instituted by the police to investigate the conduct of the officers involved. The enquiry is ongoing as at the time of the report.

Mr. Christopher Onuma, an ex-police officer of No. 30 Ogumbiyi Lane, Ogui Enugu, complained to the Human Rights Commission that his son, Chukwuma Onuma, 26, was arrested on September 1, 2007, at 9th Mile police check point, while in company of his friend, 50-50 Okpoko.

The next day, Mr. Onuma went to the police station, to get his son released on bail but, he was informed that his son had been transferred to Aguobu Owa police station, Ezeagu Local Government Area. At this station, the Divisional Crime Officer (DCO) informed him that Chukwuma had been transferred to an undisclosed place, for investigation.

On September 7, 2007, Mr. Onuma and his daughter, Ifunanya met the Divisional Police Officer (DPO), Mr. Okonkwo, who stated that Chukwuma had been transferred to Abuja but, he did not give further details.

Police records showed that Chukwuma was last seen at Aguobu Owa police station, from where he seems to have disappeared. All efforts made to obtain relevant information from the police about Chukwuma proved abortive.

The Commission wrote several letters to the Commissioner of Police, Enugu State Command, the Police Area Commander, Enugu, the Divisional Police Officer (Mr. Okonkwo), Aguobu Owa police station and the Officer-in-charge of 9th mile police post without any response.

On September 8, 2007, the monitor met the Area Commander, Enugu, Mr. Onuoha, who stated that Chukwuma was not in his custody and as such, there was nothing he could do. At the time of this report, investigation was still ongoing.

Mr. Sunday Olojede, Mechanical Engineer of No. 4 Taiwo Close, Otun, Akute, Ogun State was arrested by police from Area D Police Command, Ogba on the 9th October 2007 and kept in custody for 4 days on a charge of obtaining by false pretense. He was released on bail after he was compelled to give the police the

sum of N5,000.00 (Five thousand Naira).

Mr. Olojede bought an engine from one Mr. Okwudili, a trader in Ladipo market, Mushin at the cost of N140,000.00 (One hundred and Forty thousand Naira). It was agreed that he would pay for the engine once it was tested and found to be functional. Unfortunately, he was not able to pay because, he was attacked and robbed by armed robbers during the period, which fact he communicated to Mr. Okwudili.

Mr. Okwudili reported the matter to the police to assist him recover his money. The police then arrested and detained Mr. Olojede. Before he was released, he was made to sign an undertaking that he would refund the money within a month. When he could not meet the deadline, he was constantly harassed on phone with threats of detention and torture. When the police could not find him, they arrested his younger brother Mr. Samson Olojede in his place on the 28th of October 2007 and detained him. He was released after the police extorted the sum of N3, 000 from him.

The police officer in charge of the case, Mr. Amos, informed the Monitor that he was aware that the matter was civil in nature, but he decided to wade into the matter to avoid breach of peace. He could not give a cogent reason why Mr. Olodeje and his brother were detained and money extorted from them.

On 22nd May 2007, at about 11.00 am, Mohammed Lamido was arrested while returning on a motorcycle with a friend from a stream near Sparkling Junction in Dadin Kowa, Jos, Plateau State. The policeman accused them of having smoked Indian hemp (cannabis) and that they were armed robbers. He pointed a gun at them and led them to the police post at Sparkling Junction, Jos, where they were chained and locked up in a cell. In the evening of same day, they were asked to get someone to bail them.

Mohammed Lamido stated that they called the owner of the motorcycle who came with its particulars, in order to bail them. However, the police demanded money from the owner of the motorcycle before he would release them on to bail. Unfortunately, he did not have as much money as the police demanded. He was therefore asked to take just his motorcycle and leave the two men in detention. As a result of the inability to get someone to bail them, they spent the night in the cell. The next day, a friend came to see them and the police extorted

the sum of N1, 700 (One thousand Seven hundred Naira) from him for Lamido's bail. The other victim was compelled to deposit his mobile handsets as collateral to enable him go and find money for his bail.

Upon receipt of the complaint, the Human Rights Commission investigated the matter. A visit was made to the Assistant Commissioner of Police, State CID, to whom the matter was reported. Through his intervention, the money extorted from the victims and the phones were returned to them.

Four youths (Ezeobi Afam, Jideofor Afam, Egonwa Okpagu, and Ifeatu Okeke) in Nise, Awka South LGA, Anambra State, disappeared after their arrest and detention by the police at Nise Divisional Police Station following security reports made against them by the Nise vigilante group.

The newspaper report stated that Augustine Igwebuikwe, (a relation of Ifeatu Okeke) visited the Nise Police Station, where the victims were detained. The police told him that investigation was still going on, and that after the investigation, the victims would be released. When the counsel to the victims, B.O Umezinwa Esq. visited the DPO of the said police station later, he was informed that the police never arrested the said victims.

The counsel stated that his clients' families had searched several police locations in the state without tracing the arrested persons. When contacted, the Commissioner of Police, Anambra State stated that the matter had been reported to the Police Monitoring Unit, Anambra State for investigation and anyone implicated would be sanctioned in accordance with the law.

Mr. Onuoha Nnamdi, Mr. E. O Enuche, Mrs. Janet Okeke and Mr. Onwe Ezekiel complained to the National Human Rights Commission about the illegal detention of the following persons, Nnabugwu Onuoha, Sunday Nwaire, Chika Adionye, Bartholomew Odionyenfe, Donatus Onwuanyia, Onyema Okwuosa, Onyema Edeh, Obinna Okonkwo, Obina Okezie, and Chijioke Onyeogu at the Force Criminal Investigation Department (FCID) Abuja, at the instance of Mr. Ifeanyi Okafor.

The complainants alleged that on the 24th of February, 2007, the victims were arrested and detained at the SCID, Awka on the accusation of having stolen N25,000 (twenty Five Thousand Naira), property of Mr. Ifeanyi Okafor. They were

detained for one month, and granted bail on the 7th March 2007. They were rearrested on 7th April, 2007 and taken to Force CID, Abuja, where they were then detained in different police cells in and around the FCT. Nnabugwu Onuoha and Sunday Nwaire were detained at Gwarinpa Police Station, while Onyema Okwuosa, was said to have been detained at Mararaba Police Station, where he spent 12 days and was transferred to Life Camp Police Station on 18th April, 2007.

The victims were alleged to have been tortured to confess to a crime they did not commit. The complainants further alleged that the victims, who have been in detention since February 2007, have neither been charged to court nor released on bail. They implored the Commission to assist in securing the release of the victims.

At the intervention of the Commission, the victims were arraigned before the Federal High Court, Enugu on the 23rd July, 2007. They have now been granted bail and trial has commenced.

On 25th October, 2007, at about 10.00am, Alhaji Mohammed Sani, 50, Nigerian, was arrested and detained by the Divisional Crime Officer (DCO) of Banki Police Division in Bama Local Government Area, Borno State. Banki is a town on the border with Cameroon. At about 8.00pm, the Divisional Police Officer (DPO) arrived and informed Alhaji Mohammed Sani that the officer in charge of Cameroon Police Post had sent a letter through one Mallam Ahmadu Abdulrahaman, a Cameroonian, accusing Alhaji Mohammed Sani of owing him (Mallam Abdulrahaman) the sum of N750,000.00 (Seven Hundred and Fifty Thousand Naira).

The DPO demanded the sum of N20,000.00 (Twenty Thousand Naira) from Alhaji Mohammed Sani, for his release failing which he would be handed over to the Cameroonian police. To regain his freedom, Alhaji Sani was compelled to pay this money.

Mr. Emmanuel Oduaga of No. 2, Duyu Close, Area 1, Section 1, Garki, Abuja alleged that he was unlawfully arrested and detained for 10 days by the Nigeria Police Zone 7 Command, Wuse, Abuja, before he was granted bail. He alleged that while in detention, police searched his house, impounded three of his vehicles, seized and removed a VCD player, CD, a video recorder, two computers, a printer, three cheque booklets and a Nokia telephone hand set.

He stated that the arrest and detention were at the instance of his ex-wife and her uncle, Paul Idedia, a retired Assistant Commissioner of Police. A monitor visited the Nigeria Police Zone 7 Command, Wuse, Abuja, and met the Assistant Inspector General of Police (AIG) in charge, who directed that the items be released. It was not until then that the said items were released to Mr. Oduaga.

On July 18, 2007, Abayomi Abejide, 18, an apprentice barber, died in police custody after severe battering and torture were inflicted on him.

On 14th July 2007, Abayomi went to Ojota Motor Park where he worked before becoming an apprentice. Unfortunately, it was at the same time that the police came there for their usual 'raid' in the area. Consequently, he was arrested, detained and beaten by the police. During the course of the beating, he fell on a sharp object and sustained a serious injury. Though, he was bleeding profusely, he was taken to Special Anti-Robbery Squad (SARS) Office at Ikeja, Lagos and detained without treatment. He was subsequently taken to the CMS General Hospital where he died on 18th July 2007.

Tunde Abayomi, his elder brother, stated that he went to SARS office at Ikeja. There the Investigation Police Officer (IPO) demanded for the sum of twenty thousand Naira (N20, 000) before Abejide could be granted bail. Tunde negotiated the amount to N10, 000 (Ten thousand Naira). The next day, on getting to the police station with the money, he was told that his brother Abejide had died at the CMS General hospital the previous night. He was then asked by the police to make arrangements to remove Abejide's corpse.

RECOMMENDATIONS

1. The practice of making an arrest before investigation into alleged crimes should be discouraged, as this leads to suspects being detained for periods longer than the constitutionally permissible period of 24 or 48 hours after which they must be charged to court or, be released.
2. The police should put in place appropriate sensitization programmes for its officers and men on the rights of suspects. These include: informing the suspects of the reasons for the arrest at the point of arrest, giving the suspects the opportunity to inform their relatives and counsel of their choice, right to bail where applicable; etc.

3. Stakeholders, including human rights groups and civil society organizations (CSOs), should closely monitor the operations of the police in order to ensure that people's rights are not violated.
4. Extortion by the police has become a cankerworm often leading to abuse of rights to liberty of persons amongst others. The police authority should take concrete steps to address the issue of corruption within the police force.
5. There is an urgent and compelling need to undertake a thorough re-orientation of the police personnel with a view to enabling them appreciate respect for human life and the dignity of the human person.
6. There is need to put in place a legal framework for the punishment of impunity, by holding individual officers, the police and other law enforcement agencies accountable for breaches of human rights.
7. The need for the police to respect court orders cannot be over-emphasised. In this respect, the police authorities must put in place an effective mechanism for effecting the implementation of court orders.
8. The practice of parading suspects as criminals on television and other media before their proper arraignment in court is unconstitutional. This violates the right to the presumption of innocence as provided for in Section 36 (12) of CFRN 1999. Accordingly, the police must stop this practice.
9. Despite the circumstances necessitating the setting up of the Joint Task Force (JTF), some of their activities in the Niger Delta and other parts of the country constitute grave violation of human rights. In this regard, there is need to hold such officers accountable for such violations of human rights. Considering the lack of clarity in the command structure of such Joint Task Forces, a mechanism should be put in place to hold contributing institutions accountable.
10. Cases of disappearances of persons in the custody of the police and other law enforcement agencies abound. This is unacceptable as it amounts to gross violation of human rights. Law enforcement agencies must account for all persons in their custody. In this regard, government should set up a Judicial Commission of Enquiry to investigate all past cases of disappearances of persons in custody.

11. There is need to insulate the police from being used to settle scores or to collect debts. Where a crime is involved in any contractual matter, the proper thing to do is to charge the aspect of the crime to court. Contractual matters are better settled in civil courts between the parties and not in the police station.

CHAPTER FOUR

PRISONS

The state of prisons in Nigeria has been in the forefront of national human rights discourse in recent times. This is because of the widely acknowledged deteriorating condition of prisons which makes the system incapable of serving purposes of rehabilitation and reformation amongst others, for which they are meant. Punishment is no longer the sole purpose for imprisonment.

At independence, Nigeria inherited a number of prisons, some built almost 70 years earlier. Over the years, the prisons are becoming increasingly congested. The infrastructural facilities in place have generally become obsolete.

This state of affairs has generated a lot of concern among stakeholders, leading to a number of policy initiatives aimed at finding lasting solutions to the problem. One major outcome of these concerns was the setting up of the National Working Group on Prison Reform and Decongestion (NWGPRD). Amongst others, the working group had the following mandate.

- To undertake an audit of all prisons in Nigeria with a view to releasing those who should not be there e.g. those who have already served their terms while awaiting trial, those with terminal ailments, those with HIV/Aids, the aged and children, nursing mothers, persons with mental problems, etc.
- To audit the infrastructure of all prisons in Nigeria with a view to making recommendations that will place them in conformity with the United Nations Minimum Standard Rules for the Treatment of Prisoners.
- To propose practical strategies of responding to the "holding charge" phenomenon

- To develop a realistic prison decongestion strategy, stating who does what and when

The National Human Rights Commission, not only served as the secretariat to the group, but also provided manpower for the nationwide prison audit in 2004. The current national prison decongestion exercise (2005- date) by the federal government arose from the Working Groups' recommendation.

In December 2007, the National Human Rights Commission with the support from UNDP conducted another nationwide prison audit, to assess the level of improvement (or otherwise), since the last prison visits.

Despite these interventions, the prisons are still overcrowded. The structures and welfare conditions also leave much to be desired.

The legal framework for the administration of prison in Nigeria includes:

- 1999 Constitution of the Federal Republic of Nigeria
- Prisons Act, Laws of the Federation of Nigeria, 2004
- African Charter on Human and Peoples' Rights
- Universal Declaration of Human Rights
- UN Standard Minimum Rules for the Treatment of Prisoners

A glance at specific reports on prison conditions monitored in 2007 will give a clear picture of the state of prisons in Nigeria in the year under consideration.

On 28th August 2007, Keffi prison was visited by a monitor. The prison was built in 1923 by the colonial government. It has a capacity of one hundred and thirty (130). At the time of the visit, the lock up was one hundred and thirty.

The prison environment was fairly neat, although all the facilities were old and dilapidated. The prison had five male and two female cells. There were enough beds for the inmates but the mattresses were grossly inadequate causing many of the inmates to sleep on blankets alone.

There is a prison clinic staffed by a male nurse and five other health workers. According to the medical personnel, common ailments are malaria, scabies, dysentery and diarrhea. Apparently, this is due to poor hygienic conditions and,

poor quality drinking water within the prison. Drugs were inadequate and some were not available. Food was prepared in a dilapidated kitchen with collapsed walls. The cooking utensils were worn out due to long usage and needed replacement. The kitchen environment was generally untidy.

The monitor observed that some convicts wore their personal clothing instead of prison uniform as prescribed by Rule 17 of the UN Standard Minimum Rules for the Treatment of Prisoners (UNSMR). Personal hygiene and clothing of the inmates fell short of the standard required of prisons under the UNSMR. There were no functional recreational facilities, except a table tennis board which was brought to the prison by the family of Ralph Uwazurike (Leader, Movement for Survival of State of Biafra (MOSSOB)) for his personal use.

There was a poorly equipped carpentry workshop made of corrugated iron sheets with two instructors. According to one of the instructors, it is difficult to train convicts because many are usually there for a short term (being a medium security prison). On the other hand, awaiting trial inmates (ATM) who have spent up to two years cannot be trained as their period of stay is uncertain.

The monitor established that the cases of some inmates were delayed unduly in the courts on account of long adjournments, missing case files, transfer of Investigating Police Officers, lack of vehicles to convey awaiting trial inmates to court and, frequent absence of Prosecuting Police Officers and/or counsel from court, among other reasons. The monitor also observed the presence of minors in the prison. These include:

Sani Danlami, 15, a commercial bus conductor, Angas by tribe, from Plateau State. According to him, he was arrested at Area 1, Garki, Abuja, by the police when his employer, the driver of the bus, dropped him off to go home. He was taken to Garki Police Station and was detained without food for four days because he could not produce a proper identification. He was tortured to confess stealing from a passenger. As a result of the torture, he sustained serious injuries. He was charged to Grade 1 Area Court, Abuja, for theft and was remanded in prison on 21st August, 2007. The matter was adjourned to 12th September, 2007. According to him, his family was not aware of his incarceration contrary to provision of Rule 37 of UNSMR on Treatment of Prisoners which stipulates notification of family members of detention of their wards.

Salisu Umar, 16, was an apprentice at a metal workshop in Nyanya, Abuja. Investigations revealed that Salisu took his uncle's motor cycle without permission to Nasarawa State. He later rode it back to Abuja and upon arrival he was arrested and charged with theft before Mararaba Magistrate Court, Nasarawa State. At the time of the visit, Salisu had spent two weeks in prison. He was tried and convicted for theft under section 288 of the Penal Code and sentenced to thirty months imprisonment without an option of fine. Salisu was epileptic and had no legal representation during his trial.

SULEJA PRISON

The prison was built in 1914 by the Native Authority. It is located within the township of Suleja, close to the Emir's Palace. It has a capacity of 250. As at 29th August, 2007 the lock up was 362. Out of this number, there were 110 convicts, three of whom were females, 216 inmates awaiting trial for minor offences and, 33 for capital offences. There was also a 'criminal lunatic',¹¹ Samuel Ejim, who was placed on remand by Chief Magistrate Court, Kubwa FCT for an undisclosed criminal offence.

Suleja prison is grossly overcrowded. It has no facilities to enable the separation of inmates by categories, and the space within the prison environment is not adequate for any form of outdoor recreational activities.

Though the inmates generally looked healthy, there were cases of tuberculosis and other chronic diseases. The prison has 2 inmates living with HIV/AIDS. When the clinic was inspected, there were no adequate drugs to take care of inmates affected by HIV/AIDS and tuberculosis.

Ms. X, a 29 year old female inmate has been awaiting trial since November 2002. She is standing trial for culpable homicide punishable with death. She is HIV positive and had no regular access to anti-retroviral drug in the prison. Her health conditions had deteriorated considerably.

Alhaji Sani Usman, an Islamic teacher and scholar is over 80 years old. He was accused of raping a 10 year old girl. The accused denied the allegation saying it was a frame-up because he had a problem with a Peoples' Democratic Party (PDP) Councilor representing one of the wards in Suleja Local Government Area. The accused was then remanded in prison on the 10th July 2007. Although, he had

been granted bail, he was unable to meet the bail conditions. At the time of the visit to the prison, his family who reside in Kano, was not aware of his detention.

Alice Igbang, a 23 year old nursing mother from Cross River State, is married to Linus Ebibi. The couple is resident in Lagos. The monitor met the inmate at Suleja prison with her five months old baby, Prosper Ebibi. There were no facilities in Suleja Prison for the upkeep of children under 18 months of age.

