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Nigeria

Country Report

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Nigeria¹

Location: Western Africa, bordering the Gulf of Guinea, between Benin and Cameroon

Area: 923,768 sq km

Capital: Abuja; note - on 12 December 1991 the capital was officially transferred from Lagos to Abuja; most federal government offices have now made the move to Abuja

Independence: 1 October 1960 (from UK)

Constitution: May 1999

Population: 129,934,911 (July 2002 est.)

Suffrage: 18 years of age; universal

Ethnicity: Hausa, Edo, Fulani, Ibibio, Kanuri, Nupe, Tiv, Ijaws, Itsekiri, Urhobo, Aguleri, Umuleri, Jukun, Ogoni, Mambila, Bansa, Kamba, Yoruba, Igbo (Ibo), note - estimates of the number of distinct ethnic groupings varied from 250 to as many as 400

Languages: English (official), Hausa, Yoruba, Igbo (Ibo), Fulani, Edo, Ibibio, Kanuri, Efik, Ijaw, Nupe, Tiv - note: number of languages listed for Nigeria is 515

Religions: Muslim 50% (Sufi, Salafi, Madhi, Shi'iten), Christian 40% (Roman Catholics, Anglicans, Baptists, Methodists, and a growing number of evangelical and Pentecostal Christians), indigenous beliefs 10%

Head of State

President Olusegun OBASANJO (since 29 May 1999); note - the president is both the chief of state and head of government; elected by popular vote for no more than two four-year terms; election last held 27 February 1999 (next to be held NA 2003)

Political parties and organisations

Parties represented in parliament

- **AD** - Alliance for Democracy; leader: contested between Yusuf Mamman and Alhasi Adamu Abudlkadir
- **APP** - All People's Party; Alhaji Yusuf Ali
- **PDP** - People's Democratic Party - leader: Barnabas Gemade, Secretary: Okwesilieze Nwodo; party of President Obasanjo

Other political organisations and parties

- **CP** Campaign for Democracy, chairman: Dr. Beko Ransome-Kuti, General Secretary: Sylvester Odion Akhaine
- **JACON** - Joint Action Committee of Nigeria
- **NADECO** National Democratic Coalition, political pressure group, founded 1994, leader: Abraham Adesanya, Ayo Adebajo
- **NALICON** National Liberation Council, regarded as militant section of NADECO
- **NCP** National Conscience Party, unregistered, leader: Gani Fawehinmi
- **NDA** National Democratic Alliance; leader: Francis Arthur Nzeribe
- **NRC** National Republican Convention, leader: Tom Ikimi

¹ CIA World Factbook 2002; US State Department: Nigeria - Country Reports on Human Rights Practices 2001, 4 March 2002; Schweizerische Flüchtlingshilfe: Nordnigeria, Update Mai 2002; Human Rights Watch: The Bakassi Boys. The Legitimization of Murder and Torture, May 2002; Schweizerische Flüchtlingshilfe: Länderkurzinformation Nigeria, Stand Mai 2002; UK Home Office: Country Assessment 2002 - Nigeria, October 2002; Governments on the www - Nigeria (www.gksoft.com/govt/en/ng.htm); www.AlertNet.org - Nigeria; UN Development Programme: Human Development Report 2001

- **SDP** Social Democratic Party, leader: Baba Gana Kingibe
- **UAD** United Action for Democracy, leaders: Olisa Agbakoba, Sylvester Odion Akhaine, Chima Ubani
- **RPN** Reform Party of Nigeria

Parties registered in June 2002 to run in 2003²

- **APGA** - All Progressive Grand Alliance - Chief Chekwas Okorie - merger of forces in the Democratic Movement and the unregistered Progressive Advance Congress, support in the Southeast
- **NDP** - National Democratic Party - Chairman Alhaji Aliyu Habu Faria
- **UNPP** - United Nigeria People's Party - Chairman Alhaji Saleh Jambo
both NDP and UNPP have Chairmen from the North and are considered to be backed by former President General Ibrahim Babangida

Parties established after September 1995 and dissolved in July 1998

- **CNC** Committee for National Consensus
- **DPN** Democratic Party of Nigeria
- **GDM** Grassroot Democratic Movement
- **UCPN** National Centre Party of Nigeria
- **UNCP** United Nigeria Congress Party

Ethnic interest groups and vigilante groups

- **Bakassi Boys** - Igbo
 - AVS Anambra State Vigilante Service (reportedly dismantled in fall 2002)
 - ISV Imo State Vigilante Service
 - ASV Abia State Vigilante Service (reportedly dismantled in fall 2002)
- **Ebonyi State Vigilante Service**
- **Egbesu Boys** - Ijaw
- **Egbe Afenifere** - pan-Yoruba political movement advocating federal restructuring
- **Hisbah** - Muslim vigilante group active in the Far North
- **IYC** - Ijaw Youth Council
- **Ijaw National Congress (INC)** - founded in 1991, non-militant, yet voiced support for IYC in January 1999
- **MASSOB** - Movement for the Actualisation of the Sovereign State of Biafra - Igbo
- **MOSOP** - Movement for the Survival of the Ogoni People
- **Niger Delta Volunteer Force** - Ijaw
- **Ohaneze Ndigbo** - ethnic association of Igbo, equivalent to Afenifere
- **OPC** O'odua People's Congress (Lagos, south-west) - Yoruba moderate faction led by Frederick Fasehun militant faction led by Ganiyu Adams
- **Owegbe Vigilante Outfit** - Edo State

There are many community unarmed (in theory) vigilante groups throughout the country.

² allAfrica.com/Daily Trust: The Politics of Party Registration 25 June 2002; Africa Confidential, 8 February 2002. In mid-November 2002, the Supreme Court declared the restrictions on registration of political parties that had excluded the majority of parties as unconstitutional. IRIN: NIGERIA: Supreme Court gives green light to new parties, 11 November 2002 http://www.irinnews.org/report.asp?ReportID=30859&SelectRegion=West_Africa&SelectCountry=NIGERIA

Police/security forces

- **NPF** Federal Nigeria Police Force, tasked with law enforcement
- **NDLEA** – Nigeria Drug Law Enforcement Agency
- **Mobile Police**
- **Rapid Response Teams**
- **SSS** State Security Service, internal security
- **NIA** - 'National Intelligence Agency' – foreign intelligence

Social and economic data

Age structure: 0-14 years 43.71%; + 65 years 2.82%

Population growth rate: 2.61% (2001 est.)

Birth rate: 39.69 births/1,000 population (2001 est.)

Death rate: 13.91 deaths/1,000 population (2001 est.)

Infant mortality rate: 112/1,000 live births

Life expectancy: male: 51.3 years, female: 51.7 years

People living with HIV/Aids: total: 5.06\$ (est. 1999), female (age 15-49): 1,400,000 (est. 1999), children (0-14): 120,000

GDP: GDP per capita \$250 (28,000 naira)

Exports: \$7.34 Mrd (est. 1998)³

Imports: \$11.27 Mrd (est. 1998)

Currency: Naira, divided into 100 kobo

³ Fischer Weltalmanach 2002, Nigeria, p. 590

Nigeria

Country Report

This report is based on the presentations by Enrique Restoy, Nigeria Researcher, Amnesty International London, and Heinz Jockers, Institute for African Studies, Hamburg, on 28 June 2002

1. Background (Heinz Jockers)

1.1 Political situation

Nigeria is currently going through its worst political and human rights crisis in years. Confronting violence triggered by communal and religious conflict, the country is extremely divided, perhaps as much divided as it was during the time of the Biafra wars. What are the reasons for this fragile and volatile situation?

First of all, President Obasanjo did not fulfil the hopes set into the civilian government and his leadership. The presidential elections were already fraught with irregularities as well as pressure and intimidation exerted by criminal gangs hired by local politicians. The results of the state elections were equally problematic, as many of the old guard of the Abacha era succeeded in maintaining power. Obasanjo himself shows very well that he once was a military leader. While many see this as an advantage because he has good relations with the army, his political culture, however, often derives from military rather than civilian government. He is used to passing laws by decree, not to negotiating with a parliament. This has resulted in a number of international human rights treaties being signed and ratified by the President without being passed by the National Assembly. He is also used to deploying the army to quell civilian unrest, not to strengthen and build the capacity of civilian police.

The political structure in Nigeria reflects the complexity of its society. Since 1996, there are 36 states under a federal government. In addition to the 36 federal ministers, President Obasanjo would have to consult with 36 state ministers. The states again are divided in 774 local government areas. On all levels, representatives are fighting for their share in power and resources. Upon his appointment as President of the first civilian government in 16 years, Olusegun Obasanjo faced the difficult task of balancing interests on the federal level, the state level, the community level and the local level. Reconciling Northern Nigeria, the South-West and the South-East has proven to be particular volatile given the ethnic and religious interest groups active in all three regions.

Political parties are fraught by internal divisions along ethnic and community lines. Members of Obasanjo's party in the South-East belong to the ethnic-linguistic community of Igbo and would thus support a different political agenda than the President. Support by the State Governors is extremely important for the federal government and accounts for many cases where the federal government gives in practice free reign to state governors, even if in theory they declare actions on the state level as unconstitutional, such as the establishment of vigilante groups or the introduction of Sharia laws.

Obasanjo is a very weak president. The fact that he is Yoruba is important given that during the military regime the country has mostly been ruled by politicians from the North, by Hausa-Fulani. He has, however, very little support among the Yoruba themselves, but is more or less kept in power by the Northern states. While communities like Edo or Igbo make claims upon the next presidency, the outcome of the elections will rather likely be a second term for Obasanjo. His very weakness probably is also his strength, as he represents the lowest common denominator in a severely divided country.

In parallel existence to the official government structures, there are local power structures based on "traditional" leadership on which about 3-5% of the state budget is being spent. These traditional leaders – emirs in the North, traditional chiefs in the South – exert considerable influence over certain matters such as distribution of land. Any governor who is installed will pay visit to the most important traditional rulers in his state in order to ensure their support and loyalty. The system resembles a kind of internal colonialism. Those traditional rulers are quite influential, and it is advisable to include them in any kind of development project one undertakes in Nigeria. But that does not necessarily mean that they represent their community. Mostly, they have bought their titles, and cannot claim any historical legitimacy.

In the run-up to local elections, several incidents of political violence were noted in a number of states. The governor of Anambra State is considered to be involved in a number of allegedly politically motivated killings (see Section on Bakassi Boys). The latest victims were lawyer Barnabas Igwe and his wife who were known as critics of the governor of Anambra State and had received threats in the days before the murder on 1 September 2002 (HRW 19 September 2002).

The Delta region, despite official promises to ensure a more equal distribution of resources, remains volatile. A recent Human Rights Watch Report documents continuing human rights violations and conflict both between Delta communities and government and oil companies as well as intra-community conflict over control of resources.¹

1.2 Economic situation

The economy has almost completely collapsed – the most ironic example being the exchange of oil for fuel, as almost none of the oil refineries are working. There is very little investment by foreign companies as most companies left either because of the volatile situation or because of the high level of corruption and embezzlement going on. Many enterprises are what one might call "white elephants", huge companies with a number of directors, deputies and supervisors, which produce nothing.

In the North there is some foreign investment from Islamic countries, mostly from Saudi-Arabia in building up Islamic schools and universities. But there is hardly any investment in public infrastructure such as roads or hospitals.

¹ Human Rights Watch: The Niger delta: No democratic dividend, 22 October 2002
<http://www.hrw.org/reports/2002/nigeria3/index.htm>

Corruption

Corruption in Nigeria is endemic. You cannot have access to political power if you are not somehow related to powerful business people or a rich businessman yourself. One part of what we call corruption is actually built into the system; everyone is aware of it and can act accordingly. Such is the case with a salary being in reality twice of what it says on the payroll, or the fee for a passport being double than what it says on the form. Another, more serious and damaging form of corruption is embezzlement of public funds, which continues unabated under Obasanjo.

This means that with few exceptions there is no relevant public spending neither on the state level nor on the federal level. Neither are there enough public funds. The state budgets and the federal budget were robbed both under Abacha and under Abubakar. Except for Abacha's son and maybe three or four members of the Abacha regime, there have been no consequences for those responsible. With some members of the Abacha family, Obasanjo struck an agreement that they would have to pay back some of the money they had embezzled. There was no action taken against former president Babangida who is still regarded as the richest man in Nigeria and is assumed by some to be trying for a political comeback in the 2003 elections.

This is one of the reasons why Obasanjo is not very popular in Nigeria. The dividend of democracy, which people have been waiting for, does not materialize. The economy does not get better, and chances to make a living and advance in life are not higher than they were under military rule. Poverty and a lack of perspectives are definitely very important motives for people to leave the country and come to Europe.

1.3 Importance of social networks

In Nigeria, as throughout Africa, every individual is dependent on a social network. On a traditional level, this might be the core family, extended kinship relations, the village clan, the village, the age group, secret societies. Recently, more modern networks have been established, such as the church, community-based associations (CBAs), schools, university or the military. Membership in all these groups demands a certain form of loyalty but also provides the individual with solidarity. Decisions being taken by an individual relate to this framework of social relations, but the impact this network has is not necessarily divulged to outsiders. (e.g. when secret societies determine voting behaviour as was the case with the recent elections in Sierra Leone).

As these social networks, and in particular kinship, plays such an important role in Nigeria, it is very unlikely that a Nigerian would move to a place where he or she cannot expect support from family members or their community. This is why in most major cities you will find quarters segregated by ethnicity and community. While this is certainly true for relocation within Nigeria, it applies to some extent to the people coming to Europe. Very often, they come to a country where family members, a support network is already present.

1.4 Ethnicity and language

Handbooks usually give a number of 250 to 400 ethnic groups in Nigeria. One has to be aware that those discrepancies in numbers result from the fact that these groups are delineated by linguistic differences. There are about 500 languages spoken in Nigeria. One also has to keep in mind that the dialects spoken within one language groups are not necessarily mutually comprehensible. While Yoruba generally do not have major difficulties understanding each other, the case of Igbo dialects is different. The difference between dialects can be illustrated by comparing German and Danish. A German-speaking person might be able to read and understand most of a text written in Danish, but will not understand a word of spoken Danish.

There are of course a variety of minority languages spoken in the Middle Belt and in the Niger Delta.

People would usually speak more than one language, especially if their mother tongue is a minority language. The most crucial part is whether you can make yourself understood at the market. If your mother tongue is a trader's language, a language spoken at markets, there might be no need for you to know a second language. In the Southern part of Nigeria, people usually speak and understand some Pidgin language used in markets.

The command of the second language might also be restricted to the vocabulary used in markets and trade. This is also the level many people would understand and speak English. The majority of people do not have a sufficient command of English to be able to read a newspaper.

Due to the large presence of funding from Saudi-Arabia in northern Nigeria, the use of Arabic is quite wide-spread in the North. Arabic, however, is not recognized as an official language in public service, and command of Arabic will not result in getting a government job.

