

# NIGERIA'S HUMAN RIGHTS RECORD

An assessment of the last two decades

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# Executive Summary

The struggle for human rights in Nigeria has been long, arduous, and continues to this day. Before establishing the current democratic government in 1999, Nigerians were subjected to sixteen years of oppressive military rule marked by scores of human rights violations. The Nigerian military not only governed with brute force but also institutionalised human rights violations into the Nigerian legal system through decrees. For example, during the military regime of General Muhammadu Buhari, the state promulgated Decree No.2 which permitted indefinite detention without trial and the infamous Decree No.4 punishing free speech. The disregard for human rights violations is common in dictatorships. It is also on this basis that democracy has gained ascendancy, globally, as the best form of government with the greatest capacity to promote development and guarantee the

fundamental rights of citizens. Therefore, the return of Nigeria to democracy and the consequent inauguration of President Olusegun Obasanjo in 1999 was marked with widespread optimism around an improvement in respect for human rights. Especially as the 1999 constitution explicitly stipulated fundamental human rights provisions such as the right to life, the right to assemble freely, freedom of expression, and personal liberty.

This report examines human rights conditions in Nigeria since 1999 and compares them to the constitutional guarantees and international human rights standards. The performance of human rights conditions was measured based on the state's performance around four key indicators: unlawful detention, torture and extrajudicial killings, freedom of assembly, and freedom of expression and the press.



## Unlawful detention

Pursuant to the Constitution's fundamental rights, Section 35 states that "every person shall be entitled to his personal liberty and no person shall be deprived of such liberty save in the following cases and in accordance with a procedure permitted by law". It further states that suspects arrested must be charged in a court within a 40-kilometer radius within 24 hours, and no later than 48 hours if outside the stipulated radius. However, this clause is frequently and consistently ignored by law enforcement organisations. Over 70% of the prison population is made up of detainees awaiting trial, with over 20% awaiting trial for more than a year.<sup>1</sup> Worse still, there is an emergent trend of security officers receiving orders from elites in Nigeria to remand detainees for longer on spurious grounds.

The menace of unlawful detention has rather become pervasive such that it has required the intervention of ECOWAS special court in some cases. Whilst the government of Nigeria obeyed the ECOWAS decision to release Sikiru Alade, an automotive technician from Lagos, in October 2012 after nine years in detention, it disregarded several court orders, including one issued by the ECOWAS special court, for the release of the former National Security Adviser, Sambo Dasuki, on the 4th of October 2016.

Compounding the effects of illegal detention is the horrible detention situation in Nigeria that further exacerbates human rights violations. Overcrowding in Nigerian prisons has increased by more than 1000 percent in the last decade.

<sup>1</sup> Open Society Justice Initiative, Global Campaign for Pretrial Justice: Improving Pretrial Justice in Nigeria. Available at <https://www.justiceinitiative.org/uploads/6fafa06-c0bb-4ca4-ab3f-bcf1406be178/improving-pretrial-justice-nigeria-20130220.pdf> accessed 19/11/2021. Accessed November 24, 2021



## Torture

According to Section 34 (1) of the 1999 Constitution, every individual is entitled to dignity and as such, no one shall be subjected to torture or inhumane or degrading treatment. This provision clearly defines torture to include beatings, sexual violence, gunshot wounds to the body, electric shocks, suspending concrete blocks on the arms and back, spraying tear gas in the face and eyes, and starving techniques. However, torture has become ensconced in Nigerian law enforcement as a means of punishment as well as information gathering. The now-defunct Special Anti-Robbery Squad (SARS) is classic example of a government security apparatus that was renowned for the use of inhumane torture tactics both as an information gathering techniques and punishment.

Between January 2017 and May 2020, Amnesty International reported 82 cases of SARS brutality,

including hanging, waterboarding, and mock executions. During the COVID-19 lockdown there were 105 human rights breaches complaints filed with the Nigeria Human Rights Commission, 33 of which were in regards to torture. In 90% of the cases the Nigerian Police Force was accused on being the violator.

Finally, and contrary to the provisions of the Nigerian constitution, sharia law has been adopted in twelve of Nigeria's northern states since 1999 giving legal backing to the use of torture methods such as caning and stoning as punishments for minor infractions. This has continued till date despite President Buhari's signing of the Anti-Torture Act in 2017, which remains poorly enforced throughout the country



## Extrajudicial killings

Section 33 (1) of the 1999 Constitution specifies that all persons residing in the country have a right to life and that no one shall be intentionally deprived of his or her life, subject to certain limited exceptions as prescribed under the law. Unfortunately, unlawful killings have become a common place in the country since 1999, with many of these killings perpetrated by security forces. These unlawful killings go largely unpunished, thanks in part to Nigeria's Force Order 237, which allows officers to use lethal force in ways that

contravene international law, and because of government corruption and a prevailing culture of impunity.

Successive governments in Nigeria have used unlawful killings to quell secessionist upheavals and terrorist activities. It is pertinent to state that extrajudicial killings conducted by state actors has become the primary cause of death in the country. In fact, state actors have cumulatively killed 13, 241 people since 2011.<sup>2</sup>

<sup>2</sup> John Campbell, "Nigeria Security Tracker", Council on Foreign Relations, August 25, 2021, <https://www.cfr.org/nigeria/nigeria-security-tracker/p29483>. Accessed November 24, 2021





## Freedom of assembly

Section 40 of the Constitution declares that 'every person shall be entitled to assemble freely and associate with other persons, and he or she may form or belong to any political party, trade union or any other association for the protection of his interests'. Suppression, limitation, and disruption of the ability to freely congregate and espouse ideals have been a hallmark of successive administrations. Governments have frequently invoked the pretext of 'preventing terrorist actions' to justify disrupting peaceful protests and social movements. By doing so, the government has severely restricted Nigerians' rights to assemble and demonstrate, in violation of the Constitution's

provisions.