INMATES IN SULEJA PRISON AT THE INSTANCE OF THE ABUJA ENVIRONMENTAL PROTECTION BOARD (AEPB)

Abuja Environmental Protection Board (AEPB) is the body charged with the responsibility for maintaining environmental safety for the well-being of the residents of the Federal Capital Territory (FCT). Lately, the activities of the Task Force established by the Board have been associated with gross human rights violations. At the time of visit to the Suleja prison, 44 inmates were in custody at the instance of the said Task Force. Out of this number, 36 were serving various jail terms while 8 were awaiting trial. They are usually asked to give gratification and upon refusal, are accused of hawking or carrying out other prohibited commercial activities on the streets of Abuja. Subsequently, they are arraigned before mobile courts and sentenced to various jail terms or fines.

Some of such cases are:

Ayuba James, 32, was arrested on July 1, 2007. He was trading in stone dust. Ayuba claimed that on April 5, 2007, he obtained a quarrying license from Ministry of Solid Minerals for his trade. According to him, he showed the Task Force his license, but they demanded gratification of N100, 000.00 (One hundred thousand Naira) or face six months jail sentence. On refusal to pay the gratification, they seized his mobile telephone handset, took him to a mobile court and charged him with illegal excavation. He was sentenced to six months imprisonment with option of fine in the sum of N100, 000.00 (One hundred thousand Naira only).

Shakiru Shittu, 30, a car washer, residing at Durumi, Abuja FCT, was arrested at Gudu Garden by AEPB Task Force where he was washing cars. According to Shakiru, when he refused to give gratification as demanded by the Task Force, he was physically assaulted and arraigned before a mobile court for trading on the

streets of Abuja. He was convicted and sentenced to four months imprisonment with option of fine at the sum of N5, 000.00 (Five thousand Naira) only. On examination of his detention warrant by the monitor, it was discovered that he was charged with Illegal Street hawking, contrary to Section 35 (1) of the Abuja Environmental Protection Board Act.

Joseph Nwafo, 28, married and resident in Keffi, Nasarawa State, was arrested at about 6.00 pm on July 12, 2007, while waiting for a vehicle at Wuse market, Abuja. He had come to Abuja to buy goods for his shop in Keffi. Five men suddenly came and pounced on him, pushed him into their vehicle and took him to the AEPB cell at Area 3, Garki, Abuja. He spent a night there and the next day, he was arraigned before a mobile court which ordered his remand in Suleja prison. At the time of the monitor's visit to the prison on August 29, 2007, Joseph's family was yet to know his whereabouts.

Martha Abah, 19, a groundnut seller, resident in Mararaba, Nasarawa State, was arrested by the AEPB Task Force at Garki, Area 11 traffic light junction, Abuja, FCT on the August 24, 2007. She was tried and convicted by the mobile court for the offence of street hawking and sentenced to one month imprisonment without option of fine. At the time of the prison visit, she was the only female inmate under detention at the instance of the Task Force.

Other persons detained at the Suleja prison at the instance of the AEPB at the time of visit by the monitor are:

1. Chike Ashala
2. Alasa Adamu
3. Kennedy Osulo
4. Stephen Isaiah
5. Isah Mohammed
6. William Ahmed
7. Rabiuh Mohammed
8. Ishaya Raphael
9. Peter Ugwu
10. Ukene David
11. Abdulkareem Umar
12. Aminu Abdula
13. Simath John
14. Augustine Enoch

15. Ismaila Yusuf
16. Lawali Kaduna
17. Friday Anayo
18. Suleiman Isah
19. Kingsley Ajube
20. Kingsley Andrew
21. Aminu Usman
22. Onyekachi Okeke
23. Ofia David
24. Emmanuel Boniface
25. Hamza Abdulahi
26. Usohar John
27. Shafiu Isiaka
28. Emmanuel Usman
29. Christian Eloka
30. Mohammed Usman
31. Steven Uwali
32. Mohammed Usman
33. Bello Shehu

The following were awaiting trial inmates

1. Joseph Ota
2. Gideon Joseph
3. Obasi Godwin
4. Samuel Oheari
5. Ikechukwu Moses
6. Ike Agbon
7. Chukwuma Agwu

RECOMMENDATIONS

1. Prison decongestion strategy should include relocation of inmates from congested prisons to others that are not congested. In view of the jurisdiction issues that may arise from this, there will be need to amend all relevant laws to confer automatic jurisdiction to try cases of any such inmates detained/transferred by the courts in the locality of the prisons. Furthermore, the issue of visit or access of family members can be addressed by facilitating such visits once a month at the expense of the government. The benefits of speedy trial and decongestion of congested prisons outweigh the disadvantages that may result from limiting access of prison inmates to their family members.

2. Government should appoint one Prison Inspector/Judge for each prison who shall be qualified and have a status of a High Court Judge. The Prison Inspector/Judge should have powers to carry out a daily visit to prisons and take appropriate actions on the case of any prison inmate with a view to facilitating the release or trial of such inmate.
3. The practice of Magistrate Courts ordering the remand of suspects in prison custody pending the advice of Director of Public Prosecution (DPP) when the Magistrates know that they do not have jurisdiction over such cases for which they have ordered remand, should be discouraged.
4. The Federal Government should introduce alternatives to imprisonment such as community service, suspended sentence and diversion schemes for minor offences.
5. The family link system should be established in prisons to enable inmates keep in regular touch with their families.
6. Basic recreational and vocational facilities should be provided and maintained in all prisons across the country. This will facilitate the reformation and improvement of the physical and mental wellbeing of inmates.
7. Prison clinics should not only be well equipped, but should also be provided with pre and post natal facilities, regular medical supplies, resident medical doctors, and other qualified medical personnel.
8. There is need to relocate Suleja Prison from its present location. This is because the present location can no longer be expanded to make the prison meet the minimum standard required under the law.

WOMEN AND OTHER GENDER RELATED MATTERS

Women's human rights as a thematic area of focus has emerged as a rapidly developing sub-field of international human rights and protection mechanism in the last few decades. In the past, the philosophical and ideological articulations of human rights by various theorists and thinkers relegated to the background specific issues pertaining to women and other vulnerable groups in the society. The explicit acknowledgment and development of specific international human rights instruments on the rights of women by the international community is a culmination of centuries-old struggles by the various women groups all over the world who were championing the crusade for the equality of opportunity for women and men.

Following its own traditions, the United Nation has moved from Declarations to Conventions by the signing and bringing into force, the Convention on Elimination of all forms of Discrimination against Women (CEDAW). In addition, the Optional Protocol to CEDAW has since come into force to strengthen the legal protection of human rights of women. Nigeria ratified CEDAW in 1985 and the Bill for its domestication is presently before the National Assembly for passage into Law.

At the regional level, the African Union has adopted the Optional Protocol to the African Charter on the Rights of Women in Africa, which drew inspirations from CEDAW, but has gone beyond it to comprehensively address issues peculiar to African society.

The patriarchal structure of Nigerian society is clearly one of the major challenges to the realization of legal protection of women 's rights in the country. Other militating factors include cultural practices, high level of illiteracy and poverty.

The main legal framework for the protection of women's human rights in Nigeria includes the following:

- 1999 Constitution of Nigeria
- Optional Protocol to African Charter on the Rights of Women.
- Convention on the Elimination of all Forms of Discrimination against Women (CEDAW).

Despite the plethora of human rights instruments on women's human rights, the plight of Nigerian women is yet to attain a commensurate level of improvement. Cases of violations of women's rights abound across the country. Some of the cases are hereunder highlighted.

On September 9, 2007⁸, Bintu, 11, was lured into a room while selling soup ingredients by Ibrahim Saidu, 20, who grabbed her from behind, pinned her to the ground and raped her.

Bintu, who was bleeding from the mouth and genitals, was taken to a hospital for test and treatment. She later developed difficulties in speech and stammered subsequently on account of the compression of her throat. Ibrahim Saidu was arrested and detained at the State Criminal Investigation Department (SCID) Headquarters, Maiduguri. The case file has been sent to the Ministry of Justice for legal advice.

The rape of Bintu contravenes the provisions of Section 34 of the 1999 Constitution of the Federal Republic of Nigeria on the right to dignity of human person; Article 2 of African Charter on Human and Peoples' Rights (ACHPR), and Article 2 of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW).

Amina Hamad graduated from the University of Abuja in 2006. She was mobilized for the 2007 Service year and posted to FCT with registration number FCT/072A/1232. She was deployed to the Federal Inland Revenue Service Headquarters, Abuja for her primary assignment.

Her father, Alhaji Ahmed Abubakar, a retired Commissioner of Police, arranged her marriage to Senator Kawu Peto Dukwu from Gombe State in her absence without her knowledge and consent. The purported marriage was contracted on the 26th and 27th of October 2007 at Gombe. Amina fled to Abuja and went into hiding.

Few days after the said wedding, she received a call that her father was sick and that she should come to see him. On getting to Gombe on 31st October, 2007, she was bundled into a vehicle and forcefully taken to the Senator's house. She attempted escape on the 15th November but was caught and taken back to the Senator. To prevent her from another escape, she was guarded by two men and

kept incommunicado. She eventually escaped from the Senator's custody on 25th November 2007, and reported at the National Human Rights Commission's Office, Abuja on Monday, 3rd December, 2007.

As at the time of this report, the Commission had contacted International Federation of Women Lawyers (FIDA), to assign a counsel to Amina to enable her enforce her fundamental human rights by nullifying the marriage.

On 23rd April 2007, at Independence Layout, Enugu, one Dr. Mrs. Agbaraoji, a widow, woke up as a result of continuous banging on her door. When she opened the door, she saw her late husband's brothers (Zacheus and Ishmail) and some thugs. They rushed into her house where she had been living with her late husband for over twenty years before his death. They had four children. The intruders threw her out of the house and all the properties in the house were either carted away or were destroyed by the late husband's brothers and the thugs that came with them.

Upon her complaint to the National Human Rights Commission, the matter was brought to the attention of the Commissioner of Police (CP), Enugu State. It took the intervention of the CP to reinstate her in the house. The police subsequently arrested the late husband's brothers namely Zacheus Agbaraoji, Anthony Agbaraoji and Michael Agbaraoji for their role in the forceful ejection of the widow. Further mediation was carried out between her and her in-laws which led to settlement of the issue.

Nafisat Umar Ibrahim, 23, Medical student of Ahmadu Bello University Zaria, (ABU) was abducted and raped on her way to a lecture hall at ABU Medical School by a gang of three notorious rapists. Though Nafisat was not the first victim of the gangsters, her case was the first to expose their villainy, which was said to have been on for many years.

At about 9:30 am on Wednesday, July 11, 2007, Nafisat left her family house at Silver Jubilee ABU Staff Quarters to a convenient place to read ahead of her second semester examination. According to Nafisat, she did not anticipate anything until she got to Kowa Store, a supermarket, by the North gate of the University. She stopped over to buy a telephone recharge card where she met a former Secondary School classmate, Mohammed Abdullahi in company of his friends, Nura Mohammed Kani and Abdul Yakubu Wusasa, aged between

eighteen and twenty. Nafisat's father, Malam Umar Abdullahi, a member of staff of Academic Planning Unit of ABU, stated that when Abdullahi and his two friends saw Nafisat, he requested to use her mobile telephone to call his friend. As a former schoolmate, Nafisat did not turn down the request but asked him to call out the number for her to dial herself. When Nafisat called the number, she discovered the number was that of Uthman, a 300 level Mass Communication student at the University. As Nafisat was talking with Uthman, Abdullahi forcefully snatched the phone from her and walked away.

Nafisat followed them up to Dogon Icce, about 300 metres from the gate, pleading with them to return her phone. When she moved closer to collect it, Abdullahi brought out a knife, threatened her and dragged her into a nearby house. Nafisat fought back but they overpowered and gagged her with a motorcycle cable. While Nafisat was struggling with them, Abdullahi ran out and called another gangster, Ibrahim Yusuf to join them.

According to Nafisat, Yusuf recognized her as a sister to his friend and pleaded with the gang to leave her. The assailants would not listen to Yusuf's plea but rather, asked him to join them or, take his leave. He left them. As Abdullahi and Kani took turns to rape her, one of them, Wusasa, took pity on her and asked her to dress up. After violating her, they made her promise not to tell anybody of the rape. She was then released about 2.30 pm.

Malam Umar Abdullahi further stated that, Nafisat was ashamed of disclosing her predicament to anyone including her mother but, with the encouragement of Uthman, she reported the incident to the ABU Security Office and the Police Division, Samaru, Zaria.

Nafisat was thereafter taken to the hospital for tests and treatment. The police arrested the rapists. Investigation into the matter is ongoing at the time of this report.

Harmful Traditional Practices

Mrs. Mary Onwuaru has been married to Mr. Emmanuel Onwuaru for 20 years. According to her, she and her four children had been living happily together since January, 2004. The couple owned a joint account with a credit balance of N10 million at Spring Bank, 33, Balogun Street, Lagos Island. She said her husband

suddenly seized the pass book from her.

Mrs. Onwuaru narrated that on 7th September, 2007, her husband requested that they should travel to their village, Idimu-efa, in Delta State, where she was expected to swear to an oath as a means to preventing her from any attempt to harm him or, any member of her husband's family. He threatened to kill her if she refused to go with him. When they got to the village, she was made to drink her husband's blood and 19 other members of his family. The blood which was not screened, was mixed with water and kola nuts. The action of Mr. Emmanuel Onwuaru and members of his family violates Mrs. Onwuaru's right to human dignity and right to own property as enshrined in Sections 34, 43 and 44, Chapter 4 of the 1999 Constitution of the Federal Republic of Nigeria.¹²

Ijeoma Eze, wife of Ikechukwu Eze of Ojojo Estate, Mende, Maryland, Lagos, gave birth to triplets on July 5, 2007. The couple had previously had a set of twins which had been difficult for them to take adequate care of. The subsequent birth of the triplets compounded matters and made living difficult for them. The husband became easily irritated and he frequently beat Ijeoma following the slightest misunderstanding.

On July 11, 2007, Mr. Ikechukwu got home drunk as had become usual. Upon a slight argument, he beat Ijeoma mercilessly to a state of unconsciousness. She was taken to Ikeja General Hospital for treatment. She died four days later on July 15, 2007 at about 9.00pm.

The husband went into hiding and efforts by the Lagos State Police Command to arrest and prosecute him proved abortive. At the time of reporting, the couple's five children were in the custody of 'Heritage Homes Orphanage' and 'Save a Child's Life', Maryland, Lagos.

RECOMMENDATIONS

- 1) There is need to domesticate the Convention on Elimination of all Forms of Discrimination against Women (CEDAW), and all the Protocols emanating there from.
- 2) There is need to domesticate the Optional Protocol to the African Charter on the Rights of Women.
- (3) Advocacy tools should be developed to address all harmful traditional practices that affect women's enjoyment of human rights.

- (4) The Government and other stakeholders should show more interest and make concerted effort to eliminate harmful traditional practices against women.
- (5) The ongoing constitutional reform should take into consideration the need to incorporate into the constitution, practical steps that will help in the realization of affirmative action for women.
- (6) All political parties should incorporate in their constitutions, practical steps to guarantee the realization of affirmative action in favour of women.

CHAPTER SIX

FREEDOM OF EXPRESSION AND THE MEDIA

Since the colonial era, there had been a sustained struggle by media practitioners and nationalists, using the media as the primary vehicle of decolonization, to entrench legal machinery for the protection of freedom of expression in Nigeria. The history of the print media in Nigeria dates back to late 19th century. By the end of the first quarter of the twentieth century, several newspapers had sprung up in cities such as Lagos, Abeokuta, Ibadan, Enugu and Calabar. Few decades later, Newspapers sprung up in Kaduna (the then capital of the Northern Region). These newspapers patriotically articulated the views and grievances of the natives, advancing their social, political and economic interests. The colonial government responded with repressive measures which curtailed the freedom of expression and the media.

At independence, successive Nigerian governments, (especially during the long military era) adopted the old colonial style of repressing the press. This frequently involved severe measures such as the arbitrary closure of newspaper houses as well as unlawful arrests and detention of media practitioners. There are cases of unresolved murder of prominent journalists, while some were forced to go on exile by governments who felt they were a threat to them.

Since the return to democracy in 1999, the media has enjoyed some relative freedom in their work. However, the hangover of long years of military rule can still be felt from the way and manner the government, through the security agents, deal with the media. Information flow from government to the people is still restricted. This prompted stakeholders in the media sphere to propose a

Freedom of Information Bill to the National Assembly in 1999. In 2007, the Bill was passed by the National Assembly but the President refused his assent to the Bill. This prevented the Bill from being passed into law before the expiration of the last administration.

The legal framework for the protection of freedom of expression and the media in Nigeria, include the following.

- Constitution of Federal Republic of Nigeria 1999
- African Charter on Human and Peoples' Rights
- International Covenant on Civil and Political Rights
- International Covenant on Economic, Social and Cultural Rights

S22. Constitution, 1999

The press, radio, television and other agencies of the mass media shall at all times be free to uphold the fundamental objectives contained in this chapter and uphold the responsibility and accountability of the government to the people.

S.39 Constitution, 1999

(1) Every person shall be entitled to freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference

(2) Without prejudice to the generality of sub section (1) of this section, every person shall be entitled to own, establish and operate any medium for the dissemination of information, ideas and opinions:

Provided that no person, other than the Government of the federation or of a state or any other person authorised by the President on the fulfillment of conditions laid down by an Act of National Assembly, shall own, establish or operate a television station or wireless broadcasting station for any purpose whatsoever.

Article 9, ACHPR

1. Every individual shall have the right to receive information. 2. Every individual shall have the right to express and disseminate his opinions within the law.

Despite the above legal instruments, violations of the right to freedom of expression were recorded in the year under review. Some of such cases are enumerated below:

On January 9, 2007, at about 2.00 pm, men of the State Security Service (SSS) raided the Leadership Newspaper Group, located along Umunozu Close, Garki II, Abuja. The General Manager, Mr. Abraham Nda- Isaiah; the Editor, Mr. Bashir Bello Akko; and the Minna Correspondent, Abdulazeez Sanni were arrested and detained at the State Security Service Office in Abuja. This interrupted the operations of the Newspaper house on that day.

According to the Executive Editor, Mr. Aniebo Mwamu, the raid was led by one Mr. Kingsley Paul identified as an SSS Operative. This was sequel to the front page publication of the newspaper of January 6, 2007, titled "How Odili Lost Out in PDP".

The SSS operatives informed the Leadership newspaper management that, they were instructed to retrieve the manuscript of the story written by one of their correspondents, Mr. Danladi Ndayebo. However, at the time of the raid, the said correspondent could not be reached. The SSS operatives directed that he should report at the SSS headquarters for questioning. The three media practitioners detained were later granted bail at midnight of the same day.

This act violates the freedom of expression as enshrined in Section 39 subsections (1) & (2) of the 1999 Constitution of Federal Republic of Nigeria; Article 9 of the African Charter on Human and Peoples Rights and Article 19 of Universal Declaration of Human Rights.

RECOMMENDATIONS

1. In view of the need for rule of law and freedom of the press, the practice of searches of media houses by security operatives should be discouraged. If necessary, such searches should be carried out only on the orders of a court of competent jurisdiction.
2. As a commitment to transparency and accountability in governance, and as a practical step towards supporting the fight against corruption, the Freedom of Information Bill before the National Assembly should be revisited and passed into law.
3. There is need to re-orientate security operatives on the role of the media in the sustenance of democracy and good governance. In this regard, efforts should be made to review the training curriculum of all law enforcement agencies in

order to mainstream human rights into their operations.