The languages spoken in Nigeria are also spoken in neighbouring countries, sometimes throughout West Africa.

Ascription of ethnic identity

Northerners are generally referred to as Hausa, even if they belong to a minority community in the North. They themselves might refer to themselves as Hausa, and indeed the small languages are disappearing and Hausa is gradually taking over in the North. But Hausa is much more than a language, it is a culture and a way of living, and there is some pressure on minorities in the North to adapt to this way of living.

Religion is of course another important identifier. Most of the Hausa would be Muslims, but Yoruba would be equally divided in Muslims and Christians. Aspects of traditional religion, however, remain important for all groups in Nigeria.

2. Current human rights situation in Nigeria (Enrique Restoy)

2.1 Overview

Three years after the election of a civilian government in May 1999, Nigeria is going through the most serious spiral of conflict in its recent history. The degree of violence, in the shape of criminality, religious conflicts, inter-communal and inter-ethnic clashes has skyrocketed in the past three years. It is widely estimated that more than 10,000 Nigerians have died over the past three years as a result of this deadly cycle of violence.

Even though the general impression outside Nigeria might be that the upsurge in violence and the human rights abuses brought about with it have more to do with the idiosyncrasy of this vast country of 120 million citizens and over 250 different ethnic groups, than with the lack of will from the Government to secure human rights in the country. In fact, the Nigerian authorities at their different levels bear a great deal of responsibility in the current spiral of conflict and violence in the country.

Crime is probably perceived by the bulk of the Nigerian population as the main problem in recent times. So much so that to a large degree human rights violations and abuses are “justified” in the context of a campaign against crime. Community vigilante groups and even ethnic and religious militia organise themselves allegedly to fight crime leading to scores of deaths. In this respect, the action of the police has been particularly gruesome. The proliferation of anti-crime operations by the Federal Police has resulted in extra-judicial executions, death in custody, torture and cruel, inhuman and degrading treatment in police detention centres throughout the country.

The generalised context of crime and insecurity has paved the way for the creation of vigilante groups at local and state level. These groups are in theory created by common citizens and according to the law, must not carry weapons and the suspects they arrest must be immediately handed over to the police. The reality is in fact different. Vigilante armed groups are acting in an ever-growing number of states with the tacit, and sometimes explicit, endorsement from the State Governments. These State authorities must answer for their support to armed groups that routinely carry out summary executions, unlawful detention and torture and cruel, inhuman and degrading treatment.

Another source of distress and loss of human life is inter-ethnic and inter-communal conflicts around Nigeria. In this particular subject, various ethnic armed militias have spread terror throughout the country. Some of these militias combine illegal operations in the promotion of the interests of the ethnic group they represent with vigilante activities, allegedly to curb delinquency in their communities. These armed groups act in some states with the tacit endorsement from the State Governments.

The Federal Government has been compelled to call the Armed Forces to mediate in some serious inter-ethnic and inter-religious conflicts. On two main occasions, the behaviour of the Army has been unjustifiable. In November 1999, over 2000 citizens of Odi, Bayelsa State, were killed as a result of a retaliatory attack by the Armed Forces for the previous killing of 12 policemen. The same kind of reaction was displayed by the

army in various villages of Benue State, where over 200 people were killed by the armed forces between 22 and 24 October 2002, in retaliation for the killing of 19 soldiers.

Inter-religious clashes, arguably the most serious on-going conflict in Nigeria, have brought about an estimated 5,000 deaths in the past three years. The gradual introduction of new Sharia-based penal codes for Muslim citizens in 12 States of Northern Nigeria is partly to blame as it has sparked the tension between Christians and Muslims in those states and led to numerous encounters resulting in the loss of hundreds of lives. The events of September 11th have exacerbated the long rivalry between Muslims and Christians and brought about even higher incidence of death as a result of clashes between the two main religious communities.

In the run-up to presidential elections, due in April 2003, all these conflicts are unfortunately likely to explode to a greater extent as a result of actions by the security forces at the Federal level and by tacitly or expressly State-endorsed vigilante groups in the context of struggle for power. Amnesty International primarily calls on the Federal Government but also on the State governments to put the respect and protection of human rights on top of their political agenda for the forthcoming elections.

Nigeria has signed a number of international human rights treaties but so far none of them has been passed by the National Assembly which is a pre-condition for international law to be domestically applicable.

2.2 Questions related to the former military regime

2.2.1 Impunity for previous human rights violations

A number of high-ranking officers under the Abacha regime had been retired immediately after Obasanjo took office and some have been brought to court for human rights violations.² Many members of the military regime are still in a position of power. The Oputa human rights panel has recently handed its report to President Obasanjo. The report is said to cover about 2.000 – 3.000 cases of individual human rights violations, but no action has so far been taken against any of the perpetrators. It remains to be seen what the Federal Government intends to do in order to implement the Oputa Panel's recommendations. A case filed against former President Babangida for the killing of the journalist Dele Giwa in 1986; one wonders, however, whether this charge might not be politically motivated given that Babangida has voiced his intention to run as a candidate for presidential elections in 2003.

² "The Government continued to investigate or detain former Abacha government officials and family members, including former Minister of the Interior Capital Territory Jerry Useni, former National Security Advisor Ismaila Gwarzo, Abacha's wife Maryam, Abacha's son Mohammed, and Colonel Ibrahim Yakassai, for the murder and attempted murders of other prominent pro-democracy activists in Lagos from 1996 to 1998; Colonel Yakassai was being held for alleged involvement in the death of Shehu Musa Yar'adua. All of the cases were ongoing at year's end." (US Department of State: Country Report on Human Rights Practices for the year 2001: Nigeria 4 March 2002 <http://www.state.gov/g/drl/rls/hrrpt/2001/af/8397.htm>)

2.2.2 Former Abacha supporters and critics

It is extremely unlikely that anyone would face persecution for criticism or actions taken against the Abacha regime. People who have supported Abacha might face some difficulties upon return to Nigeria, but nobody would be imprisoned for supporting the Abacha regime or being an important member of it or any other military government. Abacha's son was released after Obasanjo made a deal with the Abacha family for which the family would return part of the immense fortune looted by the late general from the country's revenues.

2.2.3 Student activism

Responding to a question from the audience on the current risk faced by participants in student demonstrations or organizers of student strikes which occurred in the mid-nineties, and who at the time had been detained by the police. Mr Jockers advises to double-check whether those claimants have indeed been registered at the respective university and whether the group they claim to have been a member of exists. He also expressed his doubts about the police keeping records for longer than five years. Mr Restoy specified that while it would indeed be unlikely for the police to keep records for a long time this would mostly be due to a disinterest in the case. If, however, extra-judicial killings happened in the course of the protests (e.g. student/police clashes in Lagos state or in Delta state are particularly high-profile), the police can be expected to maintain records of those who participated and therefore could be considered witnesses to excessive force used by the police. There are a number of well-to-do families as well as legal aid organizations who have charged police officers with the killing of one of their family members, and the police would naturally be quite interested in getting hold of persons who might be able to testify in such cases. Mr Restoy does not know of any particular case where a former student protester had been arrested upon return to Nigeria.

2.3 Judiciary/Law/Police/Security forces (Enrique Restoy)

2.3.1 Response to crime

In words of the former Minister of Police affairs, Major General David Jemibewom, regarding the security situation in Nigeria: "[...] our new found democracy became to some extent a source of insecurity and lawlessness, as [...] rights were misconstrued and exercised without restraint. The last one year of this administration-Obasanjo's government- has therefore witnessed an increase in the wave of crimes in various parts of the country."

2.3.2 Police

Rising popular concern over crime, in particular armed robbery has increased the pressure on police officers to arrest suspects of major crimes. Therefore, there is ever more reluctance from the police to release suspects of armed robbery. All these circumstances colluded to explain the increase in reports of torture and cruel, inhuman and degrading treatment of suspects in police detention centres.

Cases of torture and cruel, inhuman and degrading treatment are often linked to attempts to extract confessions of armed robbery or murder, which would secure that the suspect would be imprisoned. Over 77% of inmates in Nigerian prisons claim to have been beaten by police, threatened with weapons and tortured in police cells.

Extra-judicial executions outside detention centres in Nigeria are often linked with operations by special task forces assigned to patrol streets and roads to take on armed robbery or violence, and illegal activities carried out by some members of the police force, including illegal checkpoints set up to take bribes from citizens. Such unlawful activities, which have been carried out for decades, have eroded the image of the police among the population and fostered the popularity of alternative armed groups to act as vigilantes.

Cases of excessive use of force were reported during security forces' mediation in inter-communal or inter-ethnic clashes and in operations to confront demonstrations and other expressions of public unrest. Although the most serious allegations of excessive use of force resulting in massive killings have been attributed to the armed forces, the police have also been responsible for extra-judicial executions.

Clashes between police and students or youths have led to numerous killings over the past three years. A presidential Commission of Inquiry was set up on 13 March 2001 to investigate the causes of the conflict between security forces and groups of students and youths, which has repeated itself in several parts of the country. The commission concluded its investigation, but the report has not been made public.

Violence in the Niger delta, Nigeria's oil belt, including Delta, Bayelsa and Rivers States has increased over the past three years. Encounters between the police and ethnic militia, students and other groups in the area have left dozens of people dead. The behaviour of the police has been criticised as they have reportedly exerted excessive use of force killing several people. There are also allegations of police attacks on defenceless civilians in retaliation for previous attacks on the police.

The behaviour of the police has not changed since the civilian government came to power. Under the military government, the army dominated and undermined the police, leading to severe lack of funding, personnel, and training. While the influence of the military on the police forces has waned, the situation in the police has not changed. There is still corruption, there is still ill-treatment in detention, and police continue to commit extrajudicial executions. The situation is exacerbated by the rise in crime with the advent of the civilian government. The increasing criminality, coupled with a weak and abusive police force, has paved the way both for the introduction of Sharia-based

laws in the North, as well as for the vigilante groups in the South, both of which are partly due to an effort to curb criminality. The establishment of anti-robbery squads with shoot-on-sight permission has also to be seen in connection with widespread criminality affecting the security in cities and towns.

Holden (Holding) charge

The absence of clear guidelines for police bail and the corruption within the judiciary has led many police to bring suspects before a magistrate rather than a prosecutor. While magistrates do not have jurisdiction to hear major criminal charges, they can decide on remand of the suspect who then has to await trial in prison. In order to make sure that a person will stay in prison, police arbitrarily charge suspects with major offences, such as armed robbery. Prosecutors will be extremely hesitant set free a detainee accused of armed robbery, as this would be a very unpopular move. Thus prisons and detention centres remain overcrowded and persons accused of stealing a pencil spend four years in pre-trial detention. Police also try to extract confessions through torture.

Wrong accusations

There are many cases of families paying the police to get somebody arrested. Because of the holden charge, the police does not need to present evidence. When the defendant is brought before a judge, it becomes clear that there is no case, but until then, the person has already been kept in pre-trial detention for several years. This practice of having somebody brought into custody on fabricated charges is perceived as normal and forms part of the system of corruption which any person living in Nigeria must adapt him- or herself to.

2.3.3 Prison conditions

Prison conditions in Nigeria are undoubtedly very bad. Prisons are overcrowded, the hygienic conditions are extremely bad, inmates have to sleep on the floor and their relatives have to bribe the prison guards to bring food to the prisoners who get only one meal per day, two meals as a maximum. They are rarely allowed to go out. This, however, is the case with many countries all over Africa. What makes the situation in Nigeria particularly bad is the extremely long time people spend in pre-detention, generally no less than five years. 80% of the people in custody are people awaiting trial. While they are awaiting trial, the police subjects them to torture and ill-treatment to extract confessions. There is quite a number of cases where detainees have confessed to a crime they have not committed only to be transferred into regular prison and know when they will be released instead of having to wait for a trial which might never come, given that files may be lost.

Torture occurs frequently in police custody and pre-trial detention. It is less common in regular prisons. It is not possible to give an exact figure of torture cases, but a large number of cases, certainly in the thousands, have been documented in recent times.

2.3.4 Judicial system

"Under the Constitution, the regular court system is composed of federal and state trial courts, state appeals courts, the Federal Court of Appeal, and the Federal Supreme Court. There also are Shari'a (Islamic) and customary (traditional) courts of appeal for each state and for the Federal Capital Territory (Abuja). Courts of the first instance include magistrate or district courts, customary or traditional courts, Shari'a courts, and for some specified cases, the state high courts. The nature of the case usually determines which court has jurisdiction. In principle customary and Shari'a courts have jurisdiction only if both plaintiff and defendant agree. However, in practice fear of legal costs, delays, distance to alternative venues, and individual preference caused many litigants to choose the customary and Shari'a courts over the regular venues. Shari'a courts, which have begun to function in 12 northern states, carried out 2 amputations during the year" (USDOS 2001).

Traditional courts usually have jurisdiction over land issues as well as over family issues. Corruption is considered to be rampant in the court system as well.

2.3.5 Role of the armed forces

The federal government has called the armed forces to mediate in some serious inter-ethnic and inter-religious conflicts in the past three years, instructing them to carry out occasional policing activities. On two main occasions, the armed forces were responsible for the killings of civilians. In November 1999, over 250 citizens from the town of Odi, in Bayelsa State, were killed as a result of a retaliatory attack by the armed forces for the earlier killing of 12 policemen. The same kind of reaction was displayed by the armed forces in various villages of Benue State, where over 200 people were killed by the armed forces between 22 and 24 October 2002, in retaliation for the killing of 19 soldiers. The federal government has failed to effectively investigate the events of Odi and Benue State and not a single soldier has been sanctioned for the attacks on civilians. The federal government has not apologised for the killings of civilians in Odi and Benue State and no victim or family of victim has received proper compensation and redress. In mid-September 2002, President Obasanjo was reported to have, in response to an enquiry submitted by PDP members of parliament, acknowledged to have given orders for deployment in Odi and Benue State as well as to have rejected the use of the term "Massacre" for the deaths of hundreds of civilians in both incidents.³

2.4 The vigilante phenomenon in Nigeria (Enrique Restoy, comments Heinz Jockers)

The growing importance of government-endorsed vigilante groups is closely related to the perceived inefficiency of the law enforcement and judicial system. One must understand, however, that vigilante groups are part of a system of community law enforcement.

³ New York Times: Nigerian Leader Admits He Deployed Army, 12 September 2002
<http://www.nytimes.com/2002/09/12/international/africa/12NIGE.html>

Vigilante groups existed in Nigeria long before the return of civil rule, even during the previous military governments of Generals Abacha and Abubakar. They have traditionally been seen as an extension to the work of law enforcement officers in a country with rampant delinquency and a lack of police training, equipment and personnel. For instance, in southeastern Nigeria there have traditionally existed the "Ndinche", community guards formed by volunteers in villages who would bring presumed criminals to the community council "Amala" and then display them in front of the village to their shame.