Peaceful protests are regularly met with violent attacks by security personnel or even are prevented from protesting in the first place. The excessive use of force in reaction to largely peaceful protests - - most recently visible during the #ENDSars protests - has created a frightening climate that discourages or limits the right to assemble. Undaunted, Nigerians protested on Democracy Day in June 2021 but were once again met with the deployment of security forces spraying tear gas and firing live bullets into the air to disperse what they referred to as 'anti-government' protests.



## Freedom of expression and the press

The Nigerian Constitution guarantees freedom of expression and the press in Section 39 (1), which states that every individual has the right to "freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference". Section 22 further stipulates that "the press, radio, television and other agencies of mass media shall at all times be free to uphold the fundamental objectives contained in this chapter and uphold the responsibility and accountability of the government to the people".

Nonetheless, the media has faced censorship, harassment, arbitrary arrests, and even assassination attempts against journalists. At various junctures, presidents have sought to exercise undue influence over the media space by controlling content or shutting down providers. Nigeria was named one of the world's worst countries in the world in 2013 for deadly, unpunished violence against the press. A reality that has not improved in recent years, and if anything appears to be on the decline given the increased threats to civil liberties, the limits placed on religious activities and the continued harassment and detention of

journalists. Under the current administration, journalists have faced threats and arrests for attending rallies, criticising public figures, exposing government corruption and refusing to disclose sources to security authorities. The June 2021 suspension of access to Twitter in the country was just another example of the way space for dissent is being closed down in Nigeria.

Furthermore, legislative, and regulatory measures, most especially online, have been used to stifle freedom of expression. The Cybercrime Act of 2015, which criminalises a broad range of online interactions, is increasingly being used to attack journalists and the news media with fabricated claims of cyberstalking and cyber terrorism. Additionally, in November 2019, the National Assembly submitted two new bills, the Protection from Internet Falsehood and Manipulation Bill (social media Bill) and the Prohibition of Hate Speeches and Other Related Matters Bill (Hate Speech Bill). Both laws stoked fears of suffocating critical voices, severely restricting civil society, and permitting the government to prohibit human rights organisations and the media from performing their responsibilities freely and effectively.



# HUMAN RIGHTS ARE NOT OPTIONAL

## Conclusion and Recommendations

**T**he key findings of the report demonstrate that, despite the human rights provisions in the Nigerian Constitution being consistent with international human rights goals, since it returned to democracy in 1999, human rights protection has, in practice, proved a challenge. In response, several key policy recommendations are suggested for relevant stakeholders to address this shortcoming.

As the custodian of democracy, the government has a duty to ensure the protection of human rights. Increased respect for the rule of law is important in Nigeria to ensure equality and prevent power abuse. Security forces must be effectively trained and regulated in this area to avoid human rights breaches. The federal and state governments are urged to take note of and execute relevant recommendations from various human rights panel reports.

Civil society organisations can contribute to the training of security professionals in the conduct of ethical civil military operations. They should also continue to advocate for victims of human rights breaches and assist them in obtaining remedy.

Media houses should give priority to investigative journalism that focuses on human rights issues to bring the abuses to the attention of more Nigeria. The media can assist in holding the government accountable and can become involved in educating the public about their rights and avenues for redress.

Finally, public participation in governance is critical for a democracy to ensure that citizens demand their fundamental human rights and are held accountable for any violations. The most obvious way that citizens can do this is through the ballot box, but they can also engage local leaders and elected officials outside of election periods to sustain these demands.



# Introduction

Human rights can be described as “rights which all human beings have by virtue of their humanity, such as the right to life, dignity of human person, personal liberty, fair hearing and freedom of thought, conscience and religion. These rights provide a common standard of behaviour among the international community.<sup>3</sup>” They are natural, rational, inalienable and belong to all and are necessary for the maintenance of a reasonable quality of life.<sup>4</sup>

On 29 May 1999, Nigeria returned to democracy following the successful inauguration of President, Chief Olusegun Obasanjo. Preceding this was over sixteen years of military rule following the ousting of former President Shehu Shagari in a 1983 military coup. The military era was plagued with the use of brute force leading to serious human rights violations. The Nigerian people were not only denied their basic political rights, their economic and social rights were curtailed by gross mismanagement and looting of state resources. Other patterns of human rights violations in the military era include the promulgation of obnoxious decrees, such as the notorious Decree No.2 of 1984, permitting indefinite detention without trial and the infamous Decree 4 of 1984 punishing free speech.<sup>5</sup> The incarceration of journalists and other forms of human rights abuse were rampant throughout the military era.

After President Olusegun's inauguration, the government ceased to use military tribunals to persecute civilians and announced the release of some individuals who had been arrested and detained whilst fighting for democracy. In a bid to address human right violations, the Obasanjo administration established the Human Rights Violation Investigation Panel (HRVIP) popularly called the Oputa Panel. Its mandate was to establish the causes of all gross human rights violations perpetrated between 15 January 1966 and 28 May 1999<sup>7</sup> and identify perpetrators and make recommendations inter alia. The commission received over 10,000 submissions and eventually listened to just over 200 cases publicly.<sup>8</sup> However, the commission faced several challenges including a lack of political will, regulation difficulties, exploitation of the judiciary by alleged perpetrators to obstruct the work of the court; and the panel's faulty interpretation of its duties. In the end, the report of the Oputa panel was never publicly released after a Supreme Court ruling that the creation of the inquiry was not within the power of the federal government.<sup>9</sup>

However, Chapter 4 of the Constitution of Nigeria 1999 (as amended) provides that civil and political rights are fundamental and fully enforceable by law. Prior to the constitutional guarantees of 1999, the adjudication of human rights was under the purview of the National Human Rights Commission (NHRC)

3 Muhammadu Haleem, *The Domestic Application of International Human Rights Norms*, in *Developing Human Rights Jurisprudence: The Domestic Application of International Human Rights Norms* 91, 91-92 (1988)