4. There is need for journalist to imbibe the culture of investigative and balanced reporting. In this regard, stakeholders and media proprietors should collaborate to institute programmes aimed at improving the skills of journalists to meet this requirements and needs of their profession.

5. In order to improve the level of efficiency and effectiveness of the media and realize the expectations of the society from this profession, there is need for basic training and qualification for the profession of journalism. In this regard, necessary steps should be taken to retrain practicing journalists and train incoming ones, to undertake a qualifying examination like other professionals, before they are enrolled to practice.

CHILDREN AND YOUNG PERSONS

In all civilizations, children are generally esteemed as special gifts, requiring care, affection and protection. By virtue of their level of physical and mental development, they are considered vulnerable and as such, special measures are put in place to ensure their physical, emotional, educational and social development. However, children still suffer various forms of abuses, sometimes from parents, guardians and other care givers. These violations are hardly reported and in most cases, the cycle of violence continues. Due to the above, legal protection of human rights of children have become imperative at both national and international levels.

Nigeria's peculiar social, economic and especially, cultural environment has had negative effects on the survival, development, protection and participation rights of children. For example, in the last five decades, the phenomenon of street children has grown in Nigeria. In the Northern part of the country, a great number of the children are outside the formal school system, thereby not having the opportunity to compete favourably with their age mates elsewhere. In a nation where the greatest majority live below poverty level, most families are unable to provide basic needs for their children. Therefore, many children are either not enrolled or are withdrawn from school and made to engage in economic activities to supplement meager family income, leading to child labour. Government intervention measures over the years, though well articulated in some cases, are consistently poorly implemented. These measures include the 1976 Universal Primary Education, the establishment of Mass and Nomadic education programmes, and lately, the 2004 Universal Basic Education.

The enactment of the Child Rights Act 2003, and its subsequent adoption in 16 states of the federation, as well as the enactment of the Universal Basic Education Act, 2004 are supposed to promote and protect the rights of children to education in Nigeria if well implemented. Unfortunately however, there has been no significant improvement in the situation of children in Nigeria. In addition, the reluctance of some states to adopt the Child Rights Act indicates that they are unwilling to put in place a protection mechanism for children in those states.

With the adoption of the Millennium Development Goals (MDG) by the United

Nations, Nigeria has tried to put in place certain measures to achieve the MDG targets especially as relating to children.

The legal framework for the protection of Children and Young persons include:

- Constitution of Nigeria,1999
- Child Rights Act/Laws
- Children and Young Persons Laws
- African Charter on the Rights and Welfare of the Child
- Convention on the Rights of the Child

Chapter IV of the Constitution of Federal Republic of Nigeria, 1999 provides for the legal protection of the rights of every person including children. Under the Fundamental Objective and Directive Principle of State Policy, Section (f) of the Constitution provides that :

" Children, young persons and the aged are protected against any exploitation whatsoever, and against moral and material neglect"

In addition, the African Charter on Human and Peoples' Rights also provides for the protection of the rights of all people, men, women and children. The African Charter on the Rights and Welfare of the Child, adopted by the African Union is however child specific, taking into consideration the special needs of children. It urges all State Parties to put in place special measures to protect the rights of children, considering their vulnerability.

The Convention on the Rights of the Child takes into consideration, the right of the child to survival, development, protection and participation. The Convention states that *"the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth"*, it stipulates that in all matters concerning children, the best interest of the child shall be paramount. Before the enactment of the Child Rights Act, the main legal framework for the protection of children was the Children and Young Persons Act, Laws of the Federation of Nigeria 2004

Despite these initiatives and legal framework, children in Nigeria are still faced with a number of challenges and abuse of their rights. Some of these cases are listed below:

Blessing Nweke, 10, was brought to Abuja a few years back by Mrs. Phil Ufaranda, residing at Phase 2, Kado Estate Abuja, FCT, as a house help. Blessing suffered maltreatment at the hands of Mrs. Ufaranda.

Blessing was regularly manhandled and beaten. There were marks of razor blade cuts and wounds all over her body. Early October 2007, Blessing fled from Mrs. Ufaranda's house and was seen loitering around Phase 1, Kado Estate. She was picked up by someone who took her to the residence of Mrs. Igboanwa Ugochi of House 19, 1st Avenue Kado Estate, Abuja.

Blessing narrated her ordeals in the hands of Mrs. Ufaranda to Mrs. Ugochi, which included starvation and torture. She stated that on several occasions, fresh-ground pepper would be rubbed into her eyes and other sensitive parts of her body, and her mouth would be gagged in order not to cry out to attract the attention of neighbours.

Mrs. Ugochi reported this matter to the Police Station at Kado Estate, Abuja. The police sent some of their officers to her residence and took Blessing to their Station. Without any concrete measure in place for the protection of Blessing, the police released her to Mrs. Ufaranda who continued to subject her to further abuses.

Blessing's condition deteriorated as a result of the abuse and, on 3rd October, 2007, police officers contacted Mrs. Ugochi to intervene in the matter. Mrs. Ugochi reported the matter to the National Human Rights Commission on the same day. Mrs. Phil Ufaranda was then invited to the Commission. She came to the Commission on Friday 26th October 2007. On interview and further investigation, the Commission came to the conclusion that there was a clear violation of human rights and that it was in the best interest of the child, to hand her over to National Agency for the Prohibition of Trafficking in Persons (NAPTIP), which had the facilities to keep her pending further legal processes against Mrs. Ufaranda.

Gift John, 12, was born to a Ghanaian father and a Nigerian mother from Kwale, Delta State. She lost her father at the tender age of six. Due to financial constraints, her mother moved to her husband's family house in Lagos. They were however thrown out into the streets when her husband's family could not

continue with the burden of having to cater for her and her children.

At this stage, the property of Gift's father was seized by the family members, making Gift to resort to begging on the streets of Lagos. Gift's mother suffered depression leading to her being admitted at Yaba Psychiatric Hospital, Lagos. Gift was able to buy drugs for her mother with the little money she was making from begging.

Her mother later regained sanity after a few months in the psychiatric hospital and went back to the village, where she again fell ill and died. Gift subsequently left home with her cousin. They ended up at Ibadan, Oyo State, where they met one Hope Owenaze who registered them in a tailoring shop and introduced them to prostitution for sustenance. Gift's cousin ran away leaving Gift to remain at 'West-side Brothel', Ibadan at the tender age of 12.

Gift was eventually rescued by Rose Dickson, the Assistant Superintendent of Police in charge of Juvenile and Women Centre, Iyaganku, Ibadan. Hope was arrested. Thereafter, Gift was taken for medical examination and has since been with the Oyiza Orphanage Home, Iyaganku, Ibadan. She has since been registered in an elementary school.

SPECIAL REPORT ON THE BEST INTEREST OF THE CHILD

While some offices have provided crèches for nursing mothers in both public and private work places, it has been observed by monitors that some government offices in the Federal Capital Territory have directed that nursing mothers should stop coming to work with their little babies. Among the said offices, is the High Court of the Federal Capital Territory, Abuja. When the human right monitors interviewed some nursing mothers working in the said High Court, they confirmed the story of the monitors.

It will be recalled that under the *Federal Government Public Service Rules Chapter 3, Section 3-Rules relating to pregnancy-03301*

'A female Staff who is pregnant is entitled to 12 weeks maternity leave with full pay. A medical certificate showing the expected date of confinement must be presented not less than two months before that date. The annual leave that year, however be regarded as part of the maternity leave . Where that annual leave has already been enjoyed

before the grant of maternity leave equivalent to the annual leave will be without pay'

The above provision presupposes that after a period of 12 weeks, a nursing mother is expected to resume in her work place.

In line with the National Health Policy and, with a view to reduce infant mortality, there is need for a mother to practice exclusive breastfeeding for a period between 6 months and one year of the childbirth. It is also important to note that the practice of exclusive breastfeeding is in the best interest of the child. Under Section 1 of the Child Rights Act 2003, any action, policy or initiative taken in respect of a child shall have the best interest of the Child as a paramount consideration. This underscores the need to have crèches to enable nursing mothers' breastfeed their babies while at work. This is a necessary component of child development policy in Nigeria. Every establishment, whether public or private sector, is expected to proudly associate itself with this self preserving initiative. See also article 10 of ICCPR.

In order to encourage this practice of exclusive breastfeeding and respect for the best interest of the child, there is need to review the civil service rules to address this situation. Furthermore, in view of the space of childbirth and the health and situation of women, there is need to consider the desirability of granting on application, another period of 3 to 6 months leave on half salary and any subsequent additional period, on leave of absence without pay.

RECOMMENDATIONS

1. As a matter of urgency, the best interest of the child principle should be mainstreamed into all aspects of our national lives.
2. In view of the communal pattern of living in Nigeria, there is need to take special measures to protect children from abuse. In this regard, steps should be taken to sensitize people on the mental and physical implication of abuse of children, with a view to increasing the awareness on preventive measures.
3. All states should be encouraged to pass the Child Rights Law to enable all children in Nigeria take benefit of the basic principles of children rights to education, survival, development and participation. In this regard, practical steps should be taken to implement Child Rights Law where they have been passed and, to ameliorate the effects of non passage of the law in the affected states, pending

their passage.

4. Every organization should as a matter of urgency, establish crèches for nursing mothers. Accordingly, all the institutions like the High Court of the Federal Capital Territory who have not done so, should take immediate steps to establish same.

CHAPTER EIGHT

EDUCATION

Education contributes to the development of the human person. It promotes the understanding of human rights and puts a person in a position to access such rights. Since the colonial era, provision of schools and educational facilities has continuously expanded throughout the country, providing greater access for many citizens.

As part of Fundamental Objectives and Directive Principle of State Policy, S. 18 of the 1999 Constitution provides for free education at all levels as at when practicable by the government. In furtherance to this constitutional obligation, the Universal Basic Education Act (UBE) was enacted in 2004, leading to the creation of the Universal Basic Education Commission. The UBE Act provides for free, compulsory basic education up to Junior Secondary School level. Even prior to the enactment of the UBE Act, institutions such as the National Commission for Mass Education, Nomadic Education Commission, National Universities Commission, and National Board for Technical Education, among others, had been established. These initiatives have led to phenomenal increase in enrolment figures in primary, secondary and tertiary institutions, although this improvement is yet to meet the minimum target set under the World's Education For All (EFA) target and, the Millennium Development Goals (MDG).

In addition, private sector investment in education has increased tremendously. Presently, private schools account for at least 65% enrolment figures in pre-primary and primary schools in the cities across Nigeria. There has also been an appreciable increase in the number of private secondary schools. In the last eight years, the number of private universities has also increased. However, most of these private schools charge exorbitant fees and as such, limit their services to the elite.

Decades of neglect has led to infrastructural decay in most public schools at all

levels. Most schools are poorly equipped and have limited space to accommodate increases in enrolment figures. Teacher/student ratio remains unacceptably low. Teachers' morale is low due to poor remuneration and limited access to career advancement. Many highly skilled teaching personnel, especially at the tertiary level have relocated abroad for greener pastures. Industrial disputes between government and the various academic and non academic staff unions in the educational sector frequently disrupt academic calendars. Today, no Nigerian university is ranked among the first one thousand in the world. The decay in public schools has been exacerbated by reported cases of misappropriation in some state UBE Boards.

Apart from constitutional provision which provides progressive implementation and expansion of access to education, other relevant instruments include:

- Universal Basic Education Act, 2004
- National Commission For Mass Education Act
- Nomadic Education Commission Act
- Child Rights Act 2003& Laws as adopted in 16 states of the federation.
- ACHPR(see also ACHPR(Ratification and enforcement Act) cap.10,LFN)
- International Covenant on Economic, Social and Cultural Rights (ICESCR)
- International Covenant on Civil and Political Rights (ICCPR)
- Universal Declaration on Human Rights (UDHR)

For example, the *International Covenant on Economic, Social and Cultural Rights (ICESCR)* recognizes the right of everyone to education. Article 13 (1), ICESCR states that “education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms.” They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

Article 13 (2) stipulates that “States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:

- (a) Primary education shall be compulsory and available free to all;
- (b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and

accessible to all by every appropriate means, and in particular by the progressive introduction of free education;

(c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;

(d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;

(E) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.”

Also, Article 17(1) of the African Charter on Human and Peoples' Rights (ACHPR) provides:

Every individual shall have the right to education.

CHAPTER NINE

HEALTH

Right to health is integral to the right to life and well being of every person and as such, a fundamental right. The legal protection of the right to health like other rights traditionally classified as economic, social and cultural rights, has faced a number of challenges in some societies. The historical, dichotomous classification of rights into Civil and Political, Economic, Social and Cultural and Developmental rights has resulted into assigning different legal weight to these various categories.

At the United Nations level, a compromise position taken led to separate adoption of ICCPR and ICESCR respectively, in order to give States parties opportunities to take a position on the two. Drawing inspiration from this development, Nigeria has consistently maintained a different catalogue for civil and political rights on one hand, and economic, social and cultural rights on the other. While the former are justiceable, the latter are generally interpreted as not being justiceable. Nevertheless, Nigeria has attempted on several occasions to implement various policies towards improvement of her peoples' right to health.

At independence, a free health programme was introduced in some parts of the country, notably, in the Western region. This was re-introduced in 1979 in Lagos, Ogun, Ondo, (old) Oyo and Bendel states. Since health is on the Concurrent List in the 1999 Constitution, both the federal and state governments are saddled with the responsibility of providing health infrastructure, provisions and maintenance of hospitals and regulation of pharmaceutical products, among others. Presently, some states provide free health care, tailored to meet health needs in their states.

The health care delivery system in Nigeria is classified into primary, secondary and tertiary. However, most hospitals are located in towns and cities with only few operating in the rural areas, where a great majority of the population lives. Since the introduction of Structural Adjustment Programme (SAP) by the federal government in 1986 and the consequential depreciation in economic power of citizens, many health professionals have relocated to Europe and America. Those who choose to remain are constrained to operate without adequate and modern equipment and facilities. Most hospitals in Nigeria are overstretched and cannot meet the demands of the public.

In order to address these challenges, Nigeria developed a primary health care scheme aimed at providing health care services at the grassroots. However, most of the primary health care centres provided under the scheme could not meet the primary health needs of the people as they are poorly equipped. In the last four years, the federal government has committed huge resources into revitalization and re-equipment of all tertiary health institutions. In addition, a National Health Insurance Scheme (NHIS) has been instituted to provide affordable quality health services. The scheme is a contributory programme where both individual employees pay minimal amounts to health care service providers, while their employers supplement the cost of health-care. This scheme however, covers only workers in the formal sector of the economy. With the establishment of the National Programme on Immunization, certain childhood diseases such as whooping cough, diphtheria, tetanus and others have been brought under control. Despite this elaborate immunization programme put in place by the government, incidence of isolated cases of Polio in some parts of the country is still a source of concern.

Despite these initiatives, health indicators such as maternal and infant mortality ratio, life expectancy, HIV & AIDS prevalence show that Nigeria ranks high.

Malaria still constitutes a major public health issue, resulting in thousands of deaths every year.

The legal framework for the protection of health includes:

S.17 (3) (d) Constitution of Nigeria, 1999

The state shall direct its policy towards ensuring that there are adequate medical and health facilities for all persons

Article 16, ACHPR

1. Every individual shall have the right to enjoy the best attainable state of physical and mental health. 2. States Parties to the present Charter shall take the necessary measures to protect the health of their people and to ensure that they receive medical attention when they are sick.

Article 12, ICESCR

1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

SYSTEMIC VIOLATIONS OF HUMAN RIGHTS OF MENTALLY SICK PERSONS IN NIGERIA

In January 2007, Canadian International Development Agency (CIDA) supported research by consultants in the course of Developing Guidelines and Policies on Health, HIV/AIDS and Trafficking in Nigeria. Owing to the trauma, psychological torture and anxiety experienced by victims of human trafficking; Mental Healthcare was considered a crucial component of requisite services which trafficked persons need. Therefore, a CIDA consultant, Dr. Tereza Zakaria (Indonesian) embarked on a field work to assess the level of Mental Healthcare across the country. Her findings from the field reveal that little attention is paid to Mental Health in Nigeria as there are very few mental health facilities. According to her report, “there are no policies or guidelines used by practitioners in the field”.

Findings from National Human Rights Commission, however, show that although it is not true that there is no Mental Health Policy in Nigeria; the existing 1991 National Mental Health Policy needs to be reviewed and efforts strengthened at

its implementation. The National Mental Health Policy adopted while Prof. Olikoye Ransome Kuti was Minister of Health provides among others that:

- Individuals with mental, neurological and psychological disorders shall have the same rights to treatment and support as those with physical sickness and shall be treated in health facilities as close as possible to their own community (Section 4.1.2)
- Mental Health services shall as far as possible be integrated with general health services. In this way, the preventive, therapeutic rehabilitative and social integration aspects of mental healthcare shall be available to Nigerians.

Notwithstanding these provisions, evidence has shown that Access to Mental Healthcare in Nigeria has not been correspondingly promoted in furtherance of achieving the overall objectives of the policy. It is known that few existing mental health hospitals and psychiatric units in General and Teaching Hospitals are only able to provide care for the small proportion of the mentally ill who are able to go to these centers. A vast number of the population suffering from incapacitating mental and neurological disorders such as neurosis, schizophrenia, depression, psychosis, epilepsy, dementia, mental retardation, psychosomasm, etc have had to cope without specialized care. It is estimated that between 20-40% of patients attending general outpatient clinics for medical help may be suffering from some form of mental disorder which the attending doctors fail to diagnose. Consequently, the lack of access to needed health facilities constitutes a gross violation of their Right to Health.

World Health Organization defines Health to mean “a state of Physical, Social and Mental wellbeing of an individual and not just the absence of disease or infirmity”. In the etiology of Health, the physical, mental and social state of an individual comes into focus. Right to Health is a fundamental human right which is vital to all aspects of a person's life and well being. States have an obligation to create conditions necessary for attainment of good health, including making healthcare services accessible to all; without discrimination. “Access” implies that services are available and affordable to any individual in need. However, with the limited number of Psychiatric Hospitals in Nigeria (mainly located in urban areas), many patients are obviously denied access and are therefore left to patronize traditional healers who practice diverse mental health therapies. *More so, the seeming concentration of Government attention in establishment of Health Institutions that cater for Physio-pathological disease conditions without*

corresponding effort in establishing institutions that meet the Mental Health needs of society is discriminatory and results in systemic violation of human rights of vast population of groups in need of mental healthcare such as children, prisoners, the elderly, mentally retarded persons, mentally sick persons, etc. Such disparity in provision of healthcare facilities and services are also contrary to United Nations Principles for the Protection of Persons with Mental Illness and for improvement of Mental Healthcare which stipulates among others for :

- the inherent right to respect for their human dignity
- the same fundamental human rights, whatever the nature, origin and seriousness of their handicaps and disabilities
- the right to have their needs considered in economic and social planning
- the right to protection against exploitation or discriminatory, abusive or degrading treatment”

RECOMMENDATIONS

Article 1 of the UN Convention on the Rights of Persons with Disabilities defines “Disability” to include those who have long-term physical, mental, intellectual or sensory impairments....”