In the late 1980s and throughout the 1990s, military governments established anti-crime squads that included soldiers, police and vigilante groups. These squads were infamous for their cruelty with presumed robbers and criminals.

The traditional concept of vigilante however, exclusively refers to un-armed voluntary citizen groups created in local communities to help the security forces confront common criminality and social violence, by arresting presumed delinquents and handing them over to the police. The Nigerian law recognises the lawfulness of vigilante groups arresting presumed criminals provided that they are unarmed and that the suspect is immediately handed over to the police.

Today, activities of vigilante groups in Nigeria fall short of these restrictions. The increasing incidence of crime since the end of the military regime has favoured the proliferation of heavily armed vigilante groups of various conditions and interests in nearly every corner of Nigeria. There is no pattern to define who creates them, what they fight for or the methods they employ, and most importantly, there is not a clear code of conduct binding them, nor an official register of legal vigilante groups.

Armed vigilante groups in Nigeria are reported to carry out summary executions of presumed criminals and perpetrate acts of torture, cruel, inhuman and degrading treatment, unlawful detention and "disappearances". Allegations of extortion, harassment, arson, destruction of public property or armed robbery are also numerous among these groups.

In the majority of cases, vigilante groups have their origin in political or militant organisations designed to ensure that the interests of specific ethnic groups in different parts of the country prevail. Such is the case of OPC (O'odua Peoples Congress) created to promote the interests of the Yoruba ethnic group in south-west Nigeria, MASSOB (Movement for the Actualisation of the Sovereign State of Biafra) which claims to represent the Igbo ethnic group in eastern Nigeria or Egbesu Boys, based in the oil-producing Delta region, and to promote the rights of the Ijaw ethnic group. With the general concern over crime, most of these groups have extended their scope to vigilante activities.

Some State Governments have up-graded the notoriety of the vigilante phenomenon in Nigeria by tacitly or openly endorsing armed vigilante groups as part of a campaign against crime. The endorsement of such groups has proven popular especially in the Southeastern states where soaring crime rates have been viewed as a serious impediment to trade and economy.

2.4.1 State-endorsed vigilante groups

Some armed vigilante groups, especially in the southeast of Nigeria, claim to exist exclusively to take on crime. Such are the cases of Anambra State Vigilante Service, Abia State Vigilante Service and Imo State Vigilante Service. There are also vigilante groups of this nature operating in Ebonyi and Enugu States. A bill establishing a vigilante group in Edo State was tabled at the Edo State Assembly in August 2001. The Ebonyi State House of Assembly passed a bill creating the Ebonyi State Vigilante Service. Yet, the Governor of the State has not signed it yet.

The common pattern of the vigilante armed groups in Nigeria today is of allegations that these groups carry out summary executions and illegal detention and acts of torture and cruel, inhuman or degrading treatment of presumed criminals. *Again it is difficult to give numbers, but there is credible evidence to assume that the Bakassi Boys have killed about 2.000 - 3.000 civilians in the past two years.*

2.4.2 Armed vigilante groups in south-eastern Nigeria: the Bakassi Boys

Bakassi Boys are named after the Bakassi Peninsula, an area disputed between Cameroon and Nigeria. The term is commonly applied to various vigilante groups operating mainly in Abia, Anambra and Imo States. These groups were allegedly created to curb the upsurge in violent crime and armed robberies in their respective States. The difference between the Bakassi Boys and other vigilante groups lies in their purported non-concern for ethnic interest. This makes them infinitely more popular because they are not perceived as acting only on behalf of the Igbo, but protecting all people living in a state from a soaring criminality, while the OPC in Lagos is seen as serving Yoruba interest only. This does not mean that they are any less dependent on the will of the governors of the states in which they operate.

The extreme popularity of the so called Bakassi at their inception has to do with their campaign to rid society of crime, but it also has a connotation of black magic fetishism; it is widely believed among people that these groups have extraordinary powers and that they are bullet-proof by magic and virtually immortal.

The Bakassi Boys of Anambra, Abia and Imo States have been accused of carrying out extra-judicial executions, perpetrating acts of torture, cruel, inhuman and degrading treatment of alleged criminals and illegal detention with the endorsement of the State Governments and the State of Assembly of their respective States.

Abia State: The relation between the Abia State Government and the Bakassi Boys of Abia State, Abia State Vigilante Services, has not been officially sanctioned. The chairman of Abia Vigilante Services has repeatedly expressed the connection between them and hinted that it is the Government of Abia State that finances the operations of the armed vigilante group.

Imo State: The Imo State Vigilante Service (IVS), or Bakassi Boys in Imo State, was created by an enactment of the Imo State House of Assembly on 22 December 2000. The Speaker of the State House of Assembly allegedly invited them to act as the security forces of the state, apparently with the opposition of the Governor of the State,

who has not signed the bill into law.

Anambra State: The recent armed vigilante movement in Anambra has its origins in the Onitsha Traders Association (OTA), a group formed in the late 1990s to fight the upsurge of armed robbery around Onitsha market, traditionally the biggest market in West Africa. OTA was reportedly organised under the auspices of the Governor of Anambra State and started its operations in September 1999.

OTA allegedly summarily executed over 1,500 people between September 1999 and July 2000. The group was also accused of torture, unlawful detention and cruel, inhuman and degrading treatment of alleged criminals. In view of social unrest over the poor performance of OTA in dealing with armed robbery, another vigilante group allegedly coming from Abia State confronted the OTA. The latter group would evolve into what is known as Bakassi Boys of Anambra State.

The Anambra State Vigilante Service is the first - and to-date only - armed vigilante group officially recognised by a State Government in Nigeria through a bill enacted by the State Governor. The Bakassi Boys have repeatedly been accused of carrying out summary executions of presumed criminals but also of assaulting people considered political opponents of the State government. The Governor of Anambra State and officials responsible for the AVS have denied the accusations.

Hundreds of people of Anambra State are reported to have been summarily executed by the Anambra Vigilante Service since the official recognition of the armed group by the Authorities of Anambra State. There are also reports of scores of people being tortured or subjected to cruel, inhuman or degrading treatment, illegally detained, or "disappeared" by AVS.

In some cases, federal police forces have participated in joint patrols with the Bakassi Boys and have been seen to participate in extortions. There are also reports of members of the Federal police in Anambra state acting in collaboration with the vigilante service in "anti-crime" operations in the area where summary executions at the hands of these combined groups have reportedly been committed.

The other vigilante groups have not been endorsed by law, but governors and local politicians have made supportive declarations on their behalf, and in any case have not taken strong action against them. Neither has the federal police: no legal action had been taken against Bakassi Boys until Police Inspector-General Balogun introduced a strict enforcement policy in July 2002. At the time, an illegal detention centre of the Bakassi Boys in Abia state was stormed, several members of the police and the vigilantes being injured or even killed. 36 members of the Bakassi Boys were arrested, those illegally detained were released and the detention centre closed down. This operation was followed by further action against vigilante groups in the South-East, as documented in a recent Amnesty International Report:

"In August and September 2002, the police carried out a series of raids against the armed vigilante groups in the south-east, mainly in Abia and Anambra States, arresting at least 100 vigilante members and releasing scores of illegally held detainees. This latest initiative however, might prove insufficient if it is not

sustained in time and applied consistently for all armed vigilante groups operating in Nigeria, and unless those responsible for human rights abuses and violations are brought to justice. Any armed vigilante groups conducting law enforcement functions, with or without official endorsement, who do not meet relevant human rights standards should be permanently dismantled. At the same time, police must, in their fight against crime, observe all relevant international human rights standards concerning the use of force by law enforcement officers.

[...]

The dismantling of the Bakassi Boys is still challenged by some state governors. The governor of Abia State stated in an interview for the state-owned Radio Nigeria in October 2002 that: "Nobody has the power -unless they want to cause problems- to stop us from having the vigilante services"

[...]

With social pressure over increasing crime and poor performance by the Nigerian security forces and in the run-up to presidential elections, due in April 2003, there is a clear risk that tacitly or expressly state-endorsed vigilante groups will carry out further human rights violations and abuses in the context of struggle for power.

The recent crackdown on the so-called Bakassi Boys must not obscure the fact that the Nigerian armed forces and police are also responsible for numerous human rights violations. The protection and promotion of human rights must be given the highest possible priority in all aspects of decisions relating to policing and security issues as they central to providing justice and security through the work of security forces".⁴

Apart from the numerous human rights violations committed by the Bakassi Boys, a worrying trend has been noted that vigilante groups might be used by state governors as a veritable armed force against the federal government in the upcoming elections. In political terms, the vigilante groups are equivalent to the introduction of the Sharia based penal codes in the Northern states. As with Sharia law, the existence of armed vigilante groups - which is against the federal constitution - is seen as a leverage, a flaunting of power of state governors in the face of the federal government. Access to weapons is very easy in this part of the world, with arms traded through Liberia and Sierra Leone. One must understand that the group which managed to overpower the patrol of 19 fully armed soldiers in Taraba state was Tiv militia to grasp the full potential of these groups to form a real power base for state governors against federal police and army. There have been a number of cases in which political opponents to the governor

⁴ Update on Bakassi Boys is taken from Amnesty International: Vigilante violence in the south and south-east, AI-index: AFR 44/014/2002 19/11/2002 <http://web.amnesty.org/ai.nsf/recent/AFR440142002?OpenDocument> Governor Mbadinuju of Anambra State has announced the establishment of a new vigilante outfit, the Anambra Traders' Vigilante Services (ATVS), dubbed ASMATA boys. See: Vanguard: Asmata Boys Replace Bakassi Boys in Anambra, 28 November 2002 <http://allafrica.com/stories/200211300065.html>

of Anambra state have been harassed intimidated, arrested and illegally detained and tortured for several days by Bakassi Boys.⁵

There is thus a clear risk of political manipulation of vigilante groups during forthcoming election campaigns, especially presidential elections due in April 2003. They may be used to commit further human rights abuses in order to intimidate political opponents, social leaders or simply, voters.

2.5 Inter-ethnic and inter-communal clashes (Enrique Restoy, comments Heinz Jockers)

2.5.1 Background

For an overview of ethnic and linguistic communities as well as inter-communal conflict please refer to the Table in Annex 1.

Inter-ethnic and inter-communal conflicts are arguably the longest-lasting problem of Nigeria, a country of over 250 different ethnic communities. Some examples of recent clashes are those of Kaduna, which became the scene of ethnic clashes between local communities in May 2000, resulting in 100 deaths. In Ebonyi State inter-communal fighting took place on 25 July 2001 resulting in the killing of 27 people. Tiv and Azeri communities clashed in Nassarawa state between 12 June and 17 July 2001. 200 people were reported killed in the fights. The conflict spread to the neighbouring states of Taraba and Benue. In Taraba State, 21 people reportedly died in clashes between Tiv and Jukun communities in October 2001. The Tiv and Jukun conflict provoked the intervention of the Armed Forces and the subsequent events of Benue some days later. Also in Taraba State, Mambilla and Fulani communities clashed in January 2002. 100 people reportedly died as a result of the fights and over 23,000 people were displaced. As of May 2002, there are still 20,000 refugees from Taraba State in Cameroon. Also in January 2002, more than 20 people were estimated killed in clashes between Hausa-Fulani and Birom communities in the village of Turu, near Jos, Plateau State. In May 2002, at least 15 people were killed and a hundred displaced in clashes between Yege and Lakpor communities of the Ogoni ethnic group in Bori, Niger Delta.

Struggle over scarce resources is at the heart of most communal violence: conflict over agricultural or grazing land, distribution of oil resources and the drawing of administrative boundaries are all more or less related to the question of distribution of and access to resources. The conflicts may be articulated along ethnic and religious lines or, as with the September 2001 violence in Jos, overlap with perceptions of indigenous and so-called settler groups. Another conflict articulated along the lines of indigenous/settlers is the conflict between the Tivs and the Jukun in the Middle Belt.

Tivs and Jukuns have been involved in inter-communal disputes over possession of land in central and eastern Nigeria for decades. This conflict has resulted in hundreds of deaths in Nassarawa, Plateau, Taraba and Benue states. On occasions, the conflict has

⁵ For full details of cases see Human Rights Watch: The Bakassi Boys: The Legitimization of Murder and Torture, May 2002 <http://www.hrw.org/reports/2002/nigeria2/>

also involved Hausa Fulani, Chamba, Kuteb and other ethnic groups in the area. Tivs represent the majority ethnic group in Benue State, but they are minority in Nassarawa, Plateau and Taraba states.

The Tivs are the fourth biggest ethnic group in Nigeria, and have been harbouring some resentment about their relative political marginalization compared to the three "big" ethnicities Hausa-Fulani, Igbo and Yoruba. The Tivs, however, are not a unified people; there is a lot of infighting between clans and different villages. Being farmers, the Tivs depend very much on access to land and are constantly on the search for land resources. Therefore, they are being portrayed as "expansionist". During the colonial rule, the British delineated Wukari in Taraba State as Jukun territory, in spite of a quite larger number of Tivs already living there. Jukun would, time and again, make efforts to "reclaim" land which they say is rightfully theirs, evicting and expelling Tiv farmers, and populating the area with Jukun and Chamba. The notion of "indigenes", which was retained in the 1999 Constitution, distinguishing between indigenous and settlers, provides justification for the Jukuns' prior claim to land.⁶

With growing numbers, the Tiv population demanded a stake in political decision-making which lead to further tension about district and state boundaries, as well as about the role and power of traditional rulers in distributing land. (The "Aka Uka", a Jukun traditional rule acknowledged by the British colonizers as existing political institution, was also the chairman of the Wukari Federation Local Council of which the Tivs were excluded until 1957 and expelled again after independence). At the beginning of the 1990s, after Tiv and Hausa had won a considerable number of seats in the Wukari Local Council, Jukun reacted violently, again evicting Tiv from their land and renaming the land as well as trying to prevent them from voting. The violence resulted in the displacement of hundreds of Tivs, their expulsion from local government office and widespread destruction of infrastructure. A peace-plan, brokered with the help of the federal government, served only as a temporary lid on the simmering conflict, and tensions increased after 1999, until low-intensity violence erupted in a series of raids and counter-raids in Nassarawa, Taraba and Benue States, finally leading up to the army intervention in October 2001.