4 Maurice Cranston, *What Are Human Rights?* ch. 1 (Taplinger Pub. Co. 1973); Osita C. Eze, *Human Rights in Africa: Some Selected Problems* ch. 1 (Nigerian Inst. of Int'l Aff. & MacMillan Nigeria Pub. Ltd. 1984);

5 Babafemi Akirinde, *Human rights NGOs in Nigeria: Emergence, governmental reactions and the future*, *African Human Right Law Journal*, 2, no. 1 (2002): 110 - 134

6 The judicial panel of inquiry was named after the chairman of the commission, Late Rtd Justice Chukwudifu Oputa

7 Amended Statutory Instrument No 13 of 1999 the initial mandate was to investigate violations committed between 1983-1999

8 The decision to entertain 200 cases was as a result of finances, manpower and classification of petitions that were considered as addressing gross violations of human rights in line with the mandate. The remaining submissions were forwarded to experts to study

9 *Fawehinmi vs. Babangida* (2003) 12 WRN 1; (2003) NWLR (PT 808) 604. The Supreme Court in that case held that under the 1999 Constitution, the Federal Government of Nigeria had no power to set up a Tribunal of Inquiry as the power was now under the residual legislative list exercisable by states only and not the federal government unlike the 1966 Constitution which made provision for such.



that was created in 1995. It was these rights that were reaffirmed and outlined in the 1999 constitution. The country is also a signatory to many international instruments protecting human rights. It has domesticated the African Charter on Human and Peoples' Rights, the Convention on the Rights of the Child, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It has also introduced legislations that are designed to protect the abuse of human rights such as the Violation Against Persons (Prohibition) Act which criminalises practices which are harmful and discriminatory to women and expands the narrow definition of rape as contained in the criminal and Penal Codes. However, nationwide implementation of, and adherence to this Act, remains a challenge as the Nigerian state has largely demonstrated lack of capacity to guarantee the protection of human rights contained in its own Constitution. In fact, instead of upholding the sanctity of the inalienable rights of Nigerian citizens, the Nigerian state not only treats human rights violations with laxity but has been noted to be one major perpetrator of human rights violations.

### **Patterns and Trend of Human Rights Violations in Nigeria (1999 to present)**

Violations of human rights, such as extrajudicial executions, arbitrary arrests and detentions, torture, restrictions on the rights to freedom of expression, association and peaceful assembly, and environmental pollution have been common across consecutive administrations in Nigeria despite the legal provisions and commitments in place.

#### **Unlawful Detention**

Any limitation on a person's freedom to move freely is an infringement on his or her fundamental right. The right of personal liberty is guaranteed under Section 35 of the 1999 constitution of Nigeria as

amended. "Every person shall be entitled to his personal liberty and no person shall be deprived of such liberty save in the following cases and in accordance with a procedure permitted by law". It goes further to provide under sub-section (5) that an accused person arrested on the suspicion of having committed an offence must be charged to court within 24 hours where a court of competent jurisdiction is located within a radius of 40 kilometres from the police station; and in the absence of court within the 40 kilometres radius within 48 hours. However, this provision is often breached by law enforcement agencies. Citizens continue to be unlawfully detained under harrowing pre-trial detention for years without formal charges being brought against them. According to the global campaign for pre-trial justice, as of 2018, over 70% of the prison population are detainees who are awaiting trial across Nigerian prisons. Capital offenders in Nigeria often spend over five years in pre-trial detention while over 20% of the prison population has been awaiting trial for over a year.<sup>10</sup>

The Nigerian police routinely charge suspects with grave offences to detain them, however, they make very little effort to investigate or prosecute the cases. For example, Sikiru Alade, a panel beater by occupation was held in pre-trial custody for more than nine years without trial before he was released. This was only after the community court of justice of ECOWAS found his prolonged detention to be unlawful and a violation of both the African Charter on Human and Peoples' Rights and the 2005 ECOWAS Protocol<sup>11</sup>. This can even happen with high profile suspects. For example, on 1 December 2015, a Former National Security Adviser (NSA), Sambo Dasuki was arrested by security operatives. Dasuki was facing multiple federal charges including alleged diversion of \$2.1 billion of state funds and the illegal possession of firearms. Of importance to this report is that despite the decisions of four different courts granting Dasuki bail, the Nigerian government refused to release him accordingly. On 4 October

10 Open Society Justice Initiative, Global Campaign for Pretrial Justice: Improving Pretrial Justice in Nigeria. Available at <https://www.justiceinitiative.org/uploads/6fafa06-c0bb-4ca4-ab3f-bcf1406be178/improving-pretrial-justice-nigeria-20130220.pdf> accessed 19/11/2021

11 Premium Times, "After nine years of awaiting trial ECOWAS court sets Nigerian man free", Premium Times, 25 November 2012

2016, the ECOWAS court granted the former NSA head bail and ordered the Nigerian government to pay N15 million to the defendant in damages for his illegal and arbitrary detention. But in reaction to the order, the Attorney-General of the Federation and Minister of Justice, Abubakar Malami, said the government was not under compulsion to respect that court order. In January 2017, the Abuja Division of the Federal High Court reaffirmed previous court orders granting Dasuki bail, but still he was kept in the custody of the State Security Service and only released on bail in December 2019 after two years of unlawful detention.

More so, unlawful detentions, forced exiles, and the outright disappearance of government opponents and journalists are of growing concern. On August 5, 2020 the Nigerian Police Force arrested 62 members of the #RevolutionNow group at Abuja that were demonstrating against the President Buhari's administration and demanding for an improvement in governance. However, the Nigerian Police Force released them later that same day after a failed attempt to arraign them in a magistrate court. The Commissioner of Police as at then, Bala Ciroma, stated that the protesters were arrested for breaching the COVID-19 rules.<sup>13</sup> Similarly, the DSS imprisoned Salihu Tanko Yakassai over a tweet that questioned the state of insecurity in Nigeria. Abubakar Idris (commonly known as Dadiyata) a well-known government opponent, was kidnapped at his home in Kaduna by unidentified gunmen in August 2019. He has not been seen since then.