People with mental illness are human beings with human rights. Human Rights are applicable to everyone or to all individuals. Various International Human Rights Instruments are required to be respected and ensured to all individuals “without discrimination”. It is clear then, as a matter of International Law that individuals suffering from psychiatric disabilities are entitled without discrimination to the full range of human rights protection afforded to all under the law.

It is therefore recommended that:

1. Ministry of Health, National Orientation Agency, other Government agencies and Civil Society Organizations take steps to promote human right to education and access to information relating to Health, especially Mental Health.
2. Government urgently establishes more psychiatric institutions across the country in order to complement the few existing ones in order to meet the Mental Healthcare needs of society.
3. Government promotes Community Psychiatry

4. Ministry of Health puts machinery in place to examine the extent of implementation of the 1991 National Mental Health Policy with inputs from relevant stakeholders such as Psychiatric Doctors, Psychiatric nurses, Psychologists, Social Workers, etc
5. Ministry of Health commences a review of the National Mental Health Policy in collaboration with relevant stakeholders.
6. A National Inquiry on the state of Mental Healthcare in Nigeria be conducted, including inspection of existing Psychiatric facilities across the country with a view to assessing level of compliance with Human Rights Standards in the context of Mental Healthcare.
7. That prison inmates diagnosed with mental ailment should urgently be taken and hospitalized at psychiatric hospitals inline with the standard minimum rules for the treatment of prisoners.

Below are some of the cases reported in the year under review:

Zara Musa, 23, resident of Bakin Gidan Sarki in Bama Local Government Area of Borno State, was 15 when she got married in 1999. Within six years, she had five children for her husband, Mallam Musa, who is now in his mid 40s. Zara complained seriously of backache. Despite taking several traditional treatments, her condition did not improve. The husband reluctantly agreed to take her to Bama General Hospital, Borno State for treatment.

At the hospital, Zara had the opportunity of being counselled on family planning, and became enlightened on her Reproductive Health Rights. Family planning was not practiced in their household, despite their poverty and lack of resources to bring up many children. When she raised the issue of family planning with her husband, he accused her of defying custom and religion. He threatened to divorce her if she brought up the issue again.

In order to save her life and marriage, Zara took the advice of some nurses to insert an Intra Uterine Contraceptive Device (IUCD) but, without the knowledge of her husband. She planned to keep the device for some years, in order to regain her health before making more babies for her husband. Unfortunately due to her poor handling of the IUCD, the device slipped into her peritoneum (Abdomen) and she needed surgery to remove it. At that point, her husband became aware of

the birth control measure because the surgery would involve some money and his consent was required. He was persuaded to give his consent to save the life of his wife. After agreeing to pay for the surgery, he threatened to divorce her, after treatment.¹³

RECOMMENDATIONS

1. There is urgent need for sensitization on the reproductive health rights of women. This is to reduce the high rate of maternal mortality arising from extreme ignorance of reproductive health rights issues.
2. Health centers and free medical services should be provided at the village levels to increase accessibility of women to orthodox medical facilities.
3. Local initiatives should be put in place to improve access to child and maternal health care facilities. In this regard, stakeholders in collaboration with National Union of Road Transport Workers for instance, should initiate local transportation schemes for women in labour and children in need of treatment or due for inoculations.
4. The men should be key stakeholders in any effective sensitization on reproductive health rights issues.
5. In order to improve access to primary healthcare and support efforts of orthodox medical practitioners, there is need to train traditional birth attendants on basic skills for the delivery of primary healthcare.
6. The benefits of the National Health Insurance Scheme (NHIS) should be extended to all citizens.

FOOD AND SHELTER

FOOD

Right to food by all persons, has been recognized by several international human rights instruments. Food is one of the basic means to sustain life, the breach of which infringes on other rights such as life, dignity and health.

At independence, Nigeria was an agrarian society with about 70% of its population engaged in agriculture. However, the discovery of crude oil has led to neglect of agriculture. This has led to acute food shortages. The government has put in place several measures aimed at achieving food security such as regular subsidy of fertilizer and other agricultural inputs, establishment of a National Strategic Grains Reserve, construction and maintenance of River Basins, amongst others. However, these efforts have not sufficiently addressed the problem. A significant percentage of the children suffer from malnutrition leading to stunted growth and other ailments.

Chapter 2 of the Constitution, S.16 (2) (d) provides that

"The state shall direct its policy toward ensuring that suitable and adequate shelter, suitable and adequate food, reasonable national minimum living wage, old age care and pensions, and unemployment, sick benefits and welfare of the disabled are provided for the citizens."

Apart from the above, International Covenant on Economic Social and Cultural Rights provides: .

1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:

(a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;

(b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

SHELTER

The right to housing is more than a roof over one's head. Housing requires a habitable space that fulfils the basic needs of humans to personal space, security, and protection. It means that people must have equal access to safe, habitable and affordable homes. It also means people must be protected against forced evictions. Right to housing has been recognised for different groups, given their vulnerability on account of their social, physical or mental condition, rights of persons with disability, the elderly, rights of ethnic minorities and people of different nationalities, origin, race and colour without discrimination and, of women and children, are recognised.

In 2006/2007 fiscal year, the Federal Government of Nigeria, implemented the monetization policy as part of its economic reform programme. Under the reforms, the government decided to sell all government residential quarters to public servants and other interested members of the public.

To this end, the government gave option of first refusal to occupiers of those houses. The National Human Rights Commission received many complaints in 2007 from aggrieved public servants who alleged all manner of irregularities against the Ad-hoc Committee on Sale of Federal Government Houses.

Some of the allegations included: threat of forceful eviction, unlawful eviction, and wrongful sale of houses to other bidders even after the occupants had indicated interest, manipulation of the bidding process, extortion from prospective buyers, multiple sales of same property, disobedience to court orders etc.

Those who were able to pay the initial deposit of 25% and 10% but could not meet

the deadline for the payment of the balance of the full purchase price eventually lost the opportunity of owning the houses, which were sold by public bidding.

The corrupt conduct of the Ad-hoc committee on the sale of these houses has led to the violation of the affected public servants' right to shelter; right to own property, right to private and family life, right to sustainable physical and mental well-being, and right to freedom from discrimination.

The Commission wrote several letters to the Chairman, Ad-hoc Committee on the Sale of Government houses in Abuja as well as the Minister of Federal Capital Territory Administration (FCTA), drawing their attention to these complaints and urging them to ensure that the wrongs were corrected. Up till the time of compiling these reports, none of them has responded to the concerns raised by the Commission. In December 2007, the National Assembly intervened by advising the Executive to stay action on the sale of the houses to persons other than public servants. This was in order to give the live-in tenants the opportunity to meet up with conditions for the sale of the houses.

Following the avalanche of complaints on the implementation of the sale of the said houses and the non cooperative attitude of the Ad hoc Committee in listening to the attendant complaints, the Commission and other stakeholders calls on the National Assembly to institute a probe or public hearing on the sale of the said houses with a view to addressing the widespread and serious complaints that followed the exercise.

Mr. Laro Babatunde Yusuf, a civil servant living in government quarters, block 30, flat 5 Constantine Street, Zone 4, Wuse, Abuja, complained against the Federal Capital Territory Administration (FCTA) and Ad-hoc Committee on the Sale of Federal Government Houses in Abuja. He stated that he had spent over 33 years in service, and had been living in the said house for a number of years, paying his rent as at when due. He showed evidence of rent deductions by his employers.

He stated that FCTA issued him with a letter of offer to purchase the house. However, to his surprise, the same house was advertised for public bidding. He tried to contact the Chairman of the Ad-hoc Committee and the FCDA Minister, but all his efforts proved abortive. He also stated that his file was hidden in order to prevent him from paying for the house.

The Commission investigated the allegation at the FCTA. The officials brought out the file of the complainant from their database. It was discovered that the house was already sold. According to the officials, the complainant did not accept the offer given to him. That he completely ignored the directives requiring him to pay 10% of the price of the house after he received the letter of offer. The officials stated that if the complainant had paid the 10% equity, the house would not have been available for bidding. Even after the house was bided for, the complainant still did not indicate interest in the house, so they were left with no other option than to sell the house to the highest bidder.

In the circumstances, it was difficult to ascertain who was telling the truth. When the Commission demanded for evidence of intention to pay the 10% from the complainant, he was able to produce a bank draft which he had prepared in readiness to pay if his file had been located in time.

AVERTING FORCED EVICTIONS IN NIGERIA: SHARING SERAC'S EXPERIENCES ON THE PROTECTION OF HOUSING RIGHTS

Despite the increasing legal protection against forced eviction under international human rights law, and which continue to affirm that forced evictions constitutes a gross violation of human rights, forced evictions executed under the guise of urban renewal continue unabatedly on a large scale, in both developing and developed countries. In Nigeria in particular, state-sponsored forced evictions are routinely carried out without recourse to the rule of law, resulting in large-scale displacement of individuals, families and communities against their will from their homes and land.

From Lagos to Abuja to Port Harcourt and across the country, instances of forced evictions carried out without the provision of, and access to, appropriate forms of legal or other protection abound. For instance, sequel to a March 23, 2000 court judgment validating a land owning family's ownership of a total of 14.89 acres of land in Makoko, Lagos State, an estimated 3,000 persons were between the 27-30th day of April 2005, forcibly evicted from their homes and houses, churches, shops, hospitals and schools. Again, one of the largest forced evictions in Nigeria's history ostensibly conducted under the banner of urban renewal occurred in July 1990 in Maroko (Lagos State), thus rendering 300,000 Maroko residents homeless without remedy, adequate notice, compensation or provisions for resettlement till date. Similarly, Abuja residents have incessantly witnessed in

the past, and are threatened with in the future, forced evictions that are executed pursuant to the city beautification exercises under the restoration of the Abuja Master Plan.

In furtherance of its mandate to promote and protect economic social and cultural rights, the Social and Economic Rights Action Center (SERAC) places huge reliance on its three standing programs, - *the Monitoring and Advocacy Program (MAP)*, *the Community Action Program (CAP)* and *the Legal Action Program (LAP)* - all of which serve as enabling frameworks to ensure that key aspects of every project are procedurally compliant. Particularly in its anti-eviction interventions, SERAC adopts a wide range of strategies including but, not limited to providing free legal assistance and education to individuals, groups, and communities seeking remedies for violations of their rights to housing; coordinating and assisting affected communities in the resettlement or relocation process; providing professional assistance and technical support services to government institutions and other local partners on rights-based development project planning, implementation, monitoring and evaluation within rules and procedures; assisting policy makers operationalize human rights standards at the domestic level through the formulation of alternative urban development models and guidelines de-emphasizing forced eviction; and by invoking national and international legal measures of redress aimed at preventing planned evictions.

Badia

While deploying single or multi strategies, that is, one or a combination of its mutually reinforcing programs and strategies, SERAC has averted planned evictions orchestrated by both state and private actors. Through close collaboration with project's underlying communities, the organization has over time, established an effective monitoring mechanism that identifies and documents potential eviction threats. Taking into cognizance the particularities of each case, this mechanism is supported by rapid response systems that employ the most efficacious approach to challenging actual or threatened rights violations. For instance, in 1997 when the World Bank in collaboration with the Lagos State government tried to re-evict thousands of Badia residents under the US\$89.1 million World Bank-assisted Lagos Drainage and Sanitation Project (LSDP), SERAC, aided by its MAP strategy sensed the imminent eviction and consequently, swung into action by petitioning the World Bank independent Inspection Panel. Ostensibly, this approach proved to be the most effective after

attempts at utilizing other strategies such as dialogue, meetings, media activities, and litigation yielded little or no effect. SERAC's Request for Inspection necessitated the panel's investigative site visit to Badia in September 1998, wherein it found evidence of Bank policy and human rights abuses. In its concluding report, the Panel declared that it was “not satisfied that the [Bank] management had fully complied with [its] resettlement policy”, insofar as it had “failed to provide for resettlement and compensation for some affected people ...” under the LDSP. The Panel subsequently recommended that the Bank and the Lagos State government provide adequate compensation to adversely affected persons.

Resort to the inspection panel process not only helped in averting future forced evictions, but as well, SERAC's victory largely inspired, and was instrumental to the development of the sector policy notes on involuntary resettlement signed by the Lagos State government and the World Bank. In addition, it also impelled the seeming moratorium placed on forced evictions in Lagos State as such incidents reduced remarkably in the following years. Most importantly, SERAC's intervention made it costly for the government to evict new people as they needed to comply with World Bank guidelines on resettlement.

Makoko

In a related development, relief in the form of averted forced evictions and demolitions came the way of Makoko residents following SERAC interventions in the community in July, 2006. Makoko consists one of the blighted communities in Lagos. Owing to the acute infrastructural deficits and poor housing conditions prevalent in the community, officials of the Lagos State Physical Planning Development Authority (LASPPDA) stormed the Makoko community to serve contravention notices to over a hundred house owners whose properties according to an April 2006 LASPPDA report were structurally defective and were recommended for demolition. The notices demanded house owners to furnish LASPPDA with relevant documents (approved building plans and certification of building worthiness amongst others) within two days of service, and to renovate their structurally defective buildings or face the consequences which include forced eviction and the eventual demolition of their houses.

Under Article 9 of the Comprehensive Human Rights Guidelines on Development-based Displacement,¹⁴ States shall secure, by all appropriate means including the provision of security of tenure, the maximum degree of effective protection against the practice of forced evictions for all persons under their jurisdiction. The Lagos state government in negation of this internationally binding legal

obligation lent its weight¹⁵ behind an April 2005 forcible removal of persons and demolitions of homes and houses, churches, shops, hospitals and schools belonging to an estimated 3,000 persons, including women and children. The evictions were purportedly sequel to a March 23, 2000 court judgment validating a land owning family's ownership of a total of 14.89 acres of land in Makoko, Lagos State.

To forestall further planned evictions in the community, SERAC organized series of meetings between the community members and high-ranking officials of the LASPPDA to apprise them of pre-existing communal efforts to regularize their properties. This chain of events culminated in a SERAC-LASPPDA joint visit to the Makoko community on August 23, 2006 to meet with affected house-owners, and to jointly agree on necessary steps to take towards improving livability and habitation in the community. In preparation for the joint inspection visit, SERAC organized strings of focus group discussions and community workshops in Makoko to provide human rights education, housing rights and safety issues. Part of the purpose of the community education activities was to mobilize them to resist large-scale forced eviction of local populations that are carried out without adequate notice, compensation and resettlement. Accordingly, the residents were primed to participate and engage with LASPPDA officials more effectively during the visit to their community. Had those previous recommendations been implemented, it would have occasioned forced evictions and large-scale displacements of Makoko residents, further devastating their socio-economic impoverishment.

The Lekki Free Trade Zone Project, Lagos

Furthermore, advocacy backed by community organizing and mobilization remains one of SERAC's veritable tools in advancing communal struggles against forced evictions. Its major advantage lies in its multi-faceted nature in the sense that the other intervention strategies are embedded in it. The Lekki Free Trade Zone (LFTZ) project saga is one such major example where it employed strident advocacy to avert planned forced evictions of local communities without recourse to due process. Launched on Thursday, May 11, 2006, the LFTZ project is a multi-billion dollar (USD) joint venture between the Lagos State government and a consortium of Chinese businesses. The hopes of both natives and residents of the nine coastal communities¹⁶ along the Ibeju-Lekki corridor were almost dashed when the Lagos State governor Senator Bola Ahmed Tinubu on May 11,

2006 informed the community members at the project's ground breaking ceremony of his administration's plans to site the project in their domain, and in the process, compulsorily acquire their lands to pave way for the Lekki Free Trade Zone (LFTZ) project. These communities faced a clear danger of being forcibly evicted from their ancestral homes of hundreds of years without consultation, compensation, resettlement, restitution or rehabilitation.

Working closely with the target communities, SERAC orchestrated high-profile campaigns mounting pressure on the Lagos State government to take steps to ensure that the LFTZ project is planned, implemented and monitored in accordance with the rule of law, due process and respect for the rights of the affected communities as espoused in applicable international and regional human rights standards. In particular, SERAC, while playing an intermediary role, facilitated high-level meetings between the government and accredited representatives affected local communities; issued press releases as well as electronic and print media reports; organized press conferences and public fora; initiated meetings with state legislature and policy officials; wrote letters to the Executive Governor copying the Chinese government and other relevant government institutions; posted web alerts to its partner civil society groups calling for collective vigilance and commitment to monitoring every phase of the project's implementation to avert any departure from the rule of law, applicable international and regional human rights standards.

Typical of projects of such magnitude, local communities are usually cajoled into signing Memorandum of Understandings (MoU's) to which they had no part in discussing and negotiating. This poignant trend was replicated in this LFTZ saga when despite the increasing communal consciousness and collective calls for caution, the Lagos State government unilaterally drafted a badly mutilated memorandum of understanding between itself and the affected local communities. The MoU, as presented to the people, was purportedly pre-signed by the Lagos State Commissioner for Lands, reinforcing the fact that the active consultation, participation and involvement of the target communities was neither to be solicited nor secured at the planning, design or implementation phases of the LFTZ project. Aided by SERAC's far-reaching community sensitization, galvanizing and mobilization activities, the local communities in collective and unwavering response, rejected and refused to sign the MoU.

As part of efforts to remedy to escalating tension attending the project's

preparation phases, SERAC prepared another memorandum of understanding, (to substitute the earlier contested one). The new Mou provisions were drawn from various conclusions reached at the negotiations and the consultations. It also embodies uniquely crafted provisions - grounded on applicable legal principles and human rights standards - that are mutually beneficial to, and protects the interests and rights of all the parties to the agreement. Additionally, the MoU was profoundly skewed in favour of the local communities as a proactive measure to curtail the practice of forced evictions in Lagos State.

Through these activities and a skilled combination of strategies outlined above, the Lagos state government yielded to SERAC and the communities' demands for people-centered and participatory approach to the implementation of the project. Precisely on Tuesday, March 27, 2007, the Lagos State government and Ibeju Lekki Local Government Council, Lekki Worldwide Investment Limited (LWIL) and the accredited representatives of villages and communities affected by the LFTZ project signed the MoU. The evictions, if carried out as planned would have displaced hundreds of thousands of indigenous communities from their ancestral lands, homes, shrines and permanently denied them access to their means of livelihood.

Provision of legal and technical assistance

SERAC's intervention strategies in curbing the spate of forced evictions in Nigeria equally finds expression in its provision of technical support services to government institutions and other local partners on rights-based development project planning, implementation, monitoring and evaluation within rules and procedures. In this regard, SERAC provides professional assistance to government institutions and agencies whose work impact on housing, land, urban planning and development and related rights. In addition, through sustained legislative advocacy, SERAC assists policy makers to domesticate international human rights standards on forced evictions by the formulation of alternative urban development models and guidelines that minimize forced evictions.