The conflicts in the Middle Belt are not likely to be solved any time soon, as they involve a complicated pattern of clan and village affiliation as well as a myriad of ethnic minorities, all of which have become victims of violence in the course of the years. It is a matter of time until e.g. the Kuteb will try to regain their land. Yet, it is very unlikely that

⁶ On the political and legal ramifications of the "indigenous/settler" distinction see OMCT/CLEEN: Hope Betrayed? A Report on Impunity and State Sponsored Violence in Nigeria, 16 August 2002 <http://www.omct.org/pdf/Nigeriaireport0802.pdf>, p. 14

"Successive governments have paid lip service to a situation where citizens of the same country are labeled "settlers" or non-indigenes and subsequently discriminated against in states other than their States "of origin", regardless of how long they have been resident in the area or of their contributions to its growth. This discrimination ranges from denial of jobs in government and the public service, through discriminatory entry requirements and fee structures in educational institutions, to segregation of human settlements around ethnic and religious lines. With dwindling economic opportunities in the country and subsequent high levels of discontent among the citizenry, the so-called "settlers" and their properties are often sitting targets for the "indigenes" whenever there is civil unrest. Politicians are able to exploit these situations for electoral advantage, providing them with a motivation to do nothing about this situation beyond occasional perfunctory condemnation of the violations during times of crisis. And so from time to time, different parts of the country are turned into theatres for killings and sundry violations of innocent persons."

a Tiv would come to Europe to seek asylum. They are rather staying in displacement camps, waiting for a possibility to go back to their place of origin.

2.5.2 Intervention by Armed Forces: The Benue massacre

The massacre of Benue took place in the context of peace operations by the Armed forces in the long-lasting conflict between the Tiv and Jukun ethnic-groups in several states of Central Nigeria and the retaliation by the army for the killing of 19 soldiers reportedly by a Tiv militia group on 10 October 2001.

A set of clashes in the Tiv-Jukun conflict started afresh in Taraba state in May 2000, allegedly claiming thousands of lives. The conflict spread to Benue State later in the year. An estimated 500 people were killed in clashes between Tivs and Jukuns in Benue in the first two weeks of October 2001. Thousands of Tiv were displaced and took refuge in several parts of neighbouring Benue State. The army was sent by President Obasanjo to put an end to the violence.

Army intervention in Tiv-Jukun conflict: In the context of the intervention of the armed forces to secure peace in the area, a company of 150 soldiers, from the 24th Armoured Brigade, usually stationed in Yola, Adamawa State was sent to Takum Barracks in September 2001. On 10 October 2001, 19 soldiers from the 24th Armoured Brigade were allegedly captured by Tiv militias and taken to Gbeji, in Benue State from where they were taken to Zaki Biam where they were mutilated and killed by a mob of an estimated 300 people.

The murders are said to have been committed in retaliation for the army giving support to the Jukun and being responsible for a number of raids on Tiv villages. The current Minister of Defence General a.D. Theophilus Danjuma is part Jukun, part Chamba. According to Human Rights Watch, there is credible testimony that some army members and the Mobile Police has participated in Jukun militia-led attacks on Tiv villages. The Mobile Police is seen as pro-Jukun, as it mostly consists of Igbo who are said to continue to resent the Tivs' strong role in the army during the Biafra war.

Between 22 and 24 October 2001, Nigerian soldiers launched an attack on several Tiv villages in Benue State in what seemed an act of retaliation for the killing of the 19 soldiers on 10 October. The armed forces reportedly razed over eight villages. Over 200 unarmed civilians, including two women and 22 children, were killed by the army.

There are indications that the massacre in Benue was planned and condoned by the army commander. The soldiers killed in the ambush had been members of one of the three brigades which were sent to Benue on October 22, thereby increasing the likelihood that it would come to retaliatory violence. Tiv members of the patrols were sorted out before the deployment of troops, which suggests that the army command wanted to avoid a conflict of interest of these Tiv soldiers (either having to attack their own ethnic kin or to turn against their comrades).

The military authorities have taken no sanctions against any army personnel in connection with the events of October 2001 and an inquiry ordered by the Chief of Army Staff concluded that troops had acted within the orders given to them.

There are reports of over 100,000 displaced as a result of the Jukun-Tiv crises in the Benue, Taraba, Nassarawa and Plateau States.

Throughout 2002, violent attacks of Tiv, Jukun and Fulani militia were ongoing in the Benue, Taraba, Nassarawa and Plateau States.

2.5.3 Ethnic armed vigilante groups

Ethnic militias and ethnic armed groups have existed in Nigeria, a country of over 250 ethnic groups, since long before the return to civil rule and at times, they have reportedly been linked with other ethnic militias and some factions of the police and the armed forces in inter-communal disputes; allegations of such links resulting in massive blood-shed are being made even today.

Local ethnic militia groups have been held responsible for killings in the country over the past three years. As a matter of example, the Mambilla militia group known as "Ashana-no case to answer" reportedly killed more than 96 Fulani herdsmen in Taraba State between 1 and 7 January 2002.

A variation of ethnic armed groups has emerged over the past few years in Nigeria as a result of ethnic-based political groups combining their political activities with security operations to curb common criminality in the areas they operate in, in the shape of vigilante groups. The fact that some of these ethnic vigilante groups are usually armed and therefore susceptible to carrying out human rights abuses, is exacerbated by their political and ethnic orientation, which raises the danger of being manipulated by politicians and social groups, not just to curb common criminality but also as a weapon to intimidate political opponents and individuals who do not belong to their ethnic groups.

Many of these state-endorsed ethnic vigilante groups carry out serious human rights abuses, including unlawful detention, summary executions, torture and other cruel, inhuman or degrading treatment of suspected criminals.

The most prominent ethnic-based group in Nigeria is arguably the O'odua Peoples Congress (OPC). There are also other important ethnic militia groups occasionally carrying out certain vigilante activities, such as MASSOB (Movement for the Actualisation of the Sovereign State of Biafra), which seeks to revive the secessionist state created in 1967 in the south east by the Igbo ethnic group and defeated after three years of civil war in 1970; the Egbesu Boys of Africa, created in the early 1990s to demand the development of the oil-rich Delta Region and campaign for the interest of the Ijaw ethnic group and MOSOP (Movement for the Survival of the Ogoni People) which started its operation in Rivers State in the late 1980s, with an alleged endorsement by certain local and State governments.

On 18 October 2000, the federal government announced a ban on "ethnic militias". The Government however, failed to specify what it meant by this term. The ban has not been backed by a bill to be tabled to the National Assembly until 10 April 2002 after the government tabled the a bill entitled "Prohibition of Certain Associations Act"

The O'odua Peoples Congress (OPC)

The OPC was created in 1995, in reaction to the annulment of the 1993 presidential elections, which had been won by Moshood Abiola, a prominent Yoruba businessman, who was subsequently detained and died in prison shortly after the death of Sani Abacha in July 1998. The OPC was first conceived as a movement to promote Yoruba cultural values and heritage and campaign for larger autonomy for the south-western region from Nigeria. While its membership is exclusively Yoruba, there is no automatic assumption that any Yoruba is a member of OPC.

There are regular clashes between members of the OPC and ethnic minorities in the south-western states, in particular in Lagos. There are reports of several policemen being killed in encounters with members of OPC. Most notably, this includes fighting with the Hausa ("Hausa" in this case designating people from the North living in the South), Igbo and Ijaw minority in Lagos. In July 1999, more than 50 people were killed in Lagos during clashes triggered by a Hausa woman who had not observed the curfew during the traditional Oro festival, a Yoruba religious rite which women are not allowed to witness. One of the victims was a Yoruba who because of his dress had been mistaken for a Hausa. Also in 1999, several days of violence between OPC and Ijaws in Lagos are related to the November 1999 massacre in Odi, after the killing of 12 police men who had been sent to Ijawland in order to dissuade a group of radical Ijaw youths to send an armed delegation to Lagos.

The Federal Government banned the group in October 2000 after it was blamed for an explosion of violence between Hausa and OPC, which left hundreds of people dead in Lagos. President Obasanjo ordered to shoot on sight any member of the OPC.

After a brief relapse in 2001 where only a small number of incidents were reported, the beginning of the year 2002 witnessed a series of violent clashes between OPC and Hausa which result in army patrols in the affected Mushin district of Lagos.

Some of the governors of the south-western states where OPC operates have been ambiguous about the legitimacy of such an armed vigilante group patrolling the streets of the cities in their States. Lagos State Governor, Bola Tinubu, reportedly admitted on 14 June 2001 that the OPC might be a valuable option to reduce the crime wave in the state.

The OPC would also be affected by the Prohibition of Certain Associations Act 2002 submitted by President Obasanjo in April 2002.

According to international human rights reports, there were a number of extrajudicial killings of persons in connection with the activities of the OPC. So far, no legal action has been taken against the police men responsible for the killings.

About a third of those members of the OPC arrested during 2000 had been released by the end of the year. Not all of them were allowed to have access to legal representation, some of them were denied bail. The US State Department reports that detainees were

killed in police custody because they were suspected to be OPC members on grounds of tribal marks on their backs.

The leader of the militant faction of the OPC, Ganiyu Adams, was arrested and charged with murder and illegal possession of fire arms several times in the course of the past years.

The members of the OPC are at the same time perpetrators and victims in a system of state and vigilante as well as ethnic violence. Not all of those killed or arrested by the police were indeed members of the OPC or responsible for criminal acts. There are also reports of relatives or friends of OPC members being harassed or arrested.

Again, there is an ambiguous attitude of the federal government towards the OPC. On the one hand, it can take more decisive action against its members, as the OPC does not carry as much weight with state governors, and it much more perceived as an ethnic militia than a pure vigilante group such as the Bakassi Boys. Groups such as the Arewa Peoples' Congress and politicians from the North demand protection of the Hausa population in the Southwest. On the other hand, Obasanjo has to walk a tightrope in order not to completely disgruntle the Yoruba community which in any case, is not very supportive of the President, and thus cannot undertake any truly systematic action against the OPC.

MASSOB

Although activities of MASSOB and state action against the group are widely reported in the media, the significance of MASSOB is rather low. They do no longer have support from the Igbo population and there would be no assumption that an Igbo is automatically a member or sympathizer of MASSOB. However, the federal police, and in some instances the Bakassi Boys, have targeted MASSOB offices, rallies and members; this is partly due to the fact that unlike the Bakassi Boys, MASSOB is not favoured by the state governors (with the exception perhaps of Imo State) and it is easier for the federal police to act.

2.6 Religion (Enrique Restoy, comments Heinz Jockers)

2.6.1 Inter-religious conflicts

Inter-religious conflicts in Nigeria often oppose Christian to Muslims, in a country where these two religions have a roughly equal number of adherents. This conflict is often linked to disputes among major ethnic groups as the Hausa-Fulani, majority in the north is predominately Muslim while Igbo, majority in the southeast are predominantly Christian. Christians and Muslims are evenly split among the Yoruba, the majority in south-western Nigeria.

Clashes among ethnic groups have taken place periodically for decades, often linked with disputes over land possession or struggle for local power. In recent times, the religious component of these clashes has mounted. Nine people died in Niger State during riots between Muslim and Christian communities in November 2000. In

September 2001, an estimated 1,000 people were killed during clashes between Christians and Muslims in the city of Jos, Plateau State. In October 2001, riots between Muslims and Christians in the northern town of Kano led to an estimated 200 people dead. On 4 February 2002, 60 people were reported dead in Lagos during clashes between Hausa and Yoruba communities, which was sparked by a minor argument around a mosque.

More than 100 people were killed between 21 and 22 November in riots in Kaduna city, capital of Kaduna State, in northern Nigeria. The riots were apparently provoked by Muslims youths angered by an article published in a local newspaper about the Miss World contest to be held in Nigeria on 7 November. The article was judged by them as blaspheming Islam. In view of the incidents, the organisers of the pageant decided to celebrate the event to London instead of Abuja on the same dates.

As with ethnic violence, inter religious violence often follows a pattern of attack and retaliatory violence. Clashes need not necessarily be related to the introduction of Sharia codes, but can be triggered by facts such as the shadow of a church tower falling on a mosque or the demand for separate water fountains for Christian and Muslim students on the university campus.

2.6.2 New Sharia-based penal codes

Immediately after the return to civilian rule in 1999, a number of state governments in northern Nigeria expressed their intention to introduce Sharia-based penal codes in their jurisdiction to fight the rising criminality and following a popular demand for more security and discipline in the judiciary system of the states. Before the introduction of the new codes, relationships among Nigerians of Moslem faith were regulated by Muslim personal laws, but no Sharia-based penal or criminal law was part of the penal legislation of the country. The introduction of Sharia criminal courts has to be understood in the light of soaring crime rates and a corrupt judiciary, comparable to the phenomenon of vigilante groups in the South.

It is important to distinguish between Sharia as such and the Sharia-based penal codes. While Sharia personal status law has existed in Northern Nigeria already before colonization, the new penal codes introduce a number of cruel and inhuman punishment as well as corporal punishment for a wider range of crimes than before.

After Zamfara State introduced a new Sharia-based penal code in January 2000, eleven more states from the north of Nigeria have introduced new penal codes or laws inspired by Sharia⁷. Under the new laws, Sharia courts - which are lower courts in the hierarchy of Nigerian courts and which previously had jurisdiction only in civil and personal law cases - are now, among others, imposing punishments such as flogging for the

⁷ Bauchi, signed March 2001, entry into force June 2001; Borno June 2001; Gombe 7 December 2001; Jigawa 2 August 2000; Kaduna November 2001 (entry into force) "According to state Governor Ahmed Makarfi, Islamic punishments will not be incorporated into the criminal code in Kaduna, as has happened in several other northern states" USDOS IRF October 2002); Kano December 2000 (entry into force); Katsina 1 August 2000; Kebbi December 2000; Niger 2000; Sokoto December 2000; Yobe 25 April 2001; Zamfara 27 January 2000; In Oyo State, the Islamic Council announced the introduction of Sharia penal law in June 2002. The state governor of Oyo State opposes the introduction of Sharia as state law. (Source: Swiss Refugee Council: Nordnigeria, Update May 2002; AFP Facts on the Nigerian states operating the Islamic law code, 3 January 2002 (LEXIS-NEXIS))

consumption of alcohol or pre-marital sexual intercourse (“fornication”), amputation of limbs for stealing, stoning to death for adultery and death by hanging for murder.

The new penal codes are deemed to be applied only to Muslims or citizens of other religions who wish to abide by the new legislation in the states where these new codes have been introduced. The new codes have been perceived by minority groups as an attempt by the Muslim majority in some states to establish a higher pre-eminence over the rest of the population.

One must understand that Sharia refers not only to a criminal law system but to a whole set of rules of how social life should be governed. This insistence on behavioural codes affects the non-Muslim population as well, and Muslim vigilante groups in the North (known as Hisbah) have been reported to harass non-Muslims for non-compliant behaviour such as drinking or selling alcohol or prostitution, especially in the trade quarters of the Northern towns, but also of cinema houses, video production, drumming, singing and dancing (with the exception of marriages and naming ceremonies.⁸ The Christian community has also been complaining about the destruction of churches in Northern states as well as about discriminatory allocation of building plots for churches.

While not being officially recognized, they act with the knowledge and endorsement of the state governors. The so-called Ulamas, Councils of Islamic religious leaders, play a very important role in the political life of the Northern States, and state governors are quite intent on a good relationship with those Ulamas.

This creates an enormous pressure and a constant sense of insecurity on the Christian population, even if so far these groups have not been reported to carry arms or be responsible for serious cases of ill-treatment.