For those who are unlawfully detained, prison conditions and overcrowding are rights violations.

There has been more than a 1000% increase in prison overcrowding in Nigeria<sup>14</sup> in the last decade). In October 2019, Premium Times reported on the case of Chris Chom. Aside from the fact that he was unlawfully detained for 21 months, he had to share the cell, which had only three beds, with 61 other inmates, sleeping on the floor at night.<sup>15</sup> His case is increasingly the norm, not the exception.

## Torture

Section 34(1) of the 1999 Constitution states that every individual is entitled to respect for dignity of person and accordingly, no person shall be subjected to torture or to inhuman or degrading treatment.<sup>16</sup> But in the same year the Constitution was introduced; paradoxically, Zamfara state introduced strict Sharia laws.<sup>17</sup> Previously Sharia law applied only as a Muslim personal law but following the precedent that had been set by Zamfara state, 11 Other northern states included criminal law in the jurisdiction of Sharia law. While the introduction of Sharia was welcomed by the citizens of these states, the way it has been implemented continues to generate human rights concerns. The Kano State Hisbah Corps, which is responsible for enforcing Sharia law in the state, has a history of perpetuating human rights abuses and extremism. The Sharia court may prescribe the following punishments for indiscretion: caning, amputation, and death by stoning. Under Sharia law, adultery is punished with death by stoning even though this violates conditions set forth by the International Covenant on Civil and Political Rights to which Nigeria is a signatory.<sup>18</sup>

12 Abdullah Tijanni, Nigeria is Violating Constitution on the Elzazaski and Dasuki Cases. African Liberty. July 22, 2019. Available at <https://www.africanliberty.org/2019/07/22/nigeria-is-killing-its-constitution-on-the-el-zakzaky-and-dasuki-cases/>. Accessed 19/11/2021

13 Agence France Presse, Dozens Of Anti-Buhari Protesters Arrested In Nigeria: Activists. Barrons. August, 5, 2020. Available at: <https://www.barrons.com/news/dozens-of-anti-buhari-protesters-arrested-in-nigeria-activists-01596652204>. Accessed 19/11/2021

14 Agency Report, Why SSS arrested Tanko-Yakassai -Official. Premium Times. February 28, 2021. Available at: <https://www.premiumtimesng.com/news/top-news/445865-why-dss-arrested-tanko-yakassai-official.html>. Accessed: 19/11/2021

15 Evelyn Okakwu Special Report: Inside Nigeria's prisons where thousands languish for years without trial. Premium Times. Available at: <https://www.premiumtimesng.com/features-and-interviews/336889-special-report-inside-nigerias-prisons-where-thousands-languish-for-years-without-trial.html>. Accessed 19/11/2021.

16 see section 33, 34 and 35 of the 1999 constitution as amended

17 They are Bauchi, Borno, Gombe, Jigawa, Kaduna, Kano, Katsina, Kebbi, Niger, Sokoto, Yobe, and Zamfara

18 Zarifis, Ismene (2002). "Rights of Religious Minorities in Nigeria". Human Rights Brief. 10 (1): 22–25.

It is worrisome to note that security agencies of the Nigerian government that ought to enforce adherence to human right laws and punish offenders have also been indicted as violators. A 2005 report by Human Rights Watch, documented different levels of torture and inhuman treatment against persons who had been held in police custody between 2003 and 2005 in Nigeria.<sup>19</sup> This came in form of beatings, rape and other forms of sexual violence against female detainees, gunshot wounds to part, electric shocks to the body, resting of concrete blocks on the arms and back while suspended from the ceiling, spraying of tear gas in the face and eyes and starvation techniques. These acts of torture ultimately led to death in several instances.

The defunct Special Anti-armed Robbery Squad (SARS) was one of the most cited units in the Nigerian Police Force noted for its notoriety in perpetuating various forms of torture and ill-treatment towards detainees. A 2016 report by Amnesty International gave a window into some of the cruel conditions that detainees were subjected to. A fuel attendant who was detained for two weeks in Anambra state, in January 2015, had a harrowing ordeal. According his report, he was asked to sign a death warrant and was also left hanging on a suspended iron rod. Samson Abu, a Kaduna student, was also arrested in April 2015. Despite looking malnourished and suffering from lacerations from the insertion of a sharp object, he did not receive any medication for his wounds and had no access to a lawyer and his family.<sup>20</sup>

It could be argued that the cases referenced above were incidences of torture prior to the enactment of

the anti-torture act. However, a further report by Amnesty International, released in 2020, documented 82 incidents of SARS brutality between January 2017 and May 2020, including hanging, mock executions, beatings, punching and kicking, cigarette burning, and waterboarding.<sup>21</sup> This in spite of the introduction of the 2017 the Anti-Torture Act, which penalises acts of torture and other cruel, inhuman and degrading treatment and prescribes a punishment of up to 25 years' imprisonment for any person, including law enforcement officers, who commits, aid, or is an accessory to torture.<sup>22</sup> Whilst the Act fails to make provisions for the rehabilitation of victims and legal assistance to victims is limited for support in making complaints, it is not just the gaps in the Act that are problematic. The level of enforcement is the major issue.

In Nigeria, torture and ill-treatment are widely practiced, particularly by law enforcement agencies. The Nigerian Police Force, military and the Department of State Security (DSS) use torture as a means of punishment and for extracting confessions and information from citizens. In 2020 a report detailed the extreme use of torture in the ongoing war against the Boko Haram insurgents by the security forces in Nigeria's northeast. The report cited the cases of Idris Abubakar, Anas Abubakar and Aliyu Abubakar, who were arrested by the police for alleged theft and were detained for six days, after which the police claimed that they were members of Boko Haram. During that time, they claimed they were tortured and beaten as well as being denied access to their lawyers and relatives.<sup>23</sup>

Furthermore, during the initial lockdown imposed to

19 Human Right Watch, "Rest in Peace": Police Torture and Deaths in Nigeria. Human Right Watch July 27, 2005. Available at: <https://www.hrw.org/report/2005/07/27/rest-pieces/police-torture-and-deaths-custody-nigeria>. Accessed 19/11/2021.