After the March 27, 2007 MOU signing ceremony, SERAC continued to hold series of consultations with Lekki Free Zone Development Company and Lagos State government officials. The consultative meetings focused on the need to integrate local knowledge, ideas and perspectives into the conceptual, administrative, management and bureaucratic structures of development planning agencies. As part of efforts to forestall a replay of the violence enveloping the Niger Delta

region, SERAC brokered several high-level advocacy meetings between the government and the affected communities to inspire government's compliance with the terms of the MOU, and particularly press for the establishment of the resettlement committee.

It is important to mention that Clauses L, M and N and Clauses J, L, K of the MOU setting out the obligations of the Lagos State Government and Lekki Worldwide Investment Limited (LWIL) respectively provide that: the Lagos State Government shall set up or ensure the establishment of a Resettlement Committee to be comprised of representatives of the Lagos State Government, the Ibeju-Lekki Local Government Council, LWIL and the affected villages and communities to plan, design, implement, monitor and evaluate the resettlement of individuals and families that may be affected by LFTZ project. Further, the Lagos State Government shall ensure that members of the affected villages and communities have free and effective access to information relevant to their understanding and participation in the LFTZ, in general, and the resettlement process, in particular.

Resultantly, in accordance with the terms of the memorandum of understanding, the Lagos State government inaugurated the resettlement committee on August 30, 2007. At the elaborate inauguration ceremony held in Lagos, elated community representatives of the affected communities, and other committee members comprising SERAC, officials of the LWIL, Lekki Free Zone Development Company (LFZDC), government functionaries from the Governors office and various ministries, agencies and parastatals, independent architects and surveyors were sworn in as committee members. In recognition of the ground-breaking intermediary role in brokering the peace process between the government and the affected communities SERAC was at this inaugural meeting, assigned an observer status positioned to provide independent advisory, monitoring and supervisory assistance in relation to the implementation of the LFTZ project, with an eye on achieving greater focus, rigour, accord, synergy between parties and ability to build on lessons learned.

Since 2000, government-sponsored forced evictions and demolitions orchestrated by the Federal Capital Development Authority (FCDA) have been a recurrent decimal in the nation's capital, the Federal Capital Territory, (FCT) Abuja. The evictions are undertaken pursuant to the restoration of the 27-year-old Abuja master plan that targets the removal of “illegal structures”, especially in

the satellite and informal settlements. The term “illegal structures” is an euphemism for the homes, houses and businesses of the urban poor, most of whom migrated to the city in search of the golden fleece. These activities became more pronounced with the emergence of Mallam Nasir El-Rufai in 2003 as the Minister in the Presidency and Chairman of the Federal Capital Territory Authority.

Specifically, in the heat of the Chika and Idu Karmo demolitions in the FCT, Abuja, SERAC visited affected communities providing on-the-spot free legal counseling and education, gathering relevant on-site evidence in preparation for activating the legal machineries of redress. However, following skeletal commitments by the FCDA to resettle some affected persons in Pegi, Kuje Area Council, SERAC, acting on behalf of the Chika community initiated negotiations with the FCDA on issues relating to the resettlement of the community. At each of the meetings, SERAC provided government officials with international standard-setting documents on forced evictions, and enlightening them further on the imperativeness of adopting rights-based approaches to development. Now armed and seized with the legal development and applicable human rights provisions on forced evictions, the FCDA remarkably scaled down demolitions and forced evictions of local populations in the FCT.

On the part of the Chika community, SERAC also accepted their request for assistance in coordinating and assisting affected communities in the resettlement or relocation process. The organization also acceded to the community's request to undertake on their behalf, a thorough evaluation of the prototype designs for the proposed resettlement village towards proposing alternatives suitable to their cultural lifestyles and conditions. To this end, they obtained copies of the FCDA-proposed prototype designs and are currently using independent consultants to draw up alternative prototypes that take the cultural particularities of the community into consideration. Upon the completion of this task, SERAC intends to engage the FCDA regarding the newly proposed prototypes in line with the rights of indigenous communities to propose alternatives as enshrined in the Article 16 of the Comprehensive Human Rights Guidelines on Development-based Displacement. This provision also obliges States to fully explore all possible alternatives to any act involving forced eviction. It further safeguards the rights of all affected persons, including women, children and indigenous peoples to all relevant information and the right to full

participation and consultation throughout the entire process and to propose any alternatives.

Uniquely, SERAC's decision to shelve resort to litigation is propelled by the strong backing the demolitions received from the presidency. Nonetheless, exploring other collaborative and non-confrontational approaches helped not only to soften government's hard-line position on the evictions, but as well, was largely instrumental to the blossoming of the hitherto frail relationship between the FCDA and Chika community, in particular. Most importantly, this approach succeeded in deflating tension in the affected communities, and in the process, empowered and emboldened them, thereby enhancing the community's capacity to participate meaningfully in socio-economic and political decision-making activities and programs affecting their community.

SERAC adopts other strategies such as litigation, letter writing, press releases and other media activities to curtail planned evictions. Litigation is undertaken on behalf of individuals, groups and local communities as an effective rallying point for collective action on one hand, and as part of broader *remedial and preventive* strategies for its intervention on the other hand. For instance, in 2005, SERAC secured a major victory for former Maroko residents who relocated to nearby Ilasan Housing Estate, in Lagos State after their forceful removal from Maroko in 1990.¹⁷

The case sought to enforce the evictees' fundamental human rights that were brazenly violated during the evictions. Upholding SERAC arguments, the Court held that absent “an order of court of competent jurisdiction”, the Lagos State government cannot demolish the applicant's legal structures. Further, the Court held that all occupants irrespective of the legal validity of their occupancy should be afforded notice and given “sufficient time to relocate or remove the illegal structures”.

Through its consistent efforts in effectively tackling forced evictions, SERAC works towards reducing the debilitating impact of poverty, enhancing local democracy, and in building of, and strengthening national protection systems and other recourse mechanisms for human rights. Even though it has recorded numerous successes and landmark achievements in its interventions, SERAC remains

committed to using the economic, social and cultural (ESC) rights framework to empower the poor, and increase the disadvantaged population's control and determination of their lives.

About SERAC

The Social and Economic Rights Action Center is a non-governmental organization concerned with the promotion and protection of social and economic rights in Nigeria. Through its mutually reinforcing programs- the Monitoring and Advocacy Program (MAP), Community Action Program (CAP), and the Legal Action Program (LAP)-SERAC seeks to create awareness about social and economic rights and explore strategies for securing their realization. In addition, SERAC aims at broadening access of individuals and communities, and strengthening their participation in the design and implementation of policies and programs, which affect them. Our work is predicated on the standards contained in the Constitution of the Federal Republic of Nigeria, the International Covenant on Economic, Social and Cultural Rights (ICESCR), the African Charter on Human and Peoples' Rights (ACHPR), and other human rights instruments.

RECOMMENDATIONS

1. There is the need to provide a comprehensive and updated domestic legal framework for the provision of shelter in Nigeria. In this regard, efforts should be made to provide effective remedies for those persons whose rights have been violated, as well as update and harmonize all existing legislation on housing to reflect the current reforms in the housing sector.
2. There is need to adopt a more progressive attitude to mass provision of shelter for the citizens of Nigeria. In this regard, the present housing policy should be reviewed and made practicable to benefit low income earners in the society.
3. The mortgage and interest rates available to citizens should be critically examined, as the present arrangement is clearly exploitative of workers and other citizens.
4. The arrangement between government and estate developers in Abuja and some other parts of the country is quite exploitative of the citizens. Despite the payment for the houses, the estate developers have devised several deductions aimed at exploiting workers and rendering nugatory, the benefits of the arrangements to provide cheap and affordable shelter.

5. In the present arrangement for house ownership with mortgage banks and estate developers, stakeholders were neither consulted nor involved. There is therefore need to review the present arrangements in collaboration with stakeholders to make it sustainable.
6. The land tenure system instituted by the Land Use Act is alien to Nigerians. In this regard, steps should be taken to review the Land Use Act with a view to protecting better, the interest of the citizens.
7. There is need to make the right to shelter immediately realizable under the Constitution. In this regard, the proposed Constitutional reform should include making the rights to shelter justiceable.

CHAPTER ELEVEN

LABOUR

Section 17 (3) (c) and (e) of the 1999 Constitution of the Federal Republic of Nigeria

In furtherance of the social order-

- (c) the health, safety and welfare of all persons in employment are safeguarded and not endangered or abused.*
- (e) there is equal pay for equal work without discrimination on account of sex, or any other ground whatsoever.*

Article 15 African Charter on Human and Peoples' Rights

Every individual shall have the right to work under equitable and satisfactory conditions, and shall receive equal pay for equal work.

Article 6 International Covenant on Economic, Social and Cultural Rights

1. The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.

2. The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social

and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.

Article 7 International Covenant on Economic, Social and Cultural Rights

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

- (a) Remuneration which provides all workers, as a minimum, with:
 - (i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;
 - (ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;
- (b) Safe and healthy working conditions;
- (c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;
- (d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays

Article 8 International Covenant on Economic, Social and Cultural Rights

1. The States Parties to the present Covenant undertake to ensure:

- (a) The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;
- (b) The right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade-union organizations;
- (c) The right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;

(d) The right to strike provided that it is exercised in conformity with the laws of the particular country.

2. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces or of the police or of the administration of the State.

3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or apply the law in such a manner as would prejudice, the guarantees provided for in that Convention.

Article 9 International Covenant on Economic, Social and Cultural Rights

The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.

Article 22 Universal Declaration of Human Rights

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23 Universal Declaration of Human Rights

1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
2. Everyone, without any discrimination, has the right to equal pay for equal work.
3. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
4. Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24 Universal Declaration of Human Rights

Everyone has the right to rest and leisure, including reasonable limitation of

working hours and periodic holidays with pay.

The Constitution of Nigeria under its fundamental objectives and directives of state policies provides for the right of Nigerians to gainful employment. The government also commits itself to put in place appropriate policies that will ensure that Nigerians within the age of work force are gainfully employed. Apart from the provision of the Constitution, Nigeria is a party to many regional and international human rights treaties that guarantee right to work, right to work under favourable and satisfactory conditions, right to social security and right to form and join trade unions amongst others.

During the period under review, many Nigerians lost their jobs as a result of the economic reform agenda of government. Part of the agenda is the 'right-sizing' of the public service. Although, the Bureau for Public Service Reform issued guidelines on the right-sizing exercise, there were allegations of irregularities and victimization in the way majority of public servants were disengaged from service. Some of the disengaged staff claimed that their appointments were terminated as a result of trade union activities.

Government promised to pay retirement benefits of disengaged staff immediately they received their letters of disengagement. However, over 70% of the affected staff did not receive their benefits after 2 years of their disengagement. Efforts are however being made by government to clear the backlog of those that have not received their terminal benefits.

Below are some of the cases that were monitored by the NETWORK.

Udoh Sunday Etim was until his retirement in February, 2007, a confidential secretary with the Nigerian Stored Products Research Institute, Ilorin. Mr. Etim was among 153 staff of the Research Institute retrenched as part of the economic reform agenda of the last administration.

Mr. Etim claimed that he was maliciously disengaged from service. According to him, the list approved for the right-sizing exercise of the Institute was altered. He also claimed that contrary to the Institute's claim that he was retrenched because of the restructuring of his department, he strongly believed that he was relieved of his duty because of his active role in union activities. He also alleged the following reasons for the termination of his appointment.

- a. That he wrote a petition on behalf of one of his colleagues, Mrs. A. O. Johnson, requesting the management of the Institute to effect the payment of her terminal benefits which was allegedly misappropriated by the Institute.
- b. Petitioning the Executive Director of the Institute for not upgrading him while his colleague that sat and passed the same examination was upgraded.

The Nigerian Stored Products Research Institute was contacted to comment on the allegation of malice in the determination of Mr. Udoh's appointment, which according to him, did not follow the guidelines provided by the Bureau for Public Service Reforms. Up till the time of this report, the Institute was yet to send its response.

Mr. Ukoh I. Ukoh and 14 others, were senior staff of the National Commission for Colleges of Education (NCCE), Abuja until April, 2007 when their appointments were terminated. The 14 other colleagues of Mr. Ukoh affected by the economic reform agenda of the last administration are:

- | | |
|-------------------------------|------------------------------------|
| 1. Dr Akale M. Gordon | - Director Academic Programs |
| 2. Dr Samuel Atuwang | - Dep. Director (Planning) |
| 3. Mr. Samuel Akinmo A. | - Dep. Director (Funds Management) |
| 4. Sule Gbadamosi | - Deputy Director (Statistics) |
| 5. Jacob Kwaghkper Iorhumbere | - Deputy Director (Engineering) |
| 6. Yusuf Y. Ladan | - Chief Internal Auditor |
| 7. B. M. Jampriyi | - Chief Planning Officer |
| 8. Charity A. Madu | - Chief Personnel Officer |
| 9. M. M. Thiliza | - Chief Personnel Officer |
| 10. A. S. Yahuza | - Chief Personnel Officer |
| 11. J. E. Chom | - Principal Program Officer |
| 12. P. E. Haruna | - Asst. Chief Nursing Officer |
| 13. Misitura Abdulwaheed | - Chief Typist |
| 14. Amina Abdulsalam | - Senior Typist |

Mr. Ukoh claimed that his name and those of his colleagues listed above were not included in the approved list of names of those affected by the right sizing exercise. Mr. Ukoh also claimed that the National Commission for Colleges of Education did not comply with the criteria for the disengagement of staff provided by the Bureau for Public Service Reforms. The criteria are:

1. Personnel with disciplinary cases;
2. Staff employed without due authorization;
3. Those with questionable character and unsatisfactory performance;
4. Personnel whose tasks have been monetized, outsourced or abolished;
5. Medically unfit officers;
6. Staff who decide to retire voluntarily

Mr. Ukoh, being dissatisfied with the manner his appointment and those of his colleagues were determined wrote a petition to the National Human Rights Commission seeking redress. The Commission on receipt of the petition forwarded a copy to the Office of the Head of Service of the Federation in August, 2007, being the agency responsible for implementing the public service reform. Up till the time of compiling this report, the Office is yet to avail the Commission of its response.

The Joint Admission Matriculation Board (JAMB) is the agency responsible for managing the conduct of entrance examinations into tertiary institutions in Nigeria. Over 700 staff of the agency were sacked as a result of the economic reform agenda of the last administration.

The Federal government at that time stated that it had concluded arrangements to pay all financial entitlements of those to be affected by the massive purge envisaged in the Public Sector. However, the National Human Rights Commission received several complaints from the disengaged staff of long delay in the payment of their financial entitlements. One of such complaints is the one received from over seven hundred staff of Joint Admissions and Matriculation Board (JAMB) Abuja.

The staff claimed that several months after they were disengaged from the service of the JAMB, their terminal benefits were not paid to them. They made several efforts to contact relevant government Ministries and Agencies and all they got in reply was that the government had no money. The fate of these Nigerians and others in their shoes had remained bleak since then. They were victims of violation of right to work, right to adequate sustainable means of living, right to adequate state of physical and mental well-being and right to human dignity.

Comrade C. I. Azunna and 33 others were staff of the Federal Ministry of Mines and Steel, Abuja until their salaries were stopped with effect from January, 2007.

The ordeal of C. I. Azunna and his thirty-three colleagues started when the then Minister of Mines and Steel Development, Obiageli Ezekwesili unilaterally deployed a large number of staff of the Ministry to the Office of the Head of the Civil Service of the Federation claiming that their services were not required by the Ministry.

The Office of the Head of Civil Service directed the Ministry to retain staff who do not belong to the pool being managed by the Head of Service. The Ministry refused to reabsorb the affected staff claiming that their emoluments were not appropriated for in the 2007 budget.

Since January, 2007, the affected staff did not receive salaries, in spite of the fact that they were not disengaged from service. The fate of the staff has been dangling between the Ministry, Office of the Head of Service of the Federation and Bureau for Public Service Reform. The actions of these agencies of government were clear violation of the Public Service Reforms Agenda, Public Service Rules and Government Financial Regulations. It also violated their right to work, right to work under just and favourable conditions, right to human dignity and right to adequate state of physical and mental well-being.

Mr. F. Emea and twenty others were staff of the Nigerian Stored Products Research Institute Port Harcourt. F. Emea and his colleagues were also victims of the mass purge in the Public Service occasioned by the right sizing policy of Nigerian government. Their appointments were terminated in February 2007 and they were yet to be paid their terminal benefits. Their case was among those forwarded by the National Human Rights Commission to Office of Head of Civil Service of the Federation and the Bureau for Public Service Reforms. The Commission requested the two agencies of government to expedite action on the payment of the terminal benefits of the disengaged staff. This was to enable their reintegration into the society and to enjoy meaningful life in retirement.

Sixty-two staff of the University of Ilorin Secondary School petitioned the National Human Rights Commission on the 19th of July, 2007. They alleged that:

a) The University authority treats the secondary school staff as non university staff in the sense that most of the allowances and benefits enjoyed by the university staff are not extended to the secondary school staff;

- b) monetization of fringe benefits were not paid to the secondary school staff while the university staff enjoy the benefits;
- c) the secondary school staff have registered with the National Health Insurance Scheme (NHIS) but are yet to enjoy the benefit of the scheme;
- d) non-promotion of the staff of the secondary school for the past ten years while other staff of the university enjoy promotion
- e) deduction of employers counterpart fund of 7.5% from the purse of the secondary school, thus impoverishing the school. The action was said to be contrary to the provisions of the Pension Reform Act

The monitors investigation into the matter revealed that:

- a) the university authority restructured the management of the secondary school;
- b) as part of the reorganization, a new salary structure different from the University salary structure was put in place. Staff of the secondary school are to be engaged on contract basis, renewable every three years. This is contrary to Nigerian Labour Law, the staff being professionals.
- c) The reorganization of the secondary resulted in dispute between the university authority and the secondary school staff. The staff wrote several letters informing the University of its concerns but the university refused to formally engage the staff. Meanwhile, the university pursued the reorganization with vigour;
- d) the secondary school staff protested by withholding the school's sessional results examination conducted by them. They also staged a peaceful demonstration within the premises of NTA Ilorin which was aired;
- e) the university authority disengaged all the secondary school staff by a letter dated 16 August, 2007 and asked those interested in the job to reapply under the new contractual conditions of service. At the time of investigation, about thirty of the disengaged staff have reapplied, but under conditions less favourable than they enjoyed prior to the disengagement.

Investigation further revealed non-payment of the monetization benefits to the secondary school staff, non promotion for more than ten years and denial of other benefits enjoyed by other university staff were clear violations of the secondary school staff human rights. These rights include right to work, right to

work under equitable and satisfactory conditions, right to freedom from non-discrimination, right to human dignity and right to sustainable physical and mental well being. However, the staff took the matter to an Ilorin High Court. The parties have agreed to an out of court settlement. In view of the human rights implications of the dispute, the National Human Rights Commission is watching brief of the court proceedings.