Some of the clashes between Muslims and people from other religions have been directly attributed to plans for the introduction of the new Sharia-based penal code by the State Governments. The events of 11 September 2002 have exacerbated the conflict.

Clashes over the introduction of Sharia-based penal codes in Kaduna State were reported to have left 2000 people dead in February 2000. About 450 more people were killed in reprisal attacks on northerners living in south-eastern Nigeria.

2.6.3 Human rights violations in the implementation of the new Sharia-based penal codes

There are reports of serious violations of human rights principles and international law in the course of the application of Sharia-based penal codes over the past two years. These violations include punishments such as flogging, amputation and death sentences. One execution has already been carried out under the new codes.

⁸ IBRAHIM Jibrin International Human Rights Law Group DRAFT Democracy and Minority Rights in Nigeria: Religion, Shari'a and the 1999 Constitution *Paper* for the Conference on “Globalisation, State Capacity and Self-Determination in Muslim Contexts”, organised by the Centre for Global, International and Regional Studies, University of California-Santa Cruz, Santa Cruz, 7th to 10th March 2002, p. 16
<http://www2.ucsc.edu/cgirs/conferences/carnegie/papers/ibrahim.pdf>

The new legislation introduces the death penalty for offences which were previously punishable to a lesser degree. The United Nations Safeguards guaranteeing the protection of the rights of those facing the death penalty requires that in countries that maintain the death penalty, it should only be used for most serious crimes, offences that are intentional and with lethal or other extremely grave consequences. For instance, the act of consensual extramarital sexual intercourse, which under the new penal codes attracts the death penalty by stoning if the person found guilty is or has been married, does not fulfil these conditions.

The new penal codes attract punishments such as flogging or amputation, that are considered cruel inhuman and degrading according to international human rights standards.

The new codes fail to meet International Standards of Fair Trial, in particular as concerns the right of legal representation. Recently, particularly in the course of 2002, defendants were granted legal representation on appeal. Before the 1st instance, however, defendants are not represented by a lawyer, and many plead guilty because of the social and political pressure exerted on them. In the Sharia-based, penal codes, a confession in itself is sufficient evidence to convict somebody. This is particularly serious for cases where the death penalty and other irreversible punishments can be imposed. Death sentences have reportedly been passed by Sharia Courts without the accused having been given access to legal representation.

The new legislation also discriminates on grounds of gender. Under the Maliki school of thought, which dominates the interpretation of Sharia legal principles in Nigeria, pregnancy is considered sufficient evidence to condemn a woman for *Zina*, an offence that is to be read as adultery or as voluntary premarital sexual intercourse. The oath of the man denying having had sexual intercourse with the woman is often considered sufficient proof of innocence unless four independent and reputable eyewitnesses declare his involvement in the act of voluntary sexual intercourse.

The new legislation discriminates on grounds of religion. The rights of those tried under Sharia-based penal codes are protected to a lesser extent than under the Penal Code for Northern Nigeria, valid for non-Muslim people, particularly concerning the right of representation, the right of appeal and the lack of knowledge of criminal procedure by the Court. Under Sharia law, the death penalty is applied for offences that are not punishable with the death penalty under the Penal Code for Northern Nigeria. Together with this, the application of different penal codes for nationals of the same country on grounds of religion constitutes discrimination on grounds of religion.

Non-Muslims could theoretically opt for being charged under Sharia law, while Muslims do not have a choice. They will automatically be brought before a Sharia magistrate and, on appeal to the Sharia review instances, the Sharia court and the Sharia high court. According to the constitution, the Federal court of appeal and the Federal Supreme Court would be review instances for death penalty cases once the case has been heard by all state courts, but as there has been no practical example, one does not know whether these courts would declare themselves competent to hear Sharia appeals.

Neither is it clear which jurisdiction would apply to a Muslim who converted to Christianity. On the one hand, apostasy is considered to be punishable by death under Sharia law, on the other hand, a judge in Katsina before whom two alleged converters were brought has not yet taken a decision on whether he will assume jurisdiction.

Non-Muslims would rarely choose to be tried by the Sharia magistrates, except in cases where the complicated Sharia evidence rules would count in favour of that particular defendant. Choosing a Sharia court in order to avoid being sent to prison is also conceivable.

It is possible to avoid the application of Sharia law by moving to another state where Sharia law is not applied. If one has committed a crime which is also punishable under the Northern penal code and the Southern criminal law, one would obviously be charged under these laws, but another state would not prosecute for actions punishable only under the Sharia penal code of a Northern State. Practising Muslim belief would not be a problem in the South, especially in the Southwest where a large number of Muslims live. Part of the conflict between Yoruba and Hausa-Fulani in the Southwest stem from the fact that the Yoruba claim the title of traditional ruler in places where an Emir has been installed (such as Ilorin where clashes between OPC and the police occurred in October 2000)

The penal codes are also lacking procedural safeguards for minors. Legal responsibility for criminal acts under the Sharia-based penal codes is not dependent on age, but on the degree of maturity which is based on a discretionary consideration by the judge that the accused has attained puberty.

The new codes also discriminate against on grounds of social status. Observation of cases tried by Sharia Courts in northern Nigeria over the past few months, shows that the convicted are mainly from deprived backgrounds.

The criteria for appointing judges do not fulfil international standards of training for judicial personnel. Courts with no penal jurisdiction before the introduction of the new Sharia-based Penal Codes are now entitled to pass death sentences. The new Sharia-based penal codes allow Sharia Courts, often only consisting of one judge and having no guarantees for adequate legal representation, to impose the death penalty. Under the Penal Code of Northern Nigeria and also the Nigerian Criminal Code applicable in Southern Nigeria, cases attracting capital punishment could only be tried by the State High Court.

The formation of judges is inadequate as well. The Sharia magistrates were used to handle civil law cases such as inheritance, adultery and divorce, and are now deciding on capital punishment cases without having received appropriate training in criminal law.

The Nigerian Constitution states: "no person shall be subject to torture or to inhuman, degrading or degrading treatment". The Constitution also makes a distinct provision against any kind of discrimination before the law. Article 42 (1) (a) states: " A citizen of Nigeria of a particular community, ethnic group, place of origin, sex, religion or political option shall not, by reason only that he is such a person- be subjected either expressly by, or in practical application of, any law in force in Nigeria or any executive or

administrative action of the government, to disabilities or restrictions to which citizens of Nigeria or other communities, ethnic groups, places of origin, sex, religions or political opinions are not made subject.”

The new codes, however, put at risk women, minors, Muslims who have converted to Christianity, homosexuals, and non-Muslim minorities. One should point out that both in the North as well as in the Middle Belt there are considerable numbers of non-Muslim minorities and in some cases it is not even obvious whether a particular state has a Muslim majority. Continuous North-South migration, however, has also led to substantial Muslim populations in every region of Nigeria.

Some of the provisions stated in new Sharia-based penal codes and sentences passed under these new codes in several states of northern Nigeria contravene several conventions of international law to which the Federal Republic of Nigeria is state party. By signing and ratifying these international instruments, the Federal Republic of Nigeria decided to bind Nigeria to respect them throughout its territory.

Article 4 of the Universal Declaration of Human Rights affirms the right to life. Article 6 of the International Covenant on Civil and Political Rights (ICCPR), to which Nigeria acceded on 29 July 1993, restricts the use of the death sentence to the most serious crimes, equated in international human rights standards to the premeditated and deliberate intention to kill. That is not the case of crimes such as adultery, which attracts the death penalty under new Sharia-based penal codes.

Articles 2 and 26 of the International Covenant on Civil and Political Rights (ICCPR) state that all citizens, irrespective of their religious convictions and belief, should receive equal treatment before the law. The application of different penal codes in Nigeria according to the religion of the accused breaches those provisions.

Article 5 of the African Charter of Human and People’s Rights to which Nigeria adhered on 22 July 1983, article 5 of the Universal Declaration of Human Rights, the article 7 of the International Covenant of Civil and Political Rights and the Convention Against Torture rule against the application of judicial corporal punishment amounting to torture. Amputation, flogging, stoning and other punishments under the Sharia-based penal codes in northern Nigeria constitute torture and cruel, inhuman and degrading punishment.

The Federal Government has not taken any legal action to honour the international instruments to which it is party by impeding the provisions of new Sharia based penal codes that contravene these instruments. Neither has the government presented the case to the Supreme Court for it to come to a judicial decision over the constitutionality of the new codes.

As with action against vigilante groups and militia, the Federal government has to strike a fine balance in order not to alienate the governors of Northern states. They are able to use the issue of the Sharia penal codes as a tool of leverage with the Federal Government. So far, the Federal Government including the Minister of Justice and the President have limited themselves to political statements. Obasanjo treats Sharia as a

political issue, assuming it to vanish with time. Therefore, one cannot expect any decisive steps being taken by the Federal Government before the general elections in 2003.

2.7 Secret societies and cults (Heinz Jockers)

2.7.1 Traditional secret societies

Secret societies have earned their name with a reason. Very little is known about them, the most widely reported and studied being the Yoruba Ogboni society. It is hard to estimate the number of secret societies – they might be in the thousands. Some of them are linked to particular villages, some to ethnic communities and /or political groups. The "Reformed" Ogboni Society" is an association of politicians and influential people, distinct from the traditional Ogboni society.

The traditional Ogboni society was part of the checks and balances system of the Yoruba kingdoms. They were kingmakers, and disposed of both a religious as well as a judicial function. They had also the power to dethrone the Oba (the king) and could order him to kill himself (or would give him poison). The ethnographic work on their role and function in the 19th and early 20th century dates back to the 1930s, thus no in-depth knowledge on their structure and inner workings after independence is available. They are thought to still dispose of considerable local influence, forming part of the traditional power network to regulate societies and control resources. It is assumed that through their membership they also have strong connections to official state structures (police, judiciary, commissions, universities).

Membership in a secret society (as well as in any other kind of society, club, or fraternity) may secure access to resources and social integration and is thus very important for the survival and social status of family. There is, however, usually no forced recruitment into secret societies, but pressure may be exerted on certain individuals to join because of the advantages of being part of a secret society. Neither would the societies accept anybody but would be inviting persons from a certain highly regarded families. It is also unlikely that there is a rule of automatic succession in a position (i.e. the son replacing the father) but more likely that those families who traditionally have had the authority to invite new members would choose the most suitable candidate. If this person should for some reason – because of his or her Christian belief – not want to join and if there is no other candidate from this particular family he or she might be ostracized and might also lose property or an inheritance but would not have to fear for his or her life.

Human sacrifices for ritual purposes or cannibalism happen extremely rarely, if at all. A case of cannibalism became known to the expert from the *Institute of African Studies* during a stay in Nigeria. The rationale behind such a ritual, he stated, lies in ensuring the oath of secrecy on a particular decision and unfailing loyalty to the group– no one would want to admit to have participated in an act of cannibalism. One widely reported case concerned a number of child kidnappings in Maiduguri, Borno State, where the children were sold to Igbo communities in the South for ritual purposes. It is also not uncommon

to find human corpses with body parts missing but this might be as much due to a fear of burying someone alive as to traditional rituals.

Secret societies derive part of their power from a wide-spread belief in supernatural forces attributed to those societies. They derive loyalty from this fear. Leaving a secret society, however, would not necessarily provoke a violent reaction from the society. The most probable reason for persecution by a secret society would be divulging something which is considered to be secret. In this case, it would also be conceivable that the society, through their network of influence, follows someone outside his or her own district to another location in Nigeria, or even to Europe.

It is hard to tell whether the police or the courts would protect somebody who is being threatened by a secret society. The police officers or the court staff might or might not be members of that particular society. Contrary to the student varsities widespread in the universities, they would not openly engage in fighting but are believed to mostly use poison in order to punish somebody whose actions violate a taboo of the society. Given the corruption of the police, it might not be too hard to arrange for an investigation to be dropped in those cases.

Responding to a question from the audience, Mr Jockers stated that the Queen Mother cult is a tradition encountered in Ghana; in Nigeria, it does not play any role even if some groups in Northern Nigeria might have a similar tradition.

2.7.2 Student cults

Student cults at universities have become a major security problem on campus since the 1980s. They combine features of traditional Nigerian religion with the public school network of fraternities, seeking to gain influence in the university administration and with faculty and access to funds or examination papers. Most of them have been involved in violent clashes on campus and despite efforts of the Federal police and university administrations to dismantle the cults after 1999 a wave of campus violence in the first part of 2002 has shown that those groups have not ceased to exist. The groups are sometimes formed on basis of ethnicity which can lead to violence between different ethnic communities on campus.

Police action might be thwarted by influential relatives of cult members; thus police protection from violent actions by student cults is likely to be incomplete.

2.8 Situation of women (Heinz Jockers, comments by Enrique Restoy)

2.8.1 Background

While the 1999 Constitution provides for equality of men and women, the reality of women in Nigeria includes discrimination both on a legal as well as on a social level. The lives of women are defined almost exclusively by their role as wife and mother and they are subjected to a series of traditional norms which are extremely hard to counteract. Single women are considered to be sexually available, even in big cities such as Lagos. The dependency of women on the social network of support and protection is therefore

even more pronounced than for Nigerian men. Personal status law can be based on either civil law, Sharia law or customary law, quite often leading to conflicting legal outcomes in the case of inheritance or divorce. Harmful traditional practices such as female genital mutilation (FGM), early marriages and humiliating treatment of widows can be encountered in many parts of Nigeria despite recently introduced legal provisions banning such practices on state level.

2.8.2 FGM – Female genital mutilation

FGM is considered to be decreasing in Nigeria and a number of campaigns have been launched against FGM both on a federal as well as on a state level. In some states (Cross Rivers, Ogun, Rivers, Bayelsa, Osun, Edo Abia and Delta) - FGM is prohibited by law; currently, there is no federal law against FGM. However, the practice is still common in most parts of Nigeria, especially in rural areas. Most frequently, FGM is exerted on girls during infancy, upon reaching puberty or in preparation for marriage. In rare cases, women are circumcised before or after the birth of the first child.

2.8.3 Early marriages and pregnancy

Apart from FGM, VVF (Vesico-vagina fistulae) or RVF (recto-vagina fistulae) is a major, albeit less widely reported, health issue resulting from early pregnancy. Forced marriages, and in particular forced marriages of girl children (sometimes as young as ten years) are prevalent in the North and with Muslim communities in the South. Early pregnancy leads to a number of complications. If the girl is too young to give birth she will suffer prolonged labour which might be ended by performing the so-called "gishiri" cuts" – cutting out the birth canal – and often leads to a rupture between the vagina and the urinal tract or the rectum. Such a rupture leads to incontinence and related hygienic and psychosocial problems – in most cases the girl will be an outcast even if a stitching of the rupture is successful. Prostitution or begging constitute the only way to earn money to finance up to ten operations needed to close the rupture. A study by the Nigerian Ministry of Health gives an estimate of about 200.000 to 300.000 women affected by VVF. There are a number of foreign NGOs running rehabilitation centres in the North, but often the families are hiding girls with VVF and it is difficult to reach them.