[Amnesty International 2016 report](#)

20 International, Amnesty. 2020. Nigeria: Time to end impunity, torture and other violations by the Special Anti-Robbery Squad. Abuja:

21 Amnesty International Nigeria. Accessed November 18, 2021. <https://www.amnesty.org/en/documents/afr44/9505/2020/en/>.

22 Section 9, Anti-Torture Act 2017

23 Ayodele Police ordered to pay three N2m for unlawful detention. Punch March 17, 2017. Available at: <https://punchng.com/police-ordered-to-pay-three-n2m-for-unlawful-detention/>. Accessed 19/11/2021

limit the Covid-19 outbreak in Nigeria in 2020, 105 complaints or incidents of human rights violations<sup>24</sup> were received and documented by the NHRC – this included 33 incidents of torture, inhumane and degrading treatment and 27 incidents of violation of right to freedom of movement, unlawful arrest and detention. The Nigeria Police Force was responsible for 90% of all violations. In one of the documented cases, two police officers were seen on camera whipping a lady with lengthy canes in Osun state, for not adhering to the restrictions. Another example was of a lady who alleged she was detained by a police officer in Port Harcourt for not wearing a mask and forcibly brought to a guest house where she was sexually abused.<sup>25</sup> The many human rights abuses documented during the lockdown periods resulted from excessive or disproportionate use of force, misuse of authority, corruption, and failure of law enforcement officers to adhere to international and national human rights laws.

### Extra-judicial killings

Unlawful killings or murder is the act of arbitrarily taking someone's life, denying or violating a person's right to life without recourse to the due process of the law. The constitution prohibits unlawful killings. According to section 33 (1) of the Nigerian Constitution specifies that all persons residing in the country have a right to life and that no one shall be intentionally deprived of his or her life, subject to certain limited exceptions as prescribed under the law. But in Nigeria today, the sacredness of human life has almost lost its meaning as thousands of inhabitants across different communities have been deprived of their fundamental and inalienable right to life outside the prescription of the supreme laws

of the land and relevant international laws. Force Order 237 is often used to justify shootings by police officers in the country. It provides a wider scope for the use of lethal force than is permissible under international law. The force order is yet to be amended, thus, unlawful killings and extrajudicial executions through law enforcement operations by the police and military remains unabated.

Barely six months after Nigeria's return to democracy Obasanjo's government (1999–2007) launched Operation Hakuri II against the inhabitants of Odi community in Bayelsa state. This action was in response to the killing of 12 members of the police force by armed gangs clamouring for resource control. At the end of their operation, an estimated 2,500 people were alleged to have been killed, including women and children.<sup>26</sup> According to the then Minister for Defence, Rtd. General T Y Danjuma "Operation Hakuri II was initiated with the mandate of protecting lives and property, particularly the oil platforms flow stations, operating rig terminals and pipelines, refineries and power installation in the Niger Delta".<sup>27</sup> However, the soldiers were accused of painting graffiti all over the town with inscriptions such as: "We go kill all the Ijaw people with our guns"; "Come to Odi and learn a lesson"; "Ijaw face, monkey face"; "Government has given us power to kill"; "Odi is for soldiers not for Ijaws" and "Bayelsa will remain sorrowful forever", among others. Fourteen years after the Odi massacre, a court awarded N37.62 billion in damages to the victims.<sup>28</sup>

Also, in 1999, riots erupted between the Yoruba nationalist group, O'odua People's Congress and the Hausa-Fulani from northern Nigeria living and working in the city of Lagos. The federal government

23 Ayodele Police ordered to pay three N2m for unlawful detention. Punch March 17, 2017. Available at: <https://punchng.com/police-ordered-to-pay-three-n2m-for-unlawful-detention/>. Accessed 19/11/2021

24 National Human Rights Commission Press Release on Covid-19 Enforcement so far Report on Incidents of Violation of Human Rights, April, 2020 Available at: <https://www.nigeriarights.gov.ng/hhrc-media/press-release/100-national-human-rights-commission-press-release-on-covid-19-enforcement-so-far-report-on-incidents-of-violation-of-human-rights.html>. Accessed 19/11/2021

25 Samson Itode, Policeman raped me after arrest for face mask violation –Rivers widow. Punch. July 30, 2020. Available at: <https://punchng.com/policeman-raped-me-after-arrest-for-face-mask-violation-rivers-widow/>. Accessed 19/11/2021

26 Although the government initially portrayed the death toll at 43.

27 Environmental Right Action (ERA), Hakuri II: Operation Genocide Stop This War! Press Statement, 6 December, 1999, [http://www.essentialaction.org/shell/era/Press\\_odi.html](http://www.essentialaction.org/shell/era/Press_odi.html), accessed 5 November, 2017.

28 Rosemary Nwisi: Federal Govt to pay N37.6b damages for Odi Massacre, The Nation, 20 February 2013 <http://thenationonline.net/federal-govt-to-pay-n37-6b-damages-for-odi-massacre/> (accessed November 6, 2017)



under President Olusegun Obasanjo instructed the police to use deadly means to control the violence. This action led to the killing of 509 people, 113 sustained different degree of injuries while 3,000 people were arrested.<sup>29 30</sup> Events that took place in Zaki Ibiyam in Benue state on 22 October 2001 is another case in point of gross human rights violations by the state and its security agents. To avenge the abduction and murder of 19 soldiers, who were abducted and killed, Nigerian troops, on the orders of the Presidency, invaded Tiv villages in the state killing over 200, including women and children, and displacing thousands.<sup>31</sup>

But this was not just a feature of the Obasanjo administration. An article published by Amnesty International titled, Killings at Will: Extra-judicial Executions and other Unlawful Killings by the Police in Nigeria, documented 39 cases of security force killings and enforced disappearance between 2007 and 2009, under the administration of Yar'Adua (2007-2010). The report stated that the police carried out hundreds of extrajudicial executions, other unlawful killings and enforced disappearance each year. In contrast, the police claim that most of the killings were because of gunfire exchanges with armed robbers or instances where suspects were trying to escape.<sup>32</sup> Plateau state in the north-central part of the country was a hotbed of violence between the ethnic Berom and Hausa Fulani during this period. Both parties consistently accused security agents of being responsible for many of the killings in the area. Following disputed local government elections in Jos North in 2008, Nigerian police and armed forces were implicated in more than 90 arbitrary killings in responding to inter-communal violence between Christian and Muslim mobs in Jos.