The National Human Rights Commission received a complaint dated 5th November, 2007 from the Academic Staff Union of Polytechnic, Akanu Ibiam Federal Polytechnic Chapter. Afikpo, Ebonyi state alleged the downsizing of a cream of seasoned lecturers/academics and other experts in various fields of specialization. It was also alleged that there were a lot of administrative irregularities, prejudice, witch-hunting and abuse of fundamental rights of the staff by the management of the polytechnic as a result of staff protests over the non-implementation of government policy documents in the institution.

The petitioners among other things claimed that:

- a. facts and figures about many academic staff were distorted to ensure that their appointments were terminated;
- b. the Public Service Rules were grossly breached in the manner the staff were sacked;
- c. the generic guidelines for the implementation of the Public Service Reform were not followed by the institution;
- d. The Rector and Management of the Institution did not communicate the reform programme to the relevant stakeholders especially staff and the unions, nor were they involved in any reform activity. This was a breach of the guidelines on the Reform Programme;
- e. The right-sizing exercise was fraught with many irregularities;
- f. letters of termination of appointment indicated that the sack was with effect from 31 December, 2006 while these lecturers have taught courses allocated to them for the academic session of 2006/2007;

- g. Letters were handed to the affected staff on 2 November, 2007 but backdated to May 17, 2007 and effective from 31 December, 2006;
- h. Notice of retirement was not served on the affected staff.
The Commission requested a written response from the authority of the Polytechnic on the allegations. In its response dated February 6 2008, the Polytechnic denied the allegation insisting that due process was followed in accordance with Government's guidelines for the reform of Parastatals. The affected lecturers have been requested to react to claims by the Polytechnic that they all had disciplinary cases which qualify them for retirement.

RECOMMENDATIONS

- 1) Government agencies (such as Office of the Head of Service of the Federation, Bureau for Public Service Reform, Federal Civil Service Commission etc) charged with the responsibility reforming the public service should perform this task strictly in accordance with the Guidelines.
- 2) Government should take appropriate steps to pay the terminal benefits of the public servants whose appointments were terminated.
- 3) Both the Office of the Head of Service of the Federation and the Bureau for Public Service Reforms should consider the appeals of aggrieved disengaged public servants with a view to re-instating those whose appointment were wrongfully terminated.
- 4) There is need for Government to revisit the Public Service Reforms with a view to making the service more efficient, focused and effective rather than only be concerned with the reduction of the workforce.
- 5) Government should put in place appropriate policies that will create conducive environment for self employment in the country.

COMMUNAL CONFLICTS AND OTHER RELATED VIOLENCE

Since independence, Nigeria has had to contend with many communal clashes. This is as a result of the historical coming into being of the nation itself. The Nigerian state comprises of many ethnic nationalities with differing cultural and religious identities. Centuries old interactions have led to accumulations of prejudices (in some cases) among various ethnic groups. Competition for allocation of political and scarce national economic resources has often led to violent clashes. Most communal conflicts always occur along ethnic and religious fault -lines. Sometimes, there is a convergence of ethnicity and religion.

By the year 2007, cases of communal conflicts had considerably reduced as the federal and state governments devised better strategies of containing it, especially in cities like Kaduna and Warri which have gained notoriety in this regard.

However, crisis in the oil rich Niger Delta region continued during the year. Militants and self-determination groups operating under various names engaged in violent attacks of oil installations and kidnappings, leading to destruction of lives and properties in places like Port-Harcourt and Warri.

The government, except in few cases, does not prosecute perpetrators of communal violence, though sometimes, it pays compensation to victims. Where security officers fall victims of communal clashes, such security agencies often carry out revenge killings against the community (ies) where such incidents occur, as happened in Odi (Bayelsa State) and Zaki-Biam (Benue State) during the last administration. Erring officers who perpetrate revenge killings and destruction are hardly investigated or prosecuted.

The Constitution of the Federal Republic of Nigeria, 1999 provides for the sanctity of life and property under S.33 and 42 Other relevant instruments include:

- African Charter on Human Peoples Rights
- ICCPR
- ICESCR
- Criminal Code laws (as applicable in all the Southern states of Nigeria)

- Penal Code Laws(as applicable in all the Northern states of the federation)
- Criminal Procedure Act(as applicable in all the Southern states of Nigeria and the Federal Capital Territory (FCT)
- Criminal Procedure Code(as applicable in all the Northern states of Nigeria)

CHAPTER THIRTEEN

CORRUPTION AND GOOD GOVERNANCE

Nigeria is blessed with abundant human and material resources. The material resources found in Nigeria include crude oil, solid minerals, cocoa, rubber, palm oil, groundnuts and cotton, amongst others. The discovery of crude oil in 1958 especially, enhanced the revenue profile of the country. However, the country and the greatest majority of its citizens have not benefited from this huge revenue. Despite billions of Naira realized annually from the sale of crude oil alone, Nigeria is yet to develop and maintain basic social infrastructures required to attain sustainable development.

Transparency International has consistently ranked Nigeria amongst the world's most corrupt nations. Corruption is endemic in the country particularly, among top political office holders. This has affected every sphere of the country's life and, is directly linked to the high rate of poverty. Over the years, there has been virtual stagnation in key sectors of public life such as education, health, power, transportation, amongst others. Poverty is a cause and effect of human rights violation. Corruption has turned Nigeria into one of the poorest nations in the world.

The Federal Government in its bid to fight this menace has created anti corruption bodies such as Economic and Financial Crimes Commission (EFCC) and Independent Corrupt Practices and other related offences Commission (ICPC). During the period under review, these bodies have taken bold steps to fight corruption in the country. In this regard, many former governors that could not be prosecuted due to constitutional immunity have now been arrested and are being prosecuted for various corruption charges. Other top political office holders such as senators, ministers and senior public servants, are also being prosecuted for corruption charges.

However, the fight against corruption is far from being won. Serious allegations of corruption over tenure elongation project were made against very senior Government functionaries at the twilight of the last administration.

The legal framework against Corruption in Nigeria includes:

- Constitution FRN, 1 999
- Penal Code laws(as applicable in all Northern states)
- Criminal code Laws(as applicable in all Southern states)
- The Economic and Financial Crimes Commission Act as amended
- The Independent Corrupt Practices and Related Offences Commission Act as amended
- The Money Laundering (Prohibition) Act
- Securities and Exchange Commission Act
- Securities and Investment Tribunal Act
- United Nations Convention Against Corruption.

Section 15 of the 1999 Constitution provides

(1) The motto of the Federal Republic of Nigeria shall be Unity and Faith, Peace and Progress.

(2) Accordingly, national integration shall be actively encouraged, whilst discrimination on the grounds of place of origin, sex, religion, status, ethnic or linguistic association or ties shall be prohibited.

(3) For the purpose of promoting national integration, it shall be the duty of the State to:

- (a) Provide adequate facilities for and encourage free mobility of people, goods and services throughout the Federation.
- (b) Secure full residence rights for every citizen in all parts of the Federation.
- (c) Encourage inter-marriage among persons from different places of origin, or of different religious, ethnic or linguistic association or ties; and
- (d) Promote or encourage the formation of associations that cut across ethnic, linguistic, religious and or other sectional barriers.

(4) The State shall foster a feeling of belonging and of involvement among the various people of the Federation, to the end that loyalty to the nation shall override sectional loyalties.

(5) The State shall abolish all corrupt practices and abuse of power. (1999 CFRN)
Article 5 United Nations Convention Against Corruption {Preventive anti-corruption policies and practices}

1. Each State Party shall, in accordance with the fundamental principles of its legal system, develop and implement or maintain effective, coordinated anti-corruption policies that promote the participation of society and reflect the principles of the rule of law, proper management of public affairs and public property, integrity, transparency and accountability.

2. Each State Party shall endeavour to establish and promote effective practices aimed at the prevention of corruption.

3. Each State Party shall endeavour to periodically evaluate relevant legal instruments and administrative measures with a view to determining their adequacy to prevent and fight corruption.

4. States Parties shall, as appropriate and in accordance with the fundamental principles of their legal system, collaborate with each other and with relevant international and regional organizations in promoting and developing the measures referred to in this article. That collaboration may include participation in international programmes and projects aimed at the prevention of corruption.

Article 6 United Nations Convention Against Corruption {Preventive anti-corruption body or bodies}

1. Each State Party shall, in accordance with the fundamental principles of its legal system, ensure the existence of a body or bodies, as appropriate that prevent corruption by such means as:

- (a) Implementing the policies referred to in article 5 of this Convention and, where appropriate, overseeing and coordinating the implementation of those policies;
- (b) Increasing and disseminating knowledge about the prevention of corruption.

2. Each State Party shall grant the body or bodies referred to in paragraph 1 of this article the necessary independence, in accordance with the fundamental principles of its legal system, to enable the body or bodies to carry out its or their

functions effectively and free from any undue influence. The necessary material resources and specialized staff, as well as the training that such staff may require to carry out their functions, should be provided.

3. Each State Party shall inform the Secretary-General of the United Nations of the name and address of the authority or authorities that may assist other States Parties in developing and implementing specific measures for the prevention of corruption.

Article 9 United Nations Convention Against Corruption {Public procurement and management of public finances}

1. Each State Party shall, in accordance with the fundamental principles of its legal system, take the necessary steps to establish appropriate systems of procurement, based on transparency, competition and objective criteria in decision-making, that are effective, inter alia, in preventing corruption. Such systems, which may take into account appropriate threshold values in their application, shall address, inter-alia:

(a) The public distribution of information relating to procurement procedures and contracts, including information on invitations to tender and relevant or pertinent information on the award of contracts, allowing potential tenderers sufficient time to prepare and submit their tenders;

(b) The establishment, in advance, of conditions for participation, including selection and award criteria and tendering rules, and their publication;

(c) The use of objective and predetermined criteria for public procurement decisions, in order to facilitate the subsequent verification of the correct application of the rules or procedures;

(d) An effective system of domestic review, including an effective system of appeal, to ensure legal recourse and remedies in the event that the rules or procedures established pursuant to this paragraph are not followed;

(e) Where appropriate, measures to regulate matters regarding personnel responsible for procurement, such as declaration of interest in particular public procurements, screening procedures and training requirements.

2. Each State Party shall, in accordance with the fundamental principles of its legal system, take appropriate measures to promote transparency and accountability in the management of public finances. Such measures shall encompass, inter alia:

- (a) Procedures for the adoption of the national budget;
- (b) Timely reporting on revenue and expenditure;
- (c) A system of accounting and auditing standards and related oversight;
- (d) Effective and efficient systems of risk management and internal control; and
- (e) Where appropriate, corrective action in the case of failure to comply with the requirements established in this paragraph.

3. Each State Party shall take such civil and administrative measures as may be necessary, in accordance with the fundamental principles of its domestic law, to preserve the integrity of accounting books, records, financial statements or other documents related to public expenditure and revenue and to prevent the falsification of such document.

A compilation of newspaper reports between May and November 2007 indicated that the present Administration is taking steps to address the issue of corruption in the country. EFCC and ICPC are determined in their efforts to ensure that former public office holders that served between 1999 and 2007 are prosecuted for corrupt acts perpetrated while in office. Some of these public office holders include the former governors of Jigawa State, Alhaji Saminu Turaki; Abia State, Dr. Orji Uzo Kalu; Plateau State Joshua Dariye, Edo State, Lucky Igbinedion, Taraba State, Rev. Jolly Nyame.

Alhaji Saminu Turaki was charged before the Abuja Federal High Court by the EFCC over allegation of money laundering. Although Turaki was later released on bail, he was initially remanded in prison custody by the court.

Orji Kalu and Joshua Dariye were also charged before the Federal High Court in Abuja for financial crimes perpetrated during their tenure. Both Governors were also remanded in prison custody before they were eventually granted bail. Dr. Chimaroke Nnamani, former Governor of Enugu State was also placed under arrest at the National Hospital, Abuja by the EFCC due to his health conditions at the time of arrest.

The two top leaders of the Federal House of Representatives, Mrs. Patricia Olubunmi Etteh and Alhaji Babangida Saidu Nguroje, former Speaker and Deputy Speaker respectively were also alleged to have approved over N600 million to renovate their official residences without following due process. After intensive debates on the matter on the floor of the House, the two officials were forced to resign.

According to media reports, the Independent Corrupt Practices and other related offences Commission (ICPC) had requested the Clerk of the House of Representatives to furnish it with details of the scandal. This was to enable the agency to prosecute the former Speaker and to determine the involvement of any other public officer in the scandal.

The manner in which the scandal in the House of Representative was handled and the eventual resignation of the two House leaders is an indication that corruption in high places can no longer be tolerated in Nigeria. The trials of many former Governors by the EFCC is also an indication that the Federal Government is desirous to stop paying mere lip service to fighting corruption and, is determined to deepen good governance, transparency and public accountability in the country.

RECOMMENDATIONS

1. Government needs to develop stronger political will in the fight against corruption in order to dispel the widely held notion among ordinary citizens that the fight against corruption is selective and targeted mainly against political enemies.
2. The Legislature at the state and federal levels should overhaul the criminal procedure laws so as to ensure prompt trials of suspects as well as confiscation of corruptly acquired properties.
3. The Government needs to review the Laws establishing the Independent Corrupt Practices and other related Offences Commission (ICPC) to make it more effective in the fight against corruption.
4. The Economic and Financial Crimes Commission (EFCC) should cultivate respect for due process and fundamental human rights safeguards in its operational activities.

5. The Judiciary should be more pro-active in the trials of corruption cases by doing substantial justice rather than clinging on technicalities protective of highly placed but corrupt citizens.
6. The traditional and religious leaders should be sensitized to refrain from according traditional and religious titles to corrupt citizens and political office holders.
7. Government should institute a higher salary structure for public servants which will take care of their basic needs and booster their morale for higher productivity, as this will reduce corruption in the system.
8. Government needs to make adequate and effective use of modern information technology and Communication System in the conduct of its business as this minimizes and exposes corrupt practices.
9. The National Assembly in collaboration with the Executive should pass the Freedom of Information Bill and assent it into law as a sign of Government's commitment to the fight against corruption.

CHAPTER FOURTEEN

ACCESS TO JUSTICE AND INDEPENDENCE OF THE JUDICIARY

Equality before the law is a prerequisite to a fair justice system in any society. Access to justice is guaranteed under the Nigerian Constitution. S.36 CFRN provides for right to fair hearing within a reasonable time. Also, S.6 of the Constitution generally vests the judicial powers in the judiciary without interference from other arms of governments. And, there are constitutional bodies responsible for the appointment, promotion and discipline of judges.

In the area of criminal justice administration, the police and the prisons, in addition to the courts, are key institutions. The principal legal instruments in use include the following:

The Criminal Code (applicable in 17 southern states of the federation)

The Penal Code (applicable in the 19 northern states and the Federal Capital Territory)

The Criminal Procedure Act

The Criminal Procedure Code
The Police Act, LFN, 2004
The Prisons Act

The government, in order to improve access to justice for the citizens who cannot afford services of private legal practitioners, established the Legal Aid Council in 1976. In 1996, the National Human Rights Commission was established to assist victims of human rights violations, amongst others. The government set also up Prison Decongestion Committees to carry out prison decongestion exercises in 1999 and 2007.

With regard to the independence of the judiciary, respect for and compliance with court orders are still not fully observed by the government. There are reported cases of non compliance with court orders (even those issued by the Supreme Court). However, the newly elected federal government which took office in May 2007 has pledged to make rule of law the cornerstone of its administration. This has been demonstrated in a number of decided cases where the federal government has promptly complied with court rulings even though the decisions were adverse to the interest of the government.

The judiciary, especially at the upper echelon is robust, fearless and vibrant. Judges with proven cases of misconduct are removed after careful investigations. At the state levels however, some judicial officers have failed to demonstrate independence in the discharge of their judicial functions. There are cases where the state governments interfere with the judiciary, leading to issuance of absurd court orders.

Despite a plethora of legal instruments and institutions aimed at safeguarding access to justice in Nigeria, the institutions saddled with the responsibility of ensuring access to citizens have increasingly found it difficult to ensure access to justice especially to the downtrodden. The prosecutorial processes are slow, leading to long detention and delayed trials. Some of the cases of breaches of these rights are still being reported as can be seen below.

Jibrin Yahuza, 27, single, a road side petrol seller from Gandu, Kumbotso Local Government Area of Kano State, was arrested on April 19 2004. He was detained at Sharada Police Station for three days and transferred to State CID, Bompai, Kano. Jibrin stated that he was hanged and tortured in order to confess that he

committed armed robbery. He later admitted that he committed the crime for fear of being killed. He spent 29 days in the State CID and was later arraigned before Airport Magistrate Court on 6th June 2004. He had no legal representation because he was indigent and, the State did not provide him with any. He was taken to court for hearing on 3rd October 2007, 4 years after his detention. The case was adjourned to 28/12/2007 for hearing.

Sirajo Yusuf, 21, from Kofar Nasarawa, Kano Municipal Area Council was arrested when he was 14 years old for fighting with a boy in his neighborhood. After the fight, Sirajo went to his brother's cobbler shop. The boy he fought with met him there and hit him on the stomach with a big stone. He fell down and on getting up, he ran after the boy, grabbed and stabbed him with the sharp object with which he was repairing shoes. The boy was taken to Murtala Muhammad Specialist Hospital, Kano where he died a day after admission.

Sirajo was arrested in 2000 and detained for 7 days in Kwali Divisional Police Station, Kano, along with adults. He was then taken to Remand Home, Kano on the order of Magistrate Court, Gyadi-gyadi. He spent 4 years before he was arraigned at High Court No.5 when he attained the age of 18. The Court ordered his remand in Kurmawa Central Prison, Kano. He spent 3 days in the prison and was transferred to Goron Dutse Prison, Kano. On 30th June 2006, the court ruled that it could not charge Sirajo for culpable homicide punishable with death because the offence committed by him was done when he was under 17years. Therefore, the court ordered that he should be detained at the Governor's pleasure in accordance with section 272⁽¹⁾ of the Criminal Procedure Code Laws of Northern Nigeria applicable in Kano State.

Miko Umaru, 55, farmer from Ajingi village, Ajingi Local Government Area of Kano State, was arrested and detained in Gaya Police Station in February 1992 for the alleged offence of culpable homicide punishable with death. He was arrested together with Ibrahim Sauro.

Miko and Ibrahim were transferred to State CID, Kano, where they spent 40 days in the cell before being charged to Chief Magistrate's Court 1, Bompai in March 1992. Their case was later transferred to High Court 6 Audu Bako Secretariat, Kano in April 1992. Ibrahim Sauro died before the case was transferred to the High Court. The surviving suspect, Miko, has been languishing in Goron Dutse Prison for over 15 years awaiting trial. The case has been adjourned severally. Miko said

that the last time he was taken to court was 18th October, 2007. He is not represented by counsel.