Again, early marriage is considered to be a private, domestic matter and the girls cannot expect protection from the police despite legal provisions against child marriages in a number of states. If the girl survives the first pregnancy, she may however leave her husband – divorce is a frequent occurrence in Nigeria, and in particular among the Hausa, as a girl in her first marriage will have a very low status in the family. According to Islamic law, she has about one year to find another husband. Usually, those women are quite sought after as they have proven they can give birth to a child and have learnt how to run a household, and the woman will generally enter her second marriage with a fairly high status.

2.8.4 Mixed marriages

Depending on the tribe and ethnic community there are mixed marriages. Fulani women are considered as quite beautiful and therefore it is a matter of prestige to be married to a Fulani woman. But Fulani generally do not like to see their women married to a

member of another tribe. One can often see Tiv-Igbo couples, less so Tiv-Yoruba couples, as the Yoruba have a reputation of being loud and overbearing. Inter-marriage between Igbo tribes is more common. One has to keep in mind, however, that the Igbo have a hierarchy based on caste, and inter-caste marriage is not favourably considered. Those couples can only marry in church, but will not be able to marry based on customary laws. There should be no difficulty for a Christian to marry a Muslim; there might be a pressure to convert on the woman. If a woman cannot deliver a boy she has to count on the husband taking a second wife.

The August 2002 OMCT/CLEEM report points to incidents of targeted violence against women in mixed ethnic/tribal marriages during the conflict between the Ife and Modakeke as well as during the conflict between the Umuleri and Aguleri.⁹

2.8.5 Trafficking of women

Trafficking of women from Nigeria is a highly organized business. Women trafficked to Europe originate from either Edo or Delta state. They are often told to enter the asylum system, so one needs to carefully check the credibility of the claim in such cases. Single women are very vulnerable in Nigeria, and they usually will not have sufficient funds to get to Europe without help from a trafficking organization. Traffickers are also reported to exert pressure on the women by threatening to harm their families if they refuse to work as prostitutes.

3. Internal relocation alternative (Heinz Jockers, Enrique Restoy)

In general, there is freedom of movement within Nigeria, even if legal (and illegal) roadblocks in particular in conflict zones might impede travel. One should, however, take into account that travelling in Nigeria itself can be quite dangerous. A region which is calm today can be conflict-fraught tomorrow; codes of behaviour change very quickly and it is very easy to get into trouble if one does not know how to behave and which areas to avoid.

When considering the possibility of an internal relocation alternative, one should recall the pervasive social network Nigerians rely on. It is extremely difficult to make a living in Nigeria without the support of the extended family or another social network (such as associations, secret societies etc). If a person relocates within Nigeria, he or she will usually seek to find shelter with a relative or a member of his or her community of origin. This means, however, that the same network which accord protection can become a source of persecution if somebody has run afoul of his or her community. Informal communication networks function very well in Nigeria, and it is not too difficult to find a person one is looking for. This is true also for so-called big cities whose neighbourhoods are structured along village and community lines. It is not possible for someone to hide with another than one's own community.

The viability of an internal relocation alternative therefore depends on whether anybody would be interested to follow someone to e.g. Lagos. It is very hard to make a general

⁹ OMCT/CLEEM: Hope Betrayed? A Report on Impunity and State Sponsored Violence in Nigeria, 27 August 2002, pp. 46-47, p. 63

statement for such cases. People might be able to relocate if they have run into trouble with a rival ethnic community or a vigilante group or if they flee violent conflict.

It is not very plausible that a Christian who relocates from the North to the South should be in danger of continuing persecution. However, when a Muslim is transferred from the north to the South, the danger increases as he or she can be perceived as suspicious by the very large Muslim community in the South, especially if we are talking about a young Muslim girl who finds herself alone in another state of the federation.

Persons who have difficulties with their own community – a woman refusing to enter a marriage or to undergo FGM – might not easily be harboured by their relatives or members of their community in another part of the country. Leaving their family signifies social and economic exclusion for the large majority of Nigerians and in particular for women. There are women NGOs who might take her in for a while, but they will not be able to support her forever. The only option for women in such cases would be prostitution.

The same principle of moving along social networks, according to Mr Jockers, applies for Nigerians going abroad: He very much doubts that any Nigerian would travel somewhere he or she does not already know somebody, so organized trafficking from Nigeria always has to be taken into account when considering an asylum claim from Nigeria. This highly organized network makes it also extremely difficult to distinguish genuine claims for fabricated stories if you do not have first-hand knowledge of the situation on the ground.

4. Return of rejected asylum-seekers (Heinz Jockers)

4.1 Asking for asylum abroad

The fact of having asked for asylum abroad will not create any difficulties upon return to Nigeria.

4.2 Decree 33 – Punishment of Nigerians convicted for drug offences committed abroad

With regard to the question whether a Nigerian citizen who has served a sentence for a drug-related crime in a European country would be subjected to a conviction based on Decree 33 ("Bringing Nigeria into disrepute" – punishable with up to five years of prison and loss of assets), Mr Jockers responded that he is not aware of any such convictions. He also does not know whether the Nigerian police or the embassies would dispose of sufficient resources to follow up such cases. Most likely, the person in question will be handed over to the police and beaten up very severely, ending up in a suburb of Lagos with no clothes and their money taken away.

When returning convicted drug-offenders to Nigeria, European governments should ensure monitoring by their embassies.

5. Sources of Information

A large number of Nigerian newspapers are available on the Internet. One should be aware, however, that most newspapers are open to prone to bribery – it is not hard to place an article in a Nigerian newspaper. This need not necessarily mean that you can influence in all cases what will be written, but at least you can ensure coverage of an issue.

The *Institute for African Studies* has a large database of newspaper articles and magazines; for copyright reasons it is only possible to get a password for one day. It is also possible to contact the *Institute for African Studies* to research material which is not contained in the database.

Annex 1: Ethnic and language communities in Nigeria

This is a non-exhaustive list of ethnic and language communities and sub-groups in Nigeria. The geographic location mentioned usually refers to the region where the groups form a majority; minority populations of Yoruba, Hausa-Fulani and Igbo are scattered all over Nigeria. The reference to districts, municipalities or cities within a state does not necessarily mean that these ethnic groups cannot be encountered in other parts of a state or Nigeria.

An updated list will be made available on ecoi.net. For questions please contact accord@redcross.or.at

community	region	state/local gov	language	religion	recent conflict
Ache (Bache) Koro	North Middle Belt	Kaduna, Plateau	CHE (<i>RUKUBA, KUCHE, BACHE, INCHAZI</i>)		
Afizere	Middle Belt	Plateau State - Jos			involved in clashes with Hausa in Jos Sep 2001
Anaguta	Middle Belt	Plateau State - Jos			involved in clashes with Hausa in Jos Sep 2001
Andoni	Delta	Rivers	OBOLO (<i>ANDONI, ANDONE, ANDONNI</i>)		
Awak	North	Bauchi, Billiri- Kaltungo	AWAK (<i>AWOK, YEBU</i>) 2nd language Hausa	mostly traditional; some Christians and Sunni Muslims	
Aguleri Igbo sub-group	Southeast	Anambra State		mostly Christian	inter-communal conflict with Umuleri 95/99
Bangwinji	North	Balanga y Billiri- Kaltungo, Bauchi	BANGWINJI (<i>BANGUNJI</i>)		
Barma	North	Borno	BAGIRMI (<i>BAGUIRMI, BAGHIRMI, BAGUIRME, TAR BARMA, BARMA, MBARMA, TAR BAGRIMMA, BAGRIMMA, LIS, LISI</i>)	Muslim	
Bauchi	Middle Belt	Niger	BAUSHI (<i>BAUCI, KUSHI, BUSHI, BAUCHI</i>)	Muslim	
Biom	Middle Belt	Jos Plateau State, indigenes		mainly Christian (IRIN 15 Oct 2002)	recent conflicts: <u>Plateau State:</u> clashes between Biom people and nomadic Fulani herders in Barkin Ladi local council area (IRIN 20 Jun 2002) reprisal attack by Fulani herdsmen and bandits from Chad on Biom community in Kassa (IRIN 15 Oct 2002)

Boko	Northwest	<u>Niger State</u> : Borgu, <u>Kebbi State</u> : Bagudo, from Senji in the north to Kenugbe and Kaoje, 150 km to the south and Demmo, 50 km to the east.	BOKO (<i>BOKONYA</i>)	traditional, Islam	
Bororo Fulani sub- group also: M'Bororo	North, Central	Kano State, Katsina State: Zaria, Jos Plateau State: Jos, Bauchi State: southeast with Gombe as center: Bornu State: with Maiduguri as center Sokoto State	FULFULDE, SOKOTO		<u>Taraba State</u> : Tens of thousands of [Bororo] Fulani herders have fled Nigeria's eastern Taraba State to Cameroon, escaping the ethnic clashes which broke out in the Mambila plateau with farming communities at the beginning of the year. The herders are bringing their huge herds of livestock with them and are treated as refugees by local government in north- western Cameroon. A Cameroonian government official yesterday told the French news agency AFP that additional thousands of Nigerian herders had crossed the border this week, accompanied by herds of each over 1,000 animals. "They say they are being persecuted in the Nigerian state of Taraba," he stated to AFP. (afrolNews 11 Apr 2002)
Bozo	Northwest	<u>Niger, Kwara and Kebbi States</u> : Around Lake Kainji.	BOSO-SOROGAMA	Muslim	
Buduma	Far Northeast	islands and surroundings of Lake Chad	BUDUMA (<i>YEDIMA</i> , <i>YIDENA</i>) KURI (KOURI, KAKAA)	Islam, traditional	
Buta	Northeast	<u>Bauchi State</u> : around Ningi	GAMO (BUTA, MBUTA, MBOTU, BA- BUCHE, BA-MBUTU), NINGI	Islam, traditional	
Banso also: Panso	Middle Belt	Taraba State: Mambilla Plateau			<u>Taraba State</u> : attacks on Bororo Fulani by Mambilla militia in Jan 2002; the Mambillas, Kakas, Pansos and Kambus, who are mostly farmers, use only 15

Annex 1: Ethnic and language communities – Nigeria

					percent of the land for subsistence agriculture whereas the 10 % Fulani use 85 % (IRIN, 22 Feb 2002)
Daffo	Middle Belt	Plateau	DAFFO, BATURA (RON-DAFFO, CHALLA) MANGAR, MONGUNA	traditional, Islam	
Daka also: Samba Chamba	Middle Belt	States de Taraba (Gashaka, Jalingo, Bali, Zing), Adamawa (Ganye, Mayo Belwa Ganglamja).	SAMBA DAKA (CHAMBA DAKA, SAMA, DAKA, NAKANYARE, DENG, TIKK)	traditional, Islam	
Daza	North	Bauchi	DAZA (DAZAWA)	Islam	
Duguri	North Central	Bauchi State: Alkaleri, Tafawa Balewa; Plateau State: Kanam district	DUGURI (DUGURAWA, DUGARWA, DUGURANCHI)	traditional, Christians	
Dukawa	North	Kebbi State: Wasagu and Yauri Niger State: South of Rijau.	DUKANCI (DUKA, DUKAWA, DUKWA, HUN-SAARE)	Islam, traditional	
Edo	South	Edo	EDO (BINI, BENIN, ADDO, OVIEDO, OVIOBA)	mixed	
Efik	Southeast/ Niger-Delta	<u>Akwa Ibom, Cross Rivers</u>			boundary conflict with Ibibio community Oku Ibobu
Ekoi	Delta	Cross River State: Akampka, Idom, Odukpani, Calabar	EJAGHAM (EJAGAM, EJAHAM, EKOI, ETUNG, EKWE, EDJAGAM, KEAKA, KWA, OBANG)	traditional	
Eloyi	Middle Belt	Middle Belt	ELOYI (AFO, AFU, AHO, AFAO, EPE, KEFFI) MBECI, MBAMU	traditional, some Islam	
Fali	Middle Belt	Adamawa State: municipalities of Mubi and Michika	BANA (FALI) THLUKFU, GILI, BWAGIRA, PESKI	traditional	
Fulani nomadic herdsman, traders	North, Central, East	Taraba State: Adamawa State: around Yola. Kano State Katsina State: Zaria Plateau: Jos Bauchi State: Southeast Bornu State Sokoto: around Maiduguri.	FULFULDE, ADAMAWA	Islam	Plateau State: Reports from the Shendam and Langtang districts about reprisal attacks on several villages by armed bandits thought to include Fulani herdsmen (who lost relatives and their cattle herds in the 2001 violence) and bandits from Nigeria's northern neighbours, Niger and Chad. (IRIN 25 Oct 2002, 15 Oct 2002)

					<p><u>Plateau State</u>: clashes between indigenous Taroks and Hausa-Fulani settlers in the town of Wase (IRIN 15 July 2002)</p> <p><u>Attacks on Fulani pastoralists</u> who produce 75 % of the protein needs of the country are becoming incessant, particularly in states like Plateau, Nasarawa, Bauchi, Taraba and Benue states (IRIN 30 May 02)</p> <p><u>recent conflicts</u>:</p> <p><u>Plateau State</u>: clashes between Birom people and nomadic Fulani herders in Barkin Ladi local council area (IRIN 20 Jun 2002)</p> <p><u>Plateau State</u>: Bassa, Riyom and Bukuru local government areas - Kwol, Barkin Ladi and Jero (IRIN 30 May 2002)</p> <p><u>Taraba State</u>: attacks on [Bororo] Fulani by Mambilla militia in Jan 2002 (Fulanis who constitute 10 % of the population occupy 85 % of the entire Mambilla land) (IRIN 22 Feb 2002)</p>
Ganda	Middle Belt	<p><u>Adamawa State</u>: district of Gombi, Song, Guyuk and Mubi</p> <p><u>Borno State</u>: Biu.</p>	<p>GA'ANDA (<i>GA'ANDU, GANDA, MOKAR, MAKWAR</i>)</p> <p>Hausa and Ffulde as 2nd and 3rd languages.</p>	<p>mixed traditional, Christian, Islam</p>	
Gbaya	Middle Belt	<p><u>Taraba State</u>: municipality Bali</p>	Gbaya	<p>Islam, traditional</p>	
Goemai	Middle Belt	<p><u>Plateau</u>: Shendam, Gerkawa Namu</p>	<p>GOEMAI (<i>ANKWAI, ANKWEI, ANKWE, KEMAI</i>)</p>	<p>traditional</p>	
Guruntun	North	<p><u>Bauchi State</u>: Bauchi and Alkaleri</p>	<p>GURUNTUM (<i>MBAARU</i>)</p> <p>Tala, Ju, Zangwal</p>	<p>traditional, Islam</p>	
Gwandara	Middle Belt	<p><u>Niger State</u>: Suleija</p> <p><u>Plateau State</u>, <u>Nassarawa</u>: Keffi, Lafia, Akwanga</p>	<p>GWANDARA (<i>KWANDARA</i>)</p> <p>KARASHI, KORO, KYAN KYAR, TONI, GITATA</p>	<p>traditional, Islam</p>	
Gwari	Middle Belt North	<p><u>Niger State</u>: Rafi, Chanchaga, Shiroro Suleija;</p> <p><u>Kaduna State</u>: Kachi; <u>Nassarawa</u>: Keffi and Nassarawa Plateau</p>	<p>GBAGYI, GBARI TAWARI, KUTA, DIKO, KARU, KADUNA, LOUOME, VWEZHI, NGENGE, KWALI, IZEM, GAYEGI, PAIKO, BOTAI, JEZHU, KONG, KWANGE, WAHE. .</p>	<p>traditional, Islam</p>	