The pattern of the state use of security forces to quell violence has only continued to fuel violence. For instance, the order given by the President Umaru Yar'Adua to contain the growth of Boko Haram<sup>33</sup> in 2009 that led to the extrajudicial murder of an estimated 800 people, including the leader of the Boko Haram sect, Mohammad Yusuf and his associates, Buji Foi and Baba Fugu, only served to further radicalise and militarise the movement.<sup>34</sup> Responding to the Universal Periodic Review submitted to the United Nations Human Rights Council in 2009, the federal government of Nigeria acknowledged the allegations of extrajudicial killings against members of the Nigerian security agencies.<sup>35</sup> It stated that moving forward 'it will not allow extrajudicial killings to be carried out with impunity in Nigeria.'<sup>36</sup> However, this commitment has not been adhered to.

The unprecedented threat posed by the Boko Haram insurgents led President Goodluck Jonathan (2010-2015) to establish and deploy the Joint Task Force, code-named JTF Operation Restore Order, on 12 June 2011. JTF comprised personnel from the Nigerian Armed Forces, Nigeria Police Force (NPF), the DSS, Nigerian Customs Service (NCS), Nigeria Immigration Service (NIS), and the Defence Intelligence Agency (DIA). But the force has been implicated in detention-related abuses, extra-judicial killings and torture. A 2012 Human Rights Watch report found that during raids in communities, often in the aftermath of Boko Haram attacks, members of the security forces have executed men in front of their families; arbitrarily arrested or beaten members of the community; burned houses, shops, and cars; stolen money while searching homes; and raped women. The report was corroborated by similar studies done by the

29 U.S. Department of State, Country Reports on Human Rights Practices - 2001 Released by the Bureau of Democracy, Human Rights, and Labor March 4, 2002. Available at: <https://www.justice.gov/sites/default/files/eoir/legacy/2013/06/07/hrp01nigeria.pdf>. Accessed 19/11/2021

30 [https://www.hrw.org/report/2013/12/12/leave-everything-god/accountability-inter-communal-violence-plateau-and-kaduna#\\_ftnref59](https://www.hrw.org/report/2013/12/12/leave-everything-god/accountability-inter-communal-violence-plateau-and-kaduna#_ftnref59)

31 Kamarudeen Ogundele: Our ordeal, by victims of Zaki-Biam invasion, The Nation, 15 March 2013

32 Amnesty Int'l, Killings at Will: Extrajudicial Executions and Other Unlawful Killings by the Police in Nigeria, AI Index AFR 44/038/2009 (Dec. 9, 2009), <https://www.amnesty.org/en/documents/AFR44/038/2009/en/>

33 Bearing in mind that the 2009 uprising came on the heels of the shooting of 17 members of the sect by men of the operation Flush for failing to wear helmets on its way to bury their sect members who died in a road accident. This in itself represents the excesses of human rights abuses by the security forces with impunity.

34 In a BBC interview, then information minister Prof. Dora Akunyili was quoted as saying 'Mohammed Yusuf's extra-judicial murder was "positive" for 35 Nigeria!' see <http://nigeriavillagesquare.com/articles/reuben-abati/boko-haram-matters-arising-by-reuben-abati.html>

35 Nigeria Police Watch, Three Nigeria Police Officers on Trial for Murder of Bayelsa's Victor Emmanuel, Nigeria Police Watch (Oct. 28, 2011), <http://www.nigeriapolicewatch.com/2011/10/three-nigeria-police-force-on-trial-for->

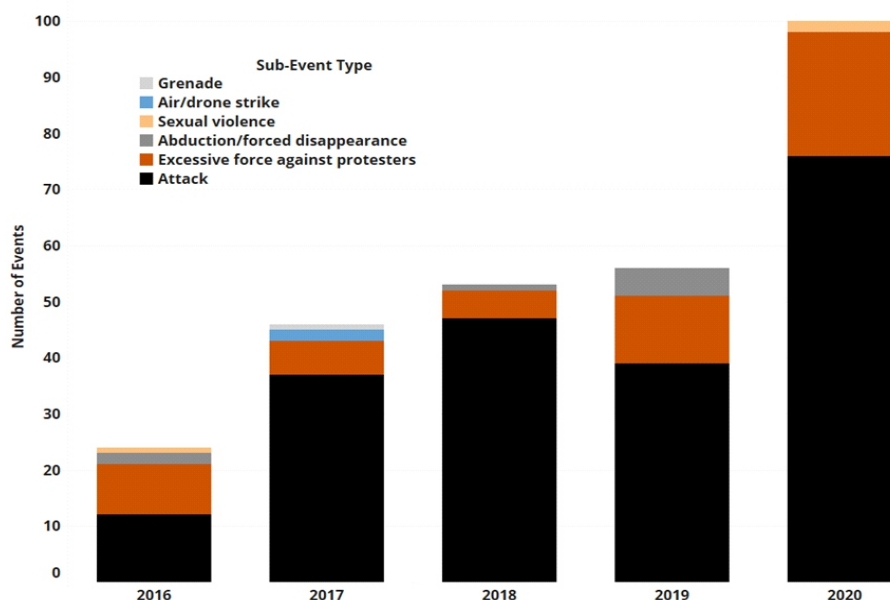
NHRC and Amnesty International.