Ifarey Mba, 35, driver, of 25 Odutola Street Sabon Gari, Kano, married with four (4) children, was arrested for three months. He claimed that in August 2007, while working as a driver for one Mrs. Bridget Williams of Sabon Gari, Kano, he was conveying a load of beer to his employer's shop and had an accident when the vehicle lost balance. Some bottles of beer got broken. He phoned Madam Bridget and informed her about the incident. Madam Bridget got him arrested and detained for three weeks in No-man's-land Police Station, Kano. While in detention he was not requested to make any written statement. He was then arraigned before Magistrate Court 29, No-man's-land, Sabon Gari, Kano for the offence of Criminal Breach of Trust (CBT) under Section 312 and 320 of the Penal Code. He was remanded in Goron Dutse Prison, Kano where he was detained for three (3) months. He was granted bail on the condition that he brought 2 chiefs (Traditional Rulers) from his home state as sureties. As at the time of this report, Ifarey has not been able to meet the bail conditions because he is indigent and not influential to have access to any chiefs.

On April 11, 2007, Pius Okwuchukwu Ogbuawa, a motorcycle dealer was arrested by policemen from Nnewi Police Area Command, Anambra State for allegedly sponsoring the Movement for the Actualization of the Sovereign State of Biafra (MASSOB) to kidnap people in Anambra State between January and April 2007. He was detained for 21 days at the State Anti Robbery Squad (SARS) cell, Awkuzu. This was in spite of an order of the court that he should be released or arraigned. The Anambra State CID preferred charges of murder, treason and armed robbery against him. He was transferred to Zone 9 Police Command, Umuahia for 14 days and was released on bail after being interviewed by the Assistant Inspector General of Police Zone 9 and asked to report on May 21st 2007.

Before that date, he was re-arrested on 17th May 2007 by a team of policemen from Force CID, Abuja on the same allegation. He was detained and later released on July 12 2007 on the directive of the Deputy Inspector General of Police (DIG).

Ajayi Idowu, 29, was arrested on 11th July 2007, at the Murtala Muhammed International Airport, Ikeja-Lagos by men of State Security Service (SSS), a few minutes before his plane was to take off. He was on his way to South Africa for a

marketing rally organized and sponsored by Forever Living Products Company Limited, Ikeja Lagos. He was detained but was not told of the offence he committed, contrary to basic arrest procedures.

The victim sued the Acting Inspector General of Police and the Director SSS for a Declaration that his arrest and detention since July 11, 2007 was illegal and constituted a violation of his fundamental human right to fair-hearing. He also sought for an Injunction restraining their agents from further violating his rights.

On 24th February, 2007, Marcellinus Obi, businessman, resident at No. 5 Harmony Street, Oyigbo, Rivers State was invited for a meeting by Intercontinental Bank Plc at Landmark Hotel D/Line, Port Harcourt. When he went for the meeting, he was arrested and detained at the SOS Police Station. According to him, the police broke into his house and stores at Choba Village- Port Harcourt while he was in detention and took away some of his goods and property, some of which they sold without his consent or authority. He stated that some of the property and goods sold included a Nissan Jeep, Toyota Camry and Jewellries valued at N1,600,000 (One million and six hundred Naira).

He was released on the 8th of March 2007 and was admitted at the University Teaching Hospital, Port Harcourt. He had not fully recovered when he was re-arrested on the 24th, July and as at the time of this report, Marcellinus was still in detention.

The victim filed an application at the Federal High Court Port Harcourt seeking for an order admitting him to bail and a declaration that his detention is unconstitutional and a violation of his right.

John Ananenu, a sailor with Diesel Power Nigeria Ltd, Onne, Rivers State and the Captain of a boat, code named DPH, was arrested and detained on 17th July 2007. He was asked to report at the Marine Police Station in Abonema Wharf, Port Harcourt in respect of a concluded case in which he was involved in 2006 and released after investigation. His boat was said to have been involved in an accident that resulted in the death of an occupant of a smaller boat. Police investigation at the time, showed that his boat could not have been involved in the accident as, the size of the boat could not possibly navigate where the said accident occurred.

On 19th July 2007, he was arraigned before a magistrate court on a charge of manslaughter. The Magistrate refused him bail and he has remained in prison custody without trial up to the time of this report. The victim has since filed an application before the Federal High Court, Port Harcourt for a Declaration that his arrest, detention and charge before the Magistrate Court which had no jurisdiction to try him was a violation of his right.

Florence Maiwaazi, 18, of Old Karu, Nasarawa State, was arrested by the police from the Mararaba-Guruku Division of Nassarawa State. This arrest followed a complaint laid by Mr. Gerald Egwuagwu, also of Mararaba-Guruku, Nasarawa State.

Gerald, a businessman, met Florence in 2006 and promised to marry her. Shortly thereafter, Florence moved into his one room apartment and started cohabiting with him. Florence claimed that Gerald forced her to abort a 3 months old pregnancy, leading to some complications which have negatively affected her health.

Following this, Gerald asked her to move out of his apartment. When she refused, he brought a policeman who forcefully evicted her. He instituted a direct criminal complaint against Florence at the Senior Magistrate Court, Mararaba Gurku to scare her. She was charged for criminal intimidation under Section 397 of Penal Code Law of Northern Nigeria applicable in Nasarawa State.

Florence wrote a complaint to the National Human Rights Commission (NHRC) on 15th August 2007 requesting for assistance for the enforcement of her fundamental human rights. The NHRC provided her with legal representation at the Court on the 17th August 2007. Pursuant to the intervention by the NHRC, the police agreed to re-investigate the matter and prosecute Gerald if a case was made against him. The police have questioned Gerald and the medical doctor who allegedly performed the abortion. However, the police have not arraigned any person connected with the case nor made its findings known to the NHRC.

A recent visit to Goron Dutse prison in Kano, Kano State, revealed that some inmates were convicted and sentenced to various terms including amputation. Investigation further reveals that they had no legal representation at the time of trial. Below are details of the victims:

Hudu Isa, 27, single, male, trader, from Shanono Local Government Area, Kano State, was arrested and taken to Gwarzo Police Station on an allegation of theft. The charges read that he stole 12 dishes valued at N7,500 (Seven thousand, five hundred Naira) in January 2003. He was detained for seven days at the police station, charged and arraigned before the Shari'ah Court, Gwarzo, Kano State, where he was ordered to be remanded at Gwarzo Satellite prison. He had no legal representation. He was convicted and sentenced to amputation of his right hand without an option of fine on the 7th of April 2005. Thereafter, he was remanded at Goron Dutse prison. He has since been awaiting the execution of the sentence.

Saleh Haruna, 28, male, cattle rearer, from Damagari, Rogo Local Government Area of Kano State, was arrested at Rogo and detained at the police station for seven (7) days on the allegation of cow theft in 2005. He was tried by the Upper Shariah Court, Gwarzo without legal representation. On 15th March 2006, he was convicted and sentenced to amputation of his right arm. As at the time of this report, the victim was awaiting the execution of the sentence in Goron Dutse prison, Kano.

Sani Yau, 29, Fulani, married, from Saminaka town, Kaduna State, was arrested and detained for 7 days at Rimingado Police Station and for 4 days at State CID, Kano. He was detained on allegation of theft of a motor cycle with his friend from Tofa town. They were arrested at Kabo village in Kano State, while negotiating to sell the motorcycle. Sani said that his co-accused was released from detention. At his trial, Sani had no legal representation. He was convicted and sentenced to amputation of his right arm by the Upper Sharia Court on the 21st December 2006. At the time of the report, he was awaiting the execution of the sentence at Goron Dutse prison.

Hassan Ibrahim, 28, single, male, Motor Mechanic Apprentice from Gwammaja, Dala Local Government Area, Kano State, was arrested for the theft of 4 CD machines, 2 video players and a TV set from Daiba shop, Gwammaja, in September 2005. He was detained for 7 days at Dala Police Station. He was tried without legal representation, convicted and sentenced to amputation of his right arm by Upper Area Court, Gwale on 13th March 2006.

After the conviction by the Upper Area Court, a lawyer was engaged for him by his family, to appeal against the judgment. The appeal is yet to be heard.

REMARKS ON SHARI'A

According to Islamic jurisprudence, citizens in a nation should be provided with basic necessities such as shelter, food, education and employment. When the above obligations are put in place, then implementation of Shari'ah law comes into play.

RECOMMENDATIONS

1. Detention of persons without trial and without an order of the court constitutes an infringement of the right to fair hearing as well as right to personal liberty and freedom of movement. The Nigerian Police and other security agencies should be sensitized to desist from such practices. The practice of arrest and detention of persons prior to investigation should be discouraged.
2. There is need for continuous training and retraining of security agents with a view to improving and updating their law enforcement techniques and observing respect for human rights in the course of their work.
3. Government should strengthen existing mechanisms put in place to improve the Criminal Justice Administration in order to speed up trial processes. This should include adopting a fast track system as introduced in Lagos State, and strengthening existing bodies that provide pro bono legal services to indigent persons.
4. The police should appreciate jurisdictional issues in criminal matters. Therefore, Investigating Police Officers should endeavor to arraign suspects before proper courts in order to eliminate the incidence of Holden Charge.
5. Legal representation should be provided by the State to all indigent persons standing trial in criminal matters, without restriction to capital offences.

ENVIRONMENT

The legal protection of the environment has increasingly become imperative considering the importance of a safe, clean and secure environment to the enjoyment of other rights. In the course of time, human activities such as agriculture, lumbering, manufacturing, etc have impacted negatively on the environment. This has led to ozone layer depletion, global warming, desertification, erosion, deforestation, environmental pollution in many societies, including Nigeria.

In the Northern part of Nigeria, desertification is a major environmental challenge threatening access to adequate farm lands and human habitations. Extensive tracts of land have continued to be lost to gully erosion in the eastern states of Nigeria, while Lagos and the adjoining states are grappling with environmental pollution and waste management problems.

Statistics from Federal Ministry of Environment show that about 600 meters of land in Borno State is annually overrun by encroaching Sahara Desert. This causes severe drought which affects agriculture and hampers the eco-system. This situation in Borno State is indeed typical of all the States in the north- east and north- western parts of the country. There has been an upsurge in the number of seasonal migrants from the North-East and North-West zones of the country to the North Central and Southern states, due to harsh weather conditions and lack of access to water and cultivable land.

The situation in the Niger Delta poses greater challenge due to decades of continued oil exploration leading to spillages and consequential environmental pollution. Several farmlands have been wasted in this process while fauna and many animal species have become endangered or extinct.

The right to clean and secure environment is one area of rights that average Nigerians is not aware of their entitlement to. This has made government passive in ensuring the protection of this right .Although the government established the Federal Environmental Protection Agency (later upgraded to the Federal Ministry of Environment), this Agency and its counterparts at the state levels, have not adequately addressed the problems. In many cases, government interventions come only when serious environmental problems are reported. For instance, the

absence of proactive measures in handling environmental problems in the Niger Delta region is a major source of resentment by people in the region, leading to the restiveness being experienced there. Oil spillages resulting from oil exploration has rendered farm work and access to safe drinking water very difficult for the rural dwellers. Presently, other parts of the country that require attention are not receiving it. Experts warn that this neglect could result in serious environmental problems comparable to what is existent now in the Niger Delta region. In the South Eastern part of the country, soil erosion has become a major threat to the entire landscape especially in Enugu, Anambra and Imo States.

The Constitution under S.20 provides that "*the state shall protect and improve the environment and safeguard the water, air and land, forest and wild life of Nigeria.*"

The legal framework for the protection of environment includes the following:

- Constitution of Federal Republic of Nigeria, 1999
- Federal Environmental Protection Agency Act, Laws of federation of Nigeria, 2004.
- African Charter on Human and Peoples Rights (see also ACHPR, (Ratification and enforcement) Act.
- Universal Declaration of Human Rights

RECOMMENDATIONS

1. In order to restore the people's right to safe environment, the Federal and State Governments as a matter of urgency should create shelter-belts to control desertification.
2. Communities should refrain from cutting down trees. In this regard, concrete measures should be put in place to encourage tree planting and discourage indiscriminate tree felling. The current sensitization efforts on tree planting should be carried to the grass roots for effective results.
3. Government should provide affordable alternative sources of energy for domestic and other uses.

FREEDOM OF THOUGHT AND RELIGION

Respect for freedom of thought and religion is guaranteed under the Nigerian Constitution. S.10 of the Constitution provides that Nigeria shall not adopt any religion as a state religion. Violations of right to religions are sometimes perpetrated by non state actors leading to destruction of lives and religious premises. In some cases, neutrality of security and government officials in the handling of ensuing crises are questioned by the citizens.

Freedom of thought and religion is provided for in both national and international human rights instruments, such as Section 38 (1) of the 1999 Constitution of the Federal Republic of Nigeria; Article 18 of the International Convention on Civil and Political Rights; 18 of Universal Declaration of Human Rights, and Article 8 of the African Charter on Human and People's Right. The provisions are as follows:

S. 38. Constitution of the Federal Republic of Nigeria

(1) Every person shall be entitled to freedom of thought, conscience and religion, including freedom to change his religion or belief, and freedom (either alone or in community with others, and in public or in private) to manifest and propagate his religion or belief in worship, teaching, practice and observance.

(2) No person attending any place of education shall be required to receive religious instruction or to take part in or attend any religious ceremony or observance if such instruction ceremony or observance relates to a religion other than his own, or religion not approved by his parent or guardian.

Article 2

Every individual shall be entitled to the enjoyment of the rights and freedoms recognized and guaranteed in the present Charter without distinction of any kind, such as race, ethnic group, color, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status.

Article 8 African Charter on Human and Peoples' Rights

Freedom of conscience, the profession and free practice of religion shall be guaranteed. No one may, subject to law and order, be submitted to measures

restricting the exercise of these freedoms.

Article 18 African Charter on Human and Peoples' Rights

1 Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

Article 18, International Convention on Civil and Political Rights provides that Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

While the government has tried to protect the rights of all citizens to freedom of thought, conscience and religion, there were still some breaches reported during the year.

Kelechi Chikere (now Holy Reverend Sister Queen King), 27, is a student of the University of Lagos and a member of the Christian Praying Assembly Church, Ajao Estate, Lagos, Lagos State.

According to her, she joined the Church sometime in 2001 when she was taken there for spiritual deliverance from mental illness and other spiritual attacks. These claims have since been denied by her mother, Mrs. Margaret Chikere.

In 2003, Kelechi became a Reverend Sister in the Church. The Church leaders visited her family to inform them of the development and the consequences. That meant that she would neither marry nor have sexual relations with any man. In fact, that the family should forget about her. The Church was prepared to pay the sum of N250,000 (two hundred and fifty thousand naira) in consideration for her total lifelong devotion to the Church.

The family rejected the offer. However, upon persistent pressure from Kelechi's

elder sister, Adaobi , who is also a member of the Church, the father and consequently the family agreed to her new status.

In 2006, the Church was engulfed in some scandals and crimes leading to the arrest and arraignment of the leader of the Church, Rev King, before the Lagos High Court. This negative development led to the exodus of some members of the Church. Kelechi's sister and her husband, (Adaobi and Uchenna) also left the Church. They also mounted pressures on Kelechi to leave the Church.

In defence of her right to a religious belief of her choice, Kelechi insisted that she is now the property of the Church and would only visit the family at the command of the Lord. She stated that she was prepared to disown her family if they would not allow her to exercise her freedom of religion.

Officials of the National Human Rights Commission invited both parties for a meeting at its Lagos Office on the 22nd May 2006. At the meeting convened to resolve this issue, Kelechi's Mother debunked her daughters claims that she threatened her and the Church. She stated that Kelechi was under negative influences and indoctrinations. Kelechi who was accompanied to the meeting by Mr. Chijioke, the head of security unit of the Church requested her mother to sign an Undertaking that her mother would leave her alone and forget that she was her daughter. This proposition was considered by Mrs. Chikere as most absurd and repugnant to African culture. The meeting could not reconcile both parties.

On the 19th July 2006, Kelechi commenced an action against her mother at Igbosere Magistrate Court, challenging their interference with her right to a religion of her choice. The matter is still pending in Court at the time of this report.

Muhammed Bello Beri is the head of a Muslim organization (Islaudeen) based in Beri-Dusai of Mariga Local Government Area of Niger State. All these areas fall within a range of 120-150 kilometers radius from Kontongora, Niger state. The group had disagreed with His Royal Highness, the Sarkin Sudan of Kontongora, Alhaji Saidu Namaska over some Islamic doctrines and religious observances including the proper timing for the commencement and termination of annual Ramadan fasting. The insistence of the Islaudeen group to commence the Ramadan season once the group has physically sighted the moon without waiting

for the official announcement from Sarkin Sudan of Kontongora, did not go down well with the Sarkin. It was alleged that the Sarkin requested the Police to harass and intimidate the group with a view to making them succumb to the interpretations of the traditional Islamic authority. When contacted by the Commission, the police denied that it was receiving instructions from the Emir. The group has continued to face series of arrests from the police.

On 13th December 2006, the group wrote a petition to the President of the Federal Republic of Nigeria and the National Human Rights Commission urging investigations into unlawful arrests, detention, torture and killings of their members. This occurred few days earlier at Beri Dusai and the adjoining villages.

The DPO in Mashegun LGA and one police officer simply identified as Zurumi from the Office of the Area Commander, Kotongora, led a team of police officers to arrest members of the group namely: Aliyu Beri, Lawal Bello, Abubakar Bello, Bello Abdulahi, Lawal Sanni and Malam Bello Beri. Some of them sustained gun shot injuries and were taken to the state CID, Minna. A day after the operation, the Police went to Gada-Kasanga. While there, they allegedly ransacked the house of Mallam Umoru Abubakar. He narrowly escaped arrest but the sum of one hundred and seventy thousand Naira (N170,000) was allegedly stolen from his house during the search. One of his sheep was killed and his wife (Fatima Umoru) was arrested in his place. She was only released after spending three days in detention without trial. She was not informed the reason for her arrest and detention. The police teams led by DPO Mashegu had earlier in November 2006, stormed Kawo Mashegu and attacked the members of the group leading to the death of Mallam Usman Kawo while the others, namely; Usman Tailor, Aliyu Jaiye, Umaru Dabo and Shehu Tailor sustained gun shot wounds.

The detained members of the group have been charged before the Magistrate Court II, Kotongora. The National Human Rights Commission wrote a letter dated 15th December 2006 to the Inspector General of Police on the allegations of using the police against the religious group. The Police in their reply dated 22nd February 2007, refuted the allegation of being used by the Sarkin Sudan. They stated that Islaudeen group was fond of using abusive language against other Muslims of different group. Meanwhile the Islaudeen group has confirmed to the National Human Rights Commission that there has been no further harassment since the Commission took up the matter with the Inspector General of Police.

Victor Udo Esen, 1, residing with his parents at Mabera area of Sokoto State was abducted in November 2006. On 20th February, 2007, he was discovered to have been forcibly converted to Islam by some suspected Islamic Fundamentalists who abducted him and changed his name to Abdulkarim. This was reported by the Champion Newspaper of Tuesday, March 27, 2007.

Victor's parents who are indigenes of Akwa Ibom State, Christians, and members of Christ Apostolic Church, (CAC) Sokoto, attempted to regain the freedom of their child but met with stiff resistance from the abductors, who came out in a large numbers to resist it. This violates the provisions of section 38(1) of the 1999 Constitution of the Federal Republic of Nigeria on the right to freedom of thought, conscience and religion.