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<p>Hausa</p> <p>Jasawa is a term used to describe Hausas living in Jos (HRW 2001)</p> <p>In the South, "Hausa" is used to identify people originating from the North (IRIN 8 Feb 2002)</p>	North, minority populations in all other parts of Nigeria	dominant ethnic majority in the North: Sokoto, Kaduna, Katsina, Kano and Bauchi	<p>HAUSA (<i>HAUSAWA, HAOUSSA, ABAKWARIGA, MGBAKPA, HABE, KADO</i>)</p> <p>Hausa is spoken by more than 40 mio. people – 25 mio. as 1st l., 14 mio as 2nd l.</p> <p>Barikanchi: <u>Hausa dialects in the East</u>: Kano, Katagum, Hadejiya; <u>Hausa dialects in the West</u>: Sokoto, Katsina, Gobirawa, Adarawa, Kebbawa, Zamfara; <u>Hausa dialects in the North</u>: Arewa, Arawa y Abakwariga.</p>	Islam	<p><u>Plateau State</u>: attacks on Hausa in Jos Sep 2001</p> <p><u>North</u>: Hausa attacks on Christian minorities in the North (Kaduna, Kano, Zamfara etc.) in connection with introduction of Sharia; reprisal killings of Hausa minority in Igbo Southeast; clashes between Yoruba (OPC) and Hausa in Lagos (Jan-Feb 2002)</p> <p><u>Nassarawa State</u>: clashes between Tiv and Hausa in Nassarawa State (June 2001)</p>
Idong	Middle Belt	<u>Kaduna State</u> : Jema'a	IDUN (<i>LUNGU, UNGU, ADONG</i>)	traditional	
Ibibio	Southeast/Delta	<u>Akwa Ibom State</u> : Itu, Uyo, Etinan, Ikot Abasi, Ikono, Ekpe-Atai, Uruan, Onna, Nsit-Ubium, Mkpai-Enin	IBIBIO	ENYONG, NKARI	boundary conflict with Efik community Ikot-Offiong in Cross Rivers State (2000, 2001)
Ife (Yoruba sub-group)	Southwest	Oyo state (Ife-Ife); Osun State			Ife-Modakeke crisis 1981, 1997
Igbira	Middle Belt; Edo	<u>Kwara State</u> , <u>Kogi State</u> : Okene, Okehi, <u>Nassarawa</u> <u>Edo</u> : Akoko-Edo	EBIRA (<i>IGBIRRA, IBARA, KOTOKORI, KATAWA, KWOTTO, EGBURA</i>) PANDA, HIMA, IGARA IGU	Islam, traditional	
Igbo also: Ibo subgroups: Abaja Aboh Aguleri Ekpaha Ezza Ibeku Ikwerre Ikwo Isu-Item Izi Ndoni Ngwa Nike Nri Nzam Oratta Umuleri Umunri	South East, minority populations in other parts of the country	<u>Abia and Anambra State</u> : Igbo-Eze, Nsukka, Isi Uzo, Igbo Etiti, Uzo Uwani, Anambra, Udi, Enugu, Nkanu, Eze Agu, Awka, Njikoko, Awgu, Onitsha, Aguatu, Idemili, Nnewi, Ihala <u>Imo and Rivers State</u> : Ikwerre-Etche, Bonny Ahoada <u>Edo State</u> : Oshimili, Anoicha, Ika, Ndokwa	Igbo Ibo OWERRI (ISUAMA), ONITSHA, UMUAHIA (OHUHU), ORLU, NGWA, AFIKPO, NSA, OGUTA, ANIOCHA, ECHE, EGBEMA.... 30 dialects vary in inherent intelligibility	Christian, traditional	minority population: settlers in the North – violent clashes with majority Hausa-Fulani population in connection with introduction of Sharia in Northern states (Kaduna, Kano, Zamfara)

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Ijaw	Niger Delta	<p><u>Rivers State:</u> Yenagoa, Sagbama</p> <p><u>Delta State:</u> Burutu, Warri Ugelli</p> <p><u>Ondo State:</u> Ikale and Ilaje</p>	<p>IJO(IZON, IZO, UZO, IJAW, BRASS IJO) IDUWINI, OGULAGHA, OPOROZA (GBARANMATU), AROGBO, EGBEMA, OLODIAMA, FURUPAGHA, KABO (PATANI), KUMBO, TARAKIRI, MEIN, TUOMO, OPEREMOR, SEIMBRI, OGBOIN, OIAKIRI, OPOROMA, APOI, GBANRAIN, KOLUKUMA, BUMO, EKPETIAMA, IKIBIRI, BOMA, OGBE IJO.NEMBE (NIMBE), AKASSA (AHASA)</p> <p>The Ijo (Ijaw) group is made up of seven separate languages. Izon has about 30 inherently intelligible dialects. The Kolokuma dialect is used in adult and primary education. Dictionary. Grammar. Radio programs, TV.</p>	traditional religion (Ijo)	<p>conflict with Itsekiri</p> <p>ongoing conflict with oil companies and security forces</p> <p>most recent report: HRW 22 Oct 2002: The Niger delta: No democratic dividend</p> <p>IRIN 5 Nov 2002: Ijaw communities of Diebiri, Batan, Ajuju, Ewerigbene and Kumusi report arbitrary arrest and intimidation by navy personnel</p> <p>IRIN 9 Aug 2002: 1 women shot dead during protest of Ijaw and Itsekiri women in front of Royal/Dutch Shell and ChevronTexaco premises</p>
Iku	North	Kachia, Kaduna State	IKU-GORA-ANKWA (IKU), IKULU (IKOLU, ANKULU)	traditional, Islam	
Ikwerre Igbo subgroup	Niger-Delta	e.g. Rivers State			<u>Choba, Oktober 1999:</u> four persons are killed and several raped during the dispersal of an occupation of the premises of an oil company in protest against the non-employment of local communities (HRW 22 Dec 1999)
Ikot-Offiong Efik community	Akwa Ibom	<u>Niger-Delta</u>			boundary conflict with Oku Iboku in Cross Rivers State (2000, 2001)
Itsekiri sub-groups: Iwere, Irhobo, Selemo, Warri, Jekri	Niger Delta	<u>Delta State:</u> district Warri, Bomadi and Ethiope	ISEKIRI (ITSEKIRI, ISHEKIRI, SHEKIRI, JEKRI, CHEKIRI, IWERE, IRHOBOWARRI, ISELEMA-OTU, SELEMO)		<p>conflict with Urhobo and Ijaw</p> <p>ongoing conflict with oil companies and security forces</p> <p>most recent report: HRW 22 Oct 2002: The Niger delta: No democratic dividend</p> <p><u>IRIN 9 Aug 2002:</u> 1 women shot dead during protest of Ijaw and Itsekiri women in front of Royal/Dutch</p>

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					Shell and ChevronTexaco premises
Jukun	Middle Belt				long-standing conflict with Tiv <u>Benue/Taraba State:</u> clashes between Tiv and Jukun Nov 2001 <u>Nassarawa/Taraba State:</u> clashes between Fulani and Jukun and Tiv June 2001
Kakas	Middle Belt	<u>Taraba State:</u> Mambilla Plateau			<u>Taraba State:</u> attacks on Fulani by Mambilla militia (Fulanis who constitute 10 % of the population occupy 85 % of the entire Mambilla land); the Mambillas, Kakas, Pansos and Kambus, who are mostly farmers, use only 15 % of the land for subsistence agriculture (IRIN 22 Feb 2002)
Kalabari	Delta	<u>Rivers State:</u> districts Degema, Bonny	Kalabari		
Kambus	Middle Belt	<u>Taraba State:</u> Mambilla Plateau			<u>Taraba State:</u> attacks on Fulani by Mambilla militia (Fulanis who constitute 10 % of the population occupy 85 % of the entire Mambilla land); the Mambillas, Kakas, Pansos and Kambus, who are mostly farmers, use only 15 % of the land for subsistence agriculture (IRIN 22 Feb 2002)
Kamuku Acipawa 5 clans: Uregi, Urogo, Tiyar (Kuki), Ucinda (Jinda) and Ushana.	Middle Belt	<u>Niger State:</u> districts of Rafi, Mariga <u>Kaduna State:</u> Birnin, Gwari	KAMUKU, ACIPA, (ACIPANCI, ACHIPA) CINDA, REGI, KUKI, SHAMA		
Kanuri	North	<u>Borno State:</u> Borno, Nguru, Geidam, Kukawa, Damaturu, Kaga, Konduga, Maiduguri, Mongumo, Fune, Gujba, Ngala, Bama, Fika, Gwoza, <u>Kano State:</u> Hadejia minority communities in Yobe, Jigawa and Bauchi	KANURI, YERWA (KANOURI, BERIBERI, BORNU, KANOURY) KANURI, MANGA (MANGA, KANOURI, KANOURY) DAGARA, KAGA (KAGAMA), SUGURTI, LARE (LERE), KWAYAM, NJESKO, KABARI (KUVURI), NGAZAR, GUVJA, MAO, TEMAGERI, FADAWA, MOVAR (MOBBER, MOBER, MAVAR)	Islam, traditional	
Kataf	North Central	Kaduna		Christian	conflict with Hausa in Zangon-Kataf (1992)

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Kirdi	Southeast		DGHWEDE, GEVOKO, GLAVDA, GUDUF, KAMWE, PSIKYE, SUKUR, etc.	traditional	
Koma (Bantus)	Middle Belt	<u>Adamawa State:</u> Ganye, Fufore	KOMA (KUMA, GAUNU) KOMA NDERA, KOMA DAMTI	traditional	
Kwanka	Middle Belt	<u>Plateau State:</u> Mangu, <u>Bauchi State:</u> district of Tafawa Balewa	KWANKA BOI (TIYAYA), BIJIM, LEGERI, KADUN, VAGHAT	traditional, Islam	
Mambilla	Middle Belt	<u>Taraba State:</u> Mambilla Plateau	MAMBILA (MAMBERE, TORBI, LAGUBI, TONGBO, BANG) Tep	traditional, Islam	<u>Taraba State:</u> attacks on Fulani by Mambilla militia (Fulanis who constitute 10 % of the population occupy 85 % of the entire Mambilla land); the Mambillas, Kakas, Pansos and Kambus, who are mostly farmers, use only 15 % of the land for subsistence agriculture (IRIN 22 Feb 2002)
Mandara	Northeast	Borno State: Bama, Bama, Gwoza, Konduga,	WANDALA (MANDARA, NDARA) KAMBURWAMA, MASFEIMA, JAMPALAM, ZIOGBA, MAZAGWA, GWANJE, GAMARGU (MALGO, MALGWA), KIRAWA	Islam	
Modakeke (sub-group of Yoruba who fled from Oyo to Ife in 19 th c.)	Southwest	Osun state			Ife-Modakeke crisis 1981, 1997; declared local self-government in March 2002
Mwaghavul	Middle Belt	Mangu Bokko Plateau			Mangu-Bokko conflict with Ron community
Mumuye	Middle Belt	<u>Taraba State:</u> Jalingo, Zing, Karim Lamido, Yoro, Bali, <u>Adamawa State:</u> Ganye, Fufore, Yola and Numan	MUMUYE (YORO) ZINNA, DONG, LANKAVIRI, GOLA, GONGLA, KASAA, SAAWA, PANGSENG, JALINGO, NYAAJA, JENG, GNOORE, YAA, RANG, SAGBEE, SHAARI	traditional	
Nupe	Middle Belt	Niger State: Lavun, Mariga, Gbako, Bida, Agaie and Lapai	NUPE (NUFAWA, NUPECI, NUPENCHI, NUPECIDJI, NUPENCIZI GANAGANA, KAKANDA, BASSA NGE, EGGAN, EDZU, AGBI, GUPA, KAMI, GBANMI-SOKUN, KUPA, ASU	Islam, traditional	

Ogoni	Delta				<u>May 2002</u> : Yege and Lakpor communities (both Ogoni) clash in town of Bori (IRIN May 2002)
Ogori	Middle Belt	<u>Kogi State</u> : district of Okene	OKO-ENI-OSAYEN (OKO, OGORI-MAGONGO) OKO (OGORI, UKU), OSAYEN (MAGONGO, OSANYIN), ENI.	traditional	
Paa or Afawa live close to Warji and share both similar language and religious beliefs	North	<u>Bauchi State</u> : districts of Ningi and Darazo	PA'A (AFAWA, AFANCI, PALA, PA'AWA, FA'AWA, FONI, AFA)	traditional, Islam	
Puku	North	<u>Kebbi State</u> : district of Fakai <u>Sokoto State</u> : district of Sakaba	PUKU - GEERI - KERI - WIPSI KAG, JIIR, KUR, ZUKSUN, ROR, FER, US, KOOR	traditional, Islam	
Ron	Middle Belt	<u>Plateau State</u> : (Mangu-Bokko)			conflict with Mwaghavul in 80s, 1992-1995
Seyawa	North	<u>Bauchi State</u> : Tafawa Balewa		Christian	conflict with Hausa-Fulani in April 1991
Shanga					
Shuwa	North	<u>Borno State</u> : Dikwa, Konduga, Ngala, and Bama.	ARABE SHUWA (ARABE CHOA, SHUWA CHOWA, SHUA, ARABE CHADIANO)	Islam, Sunnis or Malikite	
Songhai o Dendi <u>subgroups</u> : Sorko: fishermen Fono: lakeside Gow: hunters Sohanti: caste of sorcerers	North	<u>Kebbi State</u> : Argungu Bagudo	DENDI (DANDAWA)	Islam	
Teda	North East	Borno state, several areas in North East	TEDA KECHERDA, AZA	Islam	