A 2016 Amnesty International<sup>37</sup> report, 'Bullets Were Raining Everywhere', detailed the unlawful killing of pro-Biafra supporters in Southeast Nigeria that followed the arrest of Indigenous People of Biafra (IPOB) leader, Nnamdi Kanu in Lagos in 2015. After Kanu was detained the Buhari administration (2015 – present) deployed military personnel to the region to crackdown on largely peaceful protests and gatherings by members and supporters of the group. The Amnesty report provides evidence that the military opened fire on unarmed IPOB supporters at three locations between 29-30 May 2016 killing 17 and injuring more than 50.<sup>38</sup> A Premium Times investigation into extrajudicial executions of IPOB supporters, that covered the period of August 2015 to October 2016, claimed about 170 unarmed persons had been killed with a further 400 arrested, charged or detained without

proper trial.<sup>39</sup>

The conduct of the security agencies in quelling conflicts has not improved but rather taken a more devastating turn since the inception of the Buhari administration. In December 2015, following clashes between the Nigerian army and members of the Islamic Movement of Nigeria (IMN) led by Sheik Ibrahim El-Zakzaky, around 350 people were unlawfully killed by the military in Zaria, Kaduna state. The group had rallied around their headquarters to prevent a military convoy from passing through, when the military opened fire.<sup>40</sup> A Judicial Commission of Inquiry set up by the Kaduna State government to investigate the causes of the incident recommended the prosecution of soldiers involved in the killings.<sup>41</sup> However the implementation of the commission's recommendations is still pending.

**Violence Targeting Civilians in Nigeria by State Forces  
(2016 - 2020)**



36 U.N. Office of the High Commissioner on H.R. [OHCHR], Universal Periodic Review – Nigeria, 73–74 (Jan. 5, 2008), cited in Open Society Institute in Criminal Force, Torture, Abuse, and Extrajudicial Killings by the Nigeria Police Force, Open Soc'y Found. (May 19, 2010), <http://www.opensocietyfoundation.org/sites/default/files/criminal-force-20100519.pdf>.

37 Watch, Human Right. 2012. *Spiraling Violence: Boko Haram Attacks and Security Forces Abuses in Nigeria*. Washington DC: Human Right Watch. Accessed November 18, 2021. [https://www.hrw.org/sites/default/files/reports/nigeria1012webwcover\\_0.pdf](https://www.hrw.org/sites/default/files/reports/nigeria1012webwcover_0.pdf).

38 [Killing of Pro Biafra Protesters](#)

39 Mayah, Emmanuel. 2016. "Special Report: Inside the massive extrajudicial killings in Nigeria's South East." Premium Times, 8 June. Accessed November 18, 2021. <https://www.premiumtimesng.com/investigationspecial-reports/204902-special-report-inside-massive-extrajudicial-killings-nigerias-south-east.html>.

40 Nigeria: Unearthing the truth: Unlawful killings and mass cover-up in Zaria. 22 April 2016, Index number: AFR 01/3883/2016 <https://www.amnesty.org/en/documents/afr01/3883/2016/en/>.

41 [Nigeria: End impunity for killings of Shia](#)

Unlawful activities by the security agencies continue to be met with impunity. Members of the police force have repeatedly abused their position to harass innocent citizens and even unlawfully execute accused or suspected persons. In March 2019, the death of Kolade Johnson - a young man who was hit and killed by stray bullets fired by the defunct notorious Special Armed Robbery Squad<sup>42</sup> (SARS) unit - sparked a nationwide outrage that called for the dissolution of the squad. But despite this public outcry between January and September 2020, Global Rights Nigeria, reported that at least 122 persons were killed in extrajudicial circumstances by security forces, including SARS.<sup>43</sup>

## FEBRUARY

Residents in Sagamu, Ogun state, held a protest when Kazeem Tiaminyu, a player with the Remo star football club, a local football team in the city, was murdered by policemen assigned to the Sagamu division. In reaction to the demonstrations, members of SARS opened fire sporadically into the crowd, killing at least six people and injuring many more. In another incident, after a heated disagreement, a navy officer in Bayelsa state shot and murdered a woman known as Precious Okwuadigbo. In Edo State, a police officer shot and killed another unidentified woman.

## MARCH

March: State security agents continued to commit extrajudicial executions. Particularly noteworthy was the killing of a 15-year-old girl, Sekinat Agbelade, by Nigeria Customs Service agents in Ogun state.

## APRIL

Within the first month of the Covid-19 outbreak in Nigeria, the NHRC reported eight documented incidents that led to 18 extrajudicial deaths. At that time, the virus had taken 11 lives, spurring allegations that the police, in the enforcement of lockdown rules, had killed more people than the virus itself.

## MAY

A 16-year-old school girl, Tina, was murdered by a police officer in Lagos State spurring the #JusticeforTina campaign.

## SEPTEMBER

Jennifer Abugu, a 24-year-old woman who was raped, killed, and abandoned in the Teaching Hospital of the University of Abuja after being unjustly arrested by SARS. A teenage singer, Daniel Ikeaguchi, nicknamed Sleek, was extrajudicially killed under mysterious circumstances in Port Harcourt, Rivers State, in the same month.