In April 2007, it was reported to the South East Zonal Office of the National Human Rights Commission, Enugu, that 55 members of the Jehovah's Witnesses religious sect of Isingwu in Ohafia Local Government Area of Abia state were driven out of their community for refusing to belong to Age Grades or contribute towards development levies in the community. They claimed that the monies already contributed had not been accounted for. They took refuge in Igbere Community in Bende Local Government of Abia. The National Human Rights Commission facilitated mediation between the parties from April to October 2007. Following successful mediation, it was agreed that the members of the sect who had been driven out of the community would be given one grace period to re-integrate into the community and pay their dues. The resettlement commenced in October, 2007 and the last batch was expected to be resettled before the end of 2007.

RECOMMENDATIONS

Respect for freedom of Conscience and Religion is sacrosanct as it is guaranteed by Section 38 of the 1999 Constitution of Federal Republic of Nigeria. Accordingly, State and non State actors should respect people's right to Religion

- Government should create an enabling environment for religious tolerance in the society.
- The Police should refrain from supporting a religious group against others in order not to create religious tension.

- Religious groups, while exercising their religious freedom, should refrain from attacking other religious groups.
- Urgent steps should be taken to promote the spirit of tolerance and understanding amongst the different religious groups in the country to avoid small misunderstandings degenerating into major religious clashes.
- Abduction is criminal and forceful conversion of any person to any religion is unconstitutional, and should be condemned by the authorities.
- The police and other law enforcement agencies should facilitate initiatives to free Victor. Should take steps and free other similar victims from their abductors. All persons found to be responsible for his abduction should be arrested, prosecuted and punished accordingly if found guilty.
- The Government of Sokoto State in collaboration with Islamic leaders in the community should device ways of educating the people on the danger of abduction and forceful conversion in order to provide a harmonious environment and promote religious tolerance in the State.

CHAPTER- SEVENTEEN

PARTICIPATION AND ELECTIONS

Nigeria operates a constitutional democracy S.1(2) of the 1999 Constitution provides that the federal republic of Nigeria shall not be governed, nor shall any person or group of person take control of the government of Nigeria or any part thereof, except in accordance with the provisions of this Constitution. Since independence, the military has intervened by taking control of government from democratically elected governments. This occurred in 1966, 1983 and in 1993. The major reason usually adduced for these military interventions is electoral malpractices usually perpetrated by the political parties in the areas under their control.

As part of its effort to examine the problem of electoral malpractices by security agencies and their effect on the people's rights to participation in governance,

here are some excerpts of the project of the Commission in collaboration with the UNDP Nigeria on the role of security personnel during the 2007 general elections in Nigeria.

Generally speaking, election malpractices have become a recurring decimal in Nigeria's political history. That this problem has eaten deep into the national political fabric is not in doubt: however what is in doubt is how to eliminate this cankerworm or at least minimize it. In the past, attention has been focused on the institutions directly involved in the electoral process in an attempt to find solution to the problem. Of interest, however is the role of security personnel in aiding and abetting election malpractices.

Reports from previous elections in Nigeria showed that the conduct of security personnel during elections leaves much to be desired. Yet, not much attention has been given to the impact of their conduct on the general outcome of election results. It is on the basis of this, that the National Human Rights Commission with the support of the United Nations Democracy Fund (UNDEF) and the United Nations Development Programme (UNDP) embarked upon this project. This project focuses on the role/conduct of security personnel in the electoral process: monitor their performance and make recommendations for future elections.

Under this project, various activities were undertaken, including sensitization of stakeholders through capacity building, advocacy visits as well as round table meetings. The idea was to enhance the capacity of security personnel and stakeholders and mobilize them for a more positive conduct during elections.

Training programmes were specifically organized for the security personnel in partnership with INEC. This involved the top hierarchy and officers that were posted for election duties. Sensitization was also extended to political parties often accused of influencing the conduct of the security personnel and using them to perpetuate electoral fraud.

The training sessions took place in four zonal locations namely: Abuja, Lagos, Kano and Umuahia in conjunction with the Joint donor basket fund managed by the UNDP. Two Thousand (2000) security personnel benefited from the training programme.

The subjects covered by the training programme included the following:

- INEC Structure, Functions and Key Electoral Personnel

- Functions of Security Personnel
- Electoral Offences and
- Human Rights Issues in Elections

In addition to the above, a one day round table meeting was organized for political parties. The meeting was to sensitize them and their candidates on the project and to ensure that they remained impartial in their conduct during the elections. Two Hundred and Seventy (270) monitors /observers were deployed to the eighteen (18) states of the federation carefully selected from each of the Six (6) Geopolitical zones and Abuja.

The choice of the States reflects the historical antecedent of elections in Nigeria. Team leaders made up of most senior officers of the Commission were selected to head each monitoring team in each state. The monitors deployed to all the identified states assessed the conduct of security personnel during the Governorship and Presidential Elections held on 14th and 21st April 2007 respectively. The reports collated by the team leaders after each election form part of this report.

The 2007 Nigerian General Elections took place in two parts. The Governorship and State Houses of Assembly elections took place on April 14, 2007 while the Presidential and National Assembly (NASS) elections held on April 21, 2007.

Monitoring of the role of security personnel in the 2007 elections was carried out in 18 States of the Federation and the Federal Capital Territory, Abuja; specifically ten States from the Northern and nine from the southern parts of Nigeria. The States are as follows:

- Abia
- Adamawa
- Anambra
- Bauchi
- Bayelsa
- Benue
- Borno
- Edo
- Enugu
- Kano
- Katsina
- Lagos

- Niger
- Ogun
- Oyo
- Plateau
- Rivers
- Sokoto
- Federal Capital Territory

Monitoring of the role of security personnel in the polling stations in these states were carried out by two hundred and seventy (270) monitors/observers made up of staff of the National Human Rights Commission, Non-Governmental Organisations and the Nigerian Bar Association.

A total of 1,505 polling stations and 87 collation centres were monitored with 3,826 security personnel in all the polling and collation centres monitored/observed in the aforementioned States.

The major objective of the project was to observe the conduct of security personnel during the 2007 general elections. Security personnel present at the various polling stations monitored were from the following organizations:-

- Nigeria Police Force
- Nigerian Army
- Nigerian Air Force
- Nigerian Navy
- Nigeria Security and Civil Defence Corps
- Nigerian Immigration Service
- Nigerian Custom Service
- Nigerian Prison Service
- State Security Service

In addition to these organizations, other non formal security outfits such as Man O'War, Vigilante groups and Forest Rangers were involved in maintaining law and order at the polling centres in some States.

Generally, with exception of some shortcomings noted in this report, the conduct of security personnel observed were in accordance with the guidelines issued by the Independent National Electoral Commission, Police Service Commission and the National Human Rights Commission. A majority of the security personnel were generally impartial and ensured that voters and electoral officials were orderly in their conduct.

The following inadequacies however impeded the performance of security personnel on electoral duties:-

- Inadequate number of security personnel at polling stations
- Dearth of Communication Equipment
- Lack of vehicles for movement of security personnel
- Lack of other Logistics

KEY FINDINGS

- a) Security Personnel found in most polling stations monitored included officers from the Nigerian Police Force, Nigerian Security and Civil Defence Corps, Federal Road Safety Corps, Nigerian Immigration Service, Nigerian Custom Service, Nigerian Prison Service, Nigerian Army, Air-force and Navy. The most visible of them were the Nigerian Police and the Nigerian Security and Civil Defence Corps.
- b) There was inadequate provision of vehicles for use by security personnel on election duties as some of them were seen on motor bikes while others walked long distances to their duty posts as a result of the restriction imposed on vehicular movement. Accordingly, most security personnel could not accompany the election officials and materials to the collation centres.
- c) Most of the security officials had no communication equipment. The few with personal mobile phones utilized them at their own cost to report incidents to their superiors.
- d) The Security Personnel arrived most polling stations much earlier than electoral officers, and some accompanied the electoral officers and materials to the polling centres.
- e) Security personnel on duty at the polling stations were mostly equipped with batons, horsewhips and tear gas canisters.
- f) Personnel from the Nigerian army, Air force and Navy on election duty seemed not well versed in ways of handling civilians in election periods.
- g) There was gender consideration in the posting of security personnel to polling stations. Most polling stations had both male and female officers.
- h) In some polling stations, some security personnel were observed influencing voters decisions by showing them how and whom to vote for.
- i) Some Security personnel were indifferent to various electoral offences like multiple voting, under aged voting, impersonation and snatching of ballot

boxes in some States.

- j) In a number of States, security personnel were overpowered by thugs who snatched ballot boxes in some polling stations.
- k) No provision was made for food and water for the security personnel on election duty thereby leaving them open to accepting food and drinks from party agents.
- l) In polling stations with inadequate security personnel, the officers had problems controlling the crowd that wanted to participate in the counting and this resulted in the ballot boxes being carried to the collation centres for counting.
- m) Majority of the security personnel wore their respective uniforms except the detectives from the State Security Services.

RECOMMENDATIONS

In order to improve the performance of security personnel in future elections, the following are recommended:-

- The training curriculum of security agencies should include modules on their roles and responsibilities while on election duties.
- Security personnel involved in all future elections should be trained on human rights and electoral standards.
- Comprehensive logistics arrangements should be made to ensure the safety of electoral personnel, materials and voters.
- Adequate feeding arrangements should be made for both security personnel and electoral officials.
- Adequate communication equipment like walkie-talkies, mobile phones etc should be provided for all security personnel on election duty.
- Adequate transportation arrangements should be made for security personnel at all stages of the electoral process.
- Allowances due to security personnel on election duty should be paid promptly before and after election duties. In this regard, an independent body made up of representatives of participating security agencies and the civil society should be responsible for this.
- Adequate number of security personnel should be provided in all polling stations and collation centres in future elections.

- Members of the Armed Forces should only be involved in providing parameter security during elections.
- All security personnel mentioned to have exhibited improper conduct in the performance of their electoral duties in this report should be investigated by the Office of the Attorney General and Minister of Justice through a panel of inquiry and if indicted should accordingly be prosecuted in accordance with the Electoral Act to discourage others from future misconduct.

GENERAL RECOMMENDATIONS

The culture of lack of respect for human life in the Nigerian society is reflective in the high number of extra-judicial, summary and arbitrary executions prevalent in the Nigerian society. This has been compounded by the long period of military rule, which has affected the psyche of the law enforcement agencies who carry out their functions in circumstances devoid of human rights consideration and respect for rule of law. In order to check this menace, there is need for synergy between the civil society, stakeholders in government and law enforcement agencies to develop strategies for total reorientation of both law enforcement officers and the society in general.

1. Torture, Cruel, Inhuman or Degrading Treatment or Punishment have become key tools of investigation in the hands of law enforcement agencies. This is as a result of weak capacity to investigate offences and human rights violations. This situation has been exacerbated by the non-criminalization of torture in status book. There is need to review all laws relating to the administration of justice with a view to criminalizing torture as well as the domestication of the Convention Against Torture (CAT) and all Protocols relating thereto.

2. A cursory examination of human rights situations examined in the 2007 report shows that the Police which is meant to protect the rights of citizens has constituted itself into the greatest violator of people's rights. This situation is attributable to the militarization of law enforcement agencies and poor knowledge of human rights. In order to revise this trend, there is need for the inclusion of mainstream human rights into the Training Curriculum for the training and re-training of law enforcement agents. Furthermore, human rights education should be made part of the educational curriculum from primary to tertiary level to empower citizens to protect their rights.

3. The general situation of Nigerian prisons has raised a lot of concern amongst stakeholders. This is a result of the state of decay of both infrastructures and standards. The prison audit exercise carried out by Commission in collaboration with the National Working Group on Prison Reforms and Decongestion in 2004 sparked off the present reforms in the prison sector by the Federal Government. In this respect, the Federal Government released the sum of N700m to the Federal Ministry of Justice to coordinate the decongestion of Prisons through improving access to justice of awaiting trial inmates. In order to assess the impact of this intervention on prison reforms, the National Human Rights Commission with the support of the UNDP embarked on another prison audit exercise in December 2007. While the report of this audit exercise is being awaited, a cursory glance at the draft report shows that the congestion level has not been affected by the said intervention. There is therefore need to put in place, concrete and practical prisons decongestion strategies to address the challenge of prison decay and congestion.

4. The importance of women in national development and public life in Nigeria cannot be overemphasized. Elsewhere in the world, efforts have been made to harness the potentials of women effectively in national development. In order to give effect to these efforts, the International community has encouraged the adoption of Affirmative Action to increase women's participation in national development. During the 2007 general elections in Nigeria, the number of women elected to the States and National Assemblies and other elective positions were abysmally low. This poor level of women participation in governance is also replicated in the case of appointive positions. The general situation of things therefore underscores the call by stakeholders to entrench Affirmative Action in all aspects of our national life, through constitutional, statutory and administrative measures.

5. There is need for the National and States Assemblies to urgently domesticate the Convention on Elimination of all Forms of Discrimination against Women (CEDAW), as well as, all the Protocols emanating therefrom.

6. The Nigerian media has been expressed to be one of the most vibrant in the world. The need to sustain this vibrancy is a challenge to both the government and all stakeholders in other to maximize the gains of our democratic government. In this regard, there is need to put in place legal and institutional frameworks to promote and protect freedom of expression by the media. Consequently, both the National Assembly and the Executive are enjoined to hasten the process for the passage of the Freedom of Information Bill.

7. Nigeria domesticated the Convention on the Rights of the Child in 2003 through the passage of the Child Rights Act by the National Assembly. Despite the efforts of stakeholders to encourage all States to pass the Child Rights Law in their various States, most State Governments especially, in the Northern part of Nigeria are yet to put concrete measures in place to facilitate the passage of the law. This state of affairs affects the uniform development and upbringing of children in the country. There is therefore need for all State Governments who have not passed the Child Rights Law to take immediate steps to do so. There is also the need for various arms of Government (Legislature, Executive and the Judiciary) to take necessary steps to implement the aspect of the Child Rights Act/Law relevant to them.

8. Education is a major catalyst to the enjoyment of other rights. In this regard, the 1999 Constitution of the Federal Republic of Nigeria recognized the needs of all citizens of Nigeria to enjoy the right to free education from primary to tertiary level, progressively, in line with government capabilities to provide same. In this regard, government has taken measures towards the realization of free and compulsory basic education at the primary and junior secondary levels. While the implementation of the policy at this level is yet to be effectively managed, there is therefore need to put measures in place to realize free and compulsory education at all other levels of learning.

9. The Nigerian Government should introduce Human Rights education in Junior Secondary School (JSS) and Senior Secondary School (SSS) and make a pass, a compulsory for the award of Certificate. Ministries of Education should include human rights education in their mass adult education programme. The National Youth Service Corps (NYSC) should also include Human Rights education in their Orientation Programmes.

10. The efforts of the Federal Government to bring healthcare to the doorsteps of the citizens can be appreciated in the establishment of the National Health Insurance Scheme (NHIS). While the efforts of Government are commendable in this regards, there is need to extend the benefits of the National Health Insurance Scheme (NHIS) to all citizens.

11. The mortgage and interest rates available to citizens should be critically looked at as the present arrangement is clearly exploitative of workers and other citizens. The arrangement between government and estate developers in Abuja and some other parts of the country is quite exploitative of the citizens. Despite the payment for the houses, the estate developers have devised several

deductions aimed at exploiting workers and rendering nugatory the benefits of the arrangements to provide cheap and affordable shelter. In the present arrangement for houses ownership with mortgage banks and estate developers, stakeholders were neither consulted nor involved. There is therefore need to review the present arrangements in collaboration with stakeholders to make it sustainable.

12. Dignity of labour is recognized as integral part of the right to the dignity of the human person. The requirement in international and local instruments for the participation of workers in negotiation of their conditions of work is part of efforts of the international community to give dignity to human labour. In this regard, the reward for labour should be able to meet the basic necessity of life in order to give the life of the workers the dignity it desires. Consequently, the Federal and State Governments are enjoined to improve the reward for labour and harmonize all salaries and allowances of workers.

13. There is need for the government to put in place measures to create self employment considering the number of jobs lost as a result of the government public service reform and the unfavorable economic climate leading to the closure of many industries. In this regard, the need to put measures in place to provide uninterrupted power supply can not be overemphasized.

14. The need for transparency, openness and accountability in governance is a major consideration for the government anti-corruption crusade since 1999. Nigeria is blessed with rich mineral and natural resources. However, since independence, the Management of commanding heights of Nigerian economy has not yielded the required results. Corruption in government has been a major challenge preventing the economic and infrastructural growth of the Nigerian nation. While commending Government efforts in establishing the anti-corruption agencies (EFCC and ICPC), there is need to refocus the anti-corruption drive by mainstreaming the policy into all aspects of our national life, including the educational system.

15. The delay in the administration of justice is a cankerworm that has eaten deep into the Nigerian justice system. This has occasioned over-crowding in Police and other detention centres as well as prisons across the country. There is need for the Government to put in place mechanisms to strengthen the Criminal Justice Administration. To this end and in order to speed up trial processes, there is need to adopt case tracking system as introduced in Lagos State. There is also

the need to strengthen existing bodies that provide pro bono legal services to indigent persons.

16. The importance of the judiciary in the administration of justice is a key consideration in any reform in the administration of justice sector. In this regard, there is need to improve the capacity of the judiciary to dispense justice without fear, favour or delay. Their area of capacity need includes, equipment support, increase in staff, institutional support etc.

17. The National Judicial Institute should take urgent steps to include human rights in the training curriculum of the judiciary.

18. The level of environmental degradation such as desertification, erosion, deforestation and environmental pollution in many parts of Nigeria today is worrisome. The escalating crises in the Niger Delta and some communal clashes in some parts of the country are attributable to long period of neglect of environmental problems in several parts of the country. Government should take proactive measures to address these challenges with a view to minimizing the tension created by these environmental problems.

19. Urgent steps should be taken to promote the spirit of tolerance and understanding amongst the different religious groups in the country to avoid small misunderstandings degenerating into major religious clashes. In this regard, the effort of Government to establish Nigeria Inter-Religious Council (NIREC) is commendable. However, this should be extended to all States of the federation.

The right to participate in elections and governance is recognized as a necessary component of democracy and good governance. Since independence, Nigerian State has made several efforts to device a credible electoral system that can generate confidence in the governed. The closest attempt at conducting a free and fair election was in 1993 by the National Electoral Commission (NEC) under Professor Humphrey Nwosu. Experiences of Nigerians in the 2003 and 2007 general elections have eroded the confidence of Nigerians in the electoral system and the resultant government. In monitoring the role of security agencies during the 2007 general elections, the National Human Rights Commission and other stakeholders who observed the elections all came to the conclusion that the conduct of the 2007 general elections left much to be desired. There is therefore need to revisit the strategies adopted in conducting the 1993 general elections with a view to modifying them to achieve credible elections in Nigeria.

THE END