Tiv	Middle Belt	Taraba, Nasawara			long-standing conflict with Jukun <u>Benue State:</u> Oct 2001 reprisal killings by Nigerian army targeting Tiv population in Gbeji, Zaki-Biam and other towns (HRW April 2002) <u>Benue/Taraba State:</u> clashes between Tiv and Jukun Nov 2001 <u>Nassarawa State:</u> clashes between Tiv and Hausa-Fulani and Jukun in Nassarawa State June 2001
Tuareg		border to Niger	TAMAJEQ, TAHOUA	Islam	
Tukulor			FULFULDE, PULAAR (PEUL)		
Umuleri Igbo sub-group	South East	Anambra State			inter-communal conflict with Aguleri in Anambra State 1995/1999
Umuoba-Anam	South-East	Anambra State			drawn into Aguleri/Umuleri crisis
Urhobo	Edo South	<u>Edo State:</u> districts of Ovia, Oredo and Orhionmwon.	EDO (<i>BINI, BENIN, ADDO, OVIEDO, OVIOBA</i>)	traditional, Islam	conflict with Itsekiri, allied with Ijaws (1999-2001)
Warji	North	<u>Bauchi State:</u> Darazo and Ningi, <u>Jigawa State:</u> Birnin Kudu. a large part of the region is known as Ningi	WARJI (WARJA, WARJAWA, SAR)	traditional, Islam	
Yoruba	Southwest	Oyo, Oshun, Ondo Ogun, Lagos, minority communities throughout Nigeria	YORUBA (YOOBA, YARIBA)	Christian, traditional	frequent clashes between OPC (Yoruba vigilante group) and police, reps Hausa-Fulani minority in South West (reprisal) killings of Yoruba minority in Muslim North

Sources

- Ethnologue: Nigeria
- Grau, Ingeborg Maria: Die Igbo-sprechenden Völker Südostnigerias: Fragmentation und fundamentale Einheit in ihrer Geschichte, Wien 1993
- Human Rights Watch
- Ikusa Libros Database: <http://www.ikuska.com/Africa/Paises/nigeria.htm>
- Karl Maier: This House Has Fallen: Midnight in Nigeria, 2000
- Okwudiba NNoli (ed.): Ethnic Conflicts in Africa, Codesria Book Series 1998
- Onigu Otite, Isaac Olaweke Albert: Community Conflicts in Nigeria. Management, Resolution and Transformation, Ibadan: Spectrum Books Limited 1999
- Toyin Falola: Violence in Nigeria. The Crisis of Religious Politics and Secular Ideologies, University of Rochester Press 1998
- United Nations Integrated Regional Information Network (IRIN)

The twelve Nigerian federal states with Sharia criminal law¹

Federal State	Capital	Pop. in mio ²	Governor ³	Sharia introduced ³ :	Annotations ³
Bauchi	Bauchi	4.29	Adami Muazu	March 2001 ⁴ entry into force: June 2001	Large minority of Christians and animists
Borno	Maiduguri	2.60	Malla Kachalla	October 2000 ⁴	Governour is close to Vice President Abubakar, sceptical towards Sharia
Gombe	Gombe	n.a.	Abubakar Hashidu	07.12.2001 ⁵	Large minority of Christians and animists, governour with secular attitude
Jigawa	Dutse	2.83	Ibrahim Saminu Turaki	02.08.2000 ⁴	Introduced Sharia criminal law one day after Katsina as sixth federal state
Kaduna	Kaduna	3.97	Ahmed Mohammed Makarfi	2000 entry into force of modified code: November 2001	Large minority of mainly indigenous Christians. At first Sharia law only applied to areas with a clear Muslim majority. On 9 February 2001 the act was changed in order to protect non-Muslims.
Kano	Kano	5.63	Musa Kwankwaso	June 2000 ⁴ entry into force: December 2000	Large minority of mainly immigrated Christians. Sharia law at first delayed by the governour, then introduced under public pressure.
Katsina	Katsina	3.88	Umar Yar' Adua	01.08.2000	Introduction as fifth federal state
Kebbi	Birmin Kebbi	2.06	Adamu Aliru ⁶	December 2000	More moderate implementation than other federal states
Niger	Minna	2.48	Abdulkadir Kule	2000	Introduction after unrest in Kaduna.
Sokoto	Sokoto	4.39	Attahiru Bafarawa	December 2000	Introduced in spring 2000 ⁷
Yobe	Damaturu	1.41	Bukar IdrAhim	25.04.2001	Governour is close to Vice President Abubakar, sceptical towards Sharia
Zamfara	Gusau	n.a.	Ahmed Sani	27 January 2000	First Nigerian state to introduce Sharia criminal law: The act was passed on 27 October 1999.
Oyo ¹	Ibadan	3.49	Alhaji Lam Adesina	May 2002	"introduced" by Yoruba Muslim Council; Governor is Muslim but opposes Sharia, thus Sharia is not state law "It will be voluntary for Muslims to bring cases before a panel of Islamic scholars that would be adjudicating cases and abide by their rulings. Those who refuse to abide by the rulings will face a range of sanctions, including ostracism and "other extra-legal punishments" to be determined by the council of Imams in the state." ⁸



¹ This table was kindly provided by the Swiss Refugee Council SFH and was published in German in the SFH North Nigeria Update of May 2002, p. 22.; it was revised using AFP Facts on the Nigerian states operating the Islamic law code, 3 January 2002 (LEXIS-NEXIS), BBC and IRIN, differentiating, where available, between signing of the laws and entry into force

The data referring to Oyo state, not included in the SFH table, is based on Europa Survey 2001, p. 763 and www.nopa.net/, as retrieved on 24 June 2002.

² Europa Survey, p. 763. The figures reflect the 1991 data. In the meantime six new states have been founded, which are Gombe, Nassarawa and Zamfara in the North. For these state population figures are not available.

³ If not indicated differently: Northern Lights in Africa Confidential Vol. 42 No. 17, 31 August 2001.

⁴ www.bbc.co.uk, as retrieved on 5 April 2002

⁵ www.africaonline.com, as retrieved on 5 April 2002

⁶ Agabi, Kanu, Letter on Illegality of Sharia, 18 March 2002

⁷ www.guardian.co.uk, as retrieved on 16 April 2002

⁸ IRIN: Muslim Group Adopts Sharia in Southern State, 2 May 2002

http://www.irinnews.org/report.asp?ReportID=27576&SelectRegion=West_Africa&SelectCountry=NIGERIA

⁹ http://news.bbc.co.uk/1/hi/english/world/africa/newsid_1962000/1962827.stm, as retrieved on 24 June 2002

Bibliography – Nigeria

Selected publications
(Period: January – November 2002)

ACCORD<<http://www.ecoi.net>>

- Nigeria – Länderbericht, 14 September 2002

Amnesty International<<http://www.amnesty.org>>

- Amnesty International: Annual Report 2002 (Covering events from January – December 2001), 28 May 2002
- Amnesty International/Special Reports:
 - Vigilante violence in the south and south-east, 19 November 2002
- Amnesty International/ Appeals/News Releases:
 - Nigeria: Amina Lawal - the Nigerian government's double speech, 14 November 2002
 - Nigeria: Amnesty International witnesses attempted summary execution by Anambra Government Security Force, 10 April 2002
 - BAOBAB for Women's Human Rights and Amnesty International Joint statement on the implementation of new Sharia-based penal codes in northern Nigeria, 25 March 2002

Canadian Immigration and Refugee Board<<http://www.irb.gc.ca>>

- Responses to individual information requests (REFINFO):
 - NGA40291.E (11 October 2002): Esan ethnic group; whether it is a sub-group of the Yoruba; religions practised; whether members of this ethnic group engage in Ogboni practices
 - NGA40265.E (10 October 2002): The significance of three lines on the stomach; the tribe or cult that engages in this practice; and the ritual or passage of life it signifies
 - NGA39783.E (4 October 2002): Names of royal families in Warri, Delta State
 - NGA40002.E (1 October 2002): Follow-up to NGA39354.E of 2 August 2002 on domestic violence and state protection; laws protecting women against domestic violence; women's organizations; legal assistance, shelters or protection
 - NGA40111.E (27 September 2002): Whether a Christian in Kaduna state who leaves the scene of an accident after injuring a person, does not report the accident for several days, and is later charged with dangerous driving and causing bodily harm would be tried under the sharia or another law; the maximum penalty for such an offence (February 2000-2002)
 - NGA39718.E (26 September 2002): The Igbe cult: rituals practised; leaders; membership; initiation ceremonies; location

- NGA39805.F (20 September 2002): information indiquant si la copie du document « Constitution and Bill of Rights » de l'Oodua People's Congress (OPC) annexée à la demande d'information relève d'un authentique; si ce document est émis à tous les membres de l'OPC et, le cas contraire, à qui il est émis et les conditions de son obtention; si une personne peut prétendre être membre de l'OPC sans détenir ce document; si le document est émis aux deux factions de l'OPC et, le cas échéant, s'il existe des différences dans le contenu du document ou dans ses conditions d'obtention; date de création de ce document, ses couleurs, son format et ses particularités
- NGA39753.E (18 September 2002): Whether a Nigerian living in Canada or another foreign country can apply for a passport in Nigeria without being there in person; whether a Nigerian in Canada could apply for a passport in Nigeria between October 1998 and September 1999
- NGA39242.E (11 September 2002): Follow up to NGA32948.E of 20 October 1999 on forced or arranged marriages of girls; whether the parties involved would wait until a girl child was over 25 years old before she moved to the proposed husband's residence prior to the marriage; whether the proposed husband would accept to marry the woman at that mature age and if she was childless; would the circumstances differ depending on the religion or ethnic group of those parties involved and if the woman was 28 years old and if the proposed husband had other wives and children
- NGA39321.E (6 September 2002): The belief in witchcraft; whether it is confined to certain tribes or regions; the treatment of those accused of being witches; whether traditional medicine men are accused of being witches; the treatment of families of those accused of being witches; police reaction to the killing of those accused of being witches; whether there are safe areas or villages to which those accused of being witches can go
- NGA39977.E (5 September 2002): The Black Axe Confraternity, also known as the Neo-Black Movement of Africa; their treatment of anti-cultists; their forced recruitment of individuals opposed to cults; their initiation rituals and oaths of secrecy; their use of symbols or particular signs
- NGA39250.E (27 August 2002): Whether the Ife-Modakeke conflict is still active; whether someone without land is targeted; the existence of secret Ife hit squads
- NGA39914.E (20 August 2002): Follow-up to NGA39004 of 9 August 2002 on the Evangelical Fellowship of Anglican Communion
- NGA39273.E (16 August 2002): Whether a protest body called EXCO was organized at Ambrose Alli University in Edo State; whether EXCO organized demonstrations against Edo State Governor Lucky Igbinedion on 13 September 2000; whether a subsequent demonstration in Irrua on 23 June 2001 led to student deaths
- NGA39324.E (6 August 2002): The date the Movement for the Actualization of the Sovereign State of Biafra (MASSOB) was formed; the means by which someone becomes a member; whether membership cards are issued; and whether claims to membership can be verified

Center for Law Enforcement Education (CLEEN) <<http://www.cleen.kabissa.org>>

- Juvenile Justice Administration in Nigeria: Philosophy And Practice, 2001

- Police-Community Violence in Nigeria, 2000 (Etannibi E. O. Alemika; Innocent C. Chukwuma)

Committee to Protect Journalists<<http://www.cpj.org>>

- Nigeria: Newspaper's offices destroyed by fire, 20 November 2002
- Africa 2001 - Nigeria, 26 March 2002

Human Rights Watch<<http://www.hrw.org>>

- World Report 2002, 16 January 2002
- Human Rights Watch/Country Reports/Press releases:
 - The Niger delta: No democratic dividend, 22 October 2002
 - Nigeria's Action on Bakassi Boys Welcomed, 10 October 2002
 - Nigeria: Government Critics at Risk After Political Killings, 19 September 2002
 - Nigeria: Man Faces Sharia Stoning Death, 29 August 2002
 - U.S. Should Spotlight Nigeria, Angola Abuses, 26 July 2002
 - Letter to Assistant Secretary of State for Africa, Walter Kansteiner, 23 July 2002
 - Nigeria: Cease Sponsoring Vigilante Violence/ Joint Statement by Human Rights Watch and the Centre for Law Enforcement Education, 20 June 2002
 - The Bakassi Boys: The Legitimization of Murder and Torture;" May 2002
 - Military revenge in Benue: A population under attack, April 2002
 - Jos: A City Torn Apart, 18 December 2001

International Human Rights Law Group<http://www.hrlawgroup.org/>

- Democracy and Minority Rights in Nigeria: Religion, Shari'a and the 1999 Constitution, February 2002

Konrad Adenauer Stiftung<<http://www.kas.de>>

- Die Bakassi-Boys in Nigeria. Vom Aufstieg der Milizen und dem Niedergang des Staates, 1 December 2001

Netherlands Ministry of Foreign Affairs<<http://www.minbuza.nl>>

- Ministerie van Buitenlandse Zaken: Algemeen Ambtsbericht Nigeria / september 2002, 14 October 2002

Norwegian Refugee Council<<http://www.db.idpproject.org>>

- Profile of internal displacement: Nigeria, 19 July 2002

OMCT - World Organisation Against Torture<<http://www.omct.org>>

- Nigeria: violence against women protesting against the activities of Shell Petroleum and Chevron/Texaco, 18 November 2002

- Nigeria: sentencing to death by stoning of 32 year-old Fatima Usman and 35 year-old Ahmed Ibrahim, 11 October 2002

OMCT - World Organisation Against Torture/CLEEN <<http://www.omct.org>>

- Hope Betrayed? A Report on Impunity and State Sponsored Violence in Nigeria, 26 August 2002
- Impunity and State-Sponsored Violence, April 2002

Reporters Sans Frontières/Reporters Without Borders <<http://www.rsf.org>>

- Nigeria - Annual report 2002, 3 May 2002
- Newspaper offices burned down by Islamic fundamentalists, 21 November 2002

Schweizerische Flüchtlingshilfe/Swiss Refugee Council <<http://www.sfh-osar.ch>>

- Nordnigeria, Update Mai 2002 (German), 10 June 2002

UK Home Office <<http://www.ind.homeoffice.gov.uk>>

- Country Information & Policy Unit: Country Assessment – Nigeria, October 2002
- Country Information & Policy Unit: Country Assessment – Nigeria, April 2002
- Operational guidance note – Nigeria, May 2002

US Committee for Refugees (USCR) <<http://www.refugees.org>>

- World Refugee Survey 2002: Country Report: Nigeria, June 2002
- Country Report: Nigeria, 2002

US Department of State <<http://www.state.gov>>

- International Religious Freedom Report 2002, 7 October 2002
- Country Reports on Human Rights Practices 2001 – Nigeria, 4 March 2002
- Nigeria: Report on Female Genital Mutilation (FGM) or Female Genital Cutting (FGC), 1 June 2001

Situation updates/latest news on Nigeria can be found on:

allAfrica.com (covers a variety of Nigerian newspapers) <<http://allafrica.com>>

IRIN <<http://www.irinnews.org>>

ecoi.net Topics & Issues File: Nigeria
<<http://www.ecoi.net/backgroundIndex.php?iflang=en&country=NG>>