## OCTOBER

October: The #EndSARS protests were sparked by recordings of extrajudicial murders of people posted on social media, particularly of a documented event in Delta state on 3 October in which SARS police murdered and abandoned a young man in front of a prominent hotel, then drove away with his vehicle. In Rivers state, the #TheEndSARS protest was hijacked by alleged IPOB members killing security personnel and causing mayhem. In an effort to identify the perpetrators, the Nigerian army began an onslaught on residents. Soldiers entered houses and harassed residents when a curfew imposed by the Governor was in effect. Some locals claimed to have seen dead bodies on the street, which they said were shot by soldiers. It is reported that at least 9 people were killed

<sup>42</sup> AAC Condemns SARS Brutality, Demands Prosecution of Kolade Johnson's Killers

<sup>43</sup> <https://www.globalrights.org/ng/wp-content/uploads/2021/02/Mass-Atrocities-report-2020.pdf>



THEIR BODIES WILL NOT GO UNSEARCHED

**SEND  
SIRS  
NOW!**

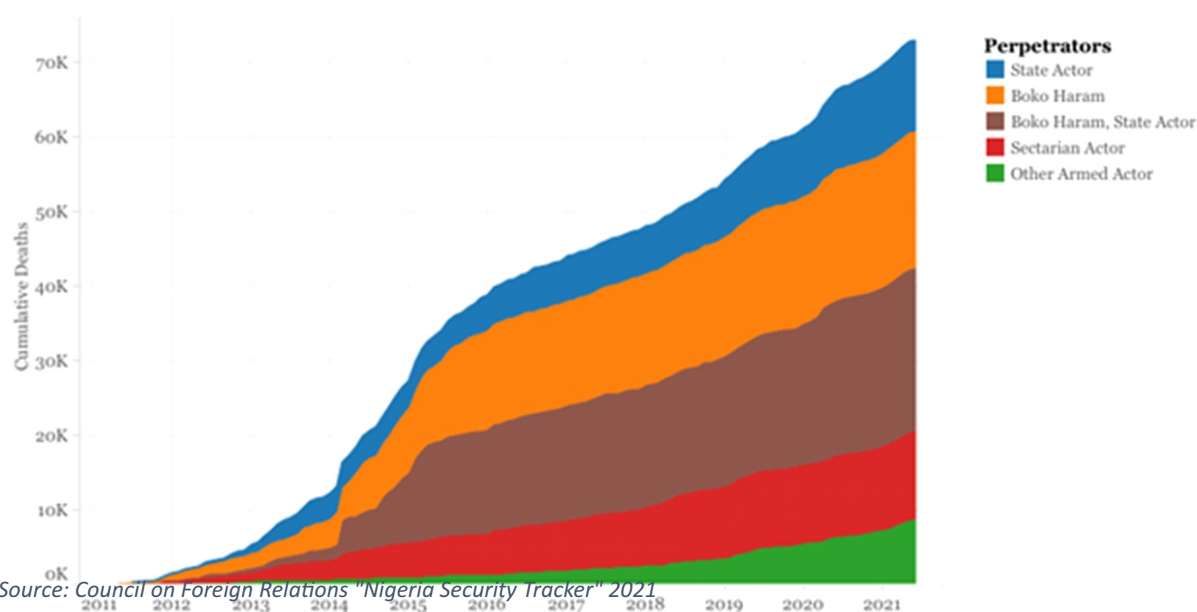
THEIR BODIES WILL NOT GO UNSEARCHED



Unlawful killings remain systematic among the law enforcement agencies and will be difficult to eradicate. Cases of brutality and abuse of power are seldom investigated, and perpetrators are rarely brought to justice. Even when investigations are carried out, they fail to comply with international standards and punishment for suspected officers often involves further training or transfer to other states rather than prosecution for crimes committed<sup>44</sup>. In most cases, "charges brought against the perpetrators of human rights abuses and violations filed by private citizens, groups and even the government suffer constant delays in the court of law and end up being unresolved."<sup>45</sup> Largely, "law enforcement agents operate with impunity in

the apprehension, detention or even extrajudicial murder of criminal suspects. The authorities normally do not hold police accountable for the use of excessive or deadly force or for the deaths of persons in custody."<sup>46</sup> "Source: Council on Foreign Relations "Nigeria Security Tracker" 2021

According to the Council on Foreign Affairs, extrajudicial killings conducted by state actors has become one of the primary causes of death in the country. State actors have cumulatively killed 13,241 people since 2011, as shown in the graph below. In the first six months of 2021 alone, state actors have killed 530 people.<sup>47</sup>



44 Id.

45 U.S. Bureau of Democracy, supra note 29.

46 Id.; Constitution of Nigeria (1999), § 33(1).

47 John Campbell, "Nigeria Security Tracker", Council on Foreign Relations, August 25, 2021, accessed November 19, 2021, <https://www.cfr.org/nigeria/nigeria-security-tracker/p29483>.

## Freedom of assembly and association

The right to congregate, assemble and promote legitimate socio-political, economic and environmental ideals is recognised under the Nigerian constitution. Section 40 states that 'every person shall be entitled to assemble freely and associate with other persons, and he or she may form or belong to any political party, trade union or any other association for the protection of his interests'.<sup>48</sup> Any attack, crackdown or suppression of unarmed protestors by the state security agents, using lethal force, is clearly a violation of this provision. But several cases of suppression and disruption of peaceful assembly have been observed in the Niger Delta region in the last decade. These protests are often carried out to raise concerns about environmental degradation, and provision of basic amenities including healthcare, but protestors are nearly always met with violent suppression by combat-ready police or military agents. The standard response of the government is to crush community protest by the militarisation of the region to ensure continued flow of crude oil and protection of oil facilities.

The last three years have seen an increase in clampdowns on the democratic freedom to assemble and protest by the Buhari administration. In 2018, Amnesty International documented cases of arrest of members of pro-Biafran groups for attempting to organise and participate in peaceful assemblies in the southeast of the country. Also in 2018, Deji Adeyanju, an activist, was arrested during a protest themed 'Police Are Not Politicians, Save Our Democracy'.<sup>49</sup> The protest was organised to demand impartiality from the police force during the presidential elections. In September 2019, while

university students in Ekiti were protesting electricity shortages, state police opened fire, killing at least two.<sup>51</sup> A month earlier, in August 2019, Omoyele Sowore was arrested in his house by DSS operatives for calling for a #RevolutionNow protest. The protest was to be organised to demand an improvement in governance. In January 2020, members of the Islamic Movement in Nigeria (IMN) protested in reaction to their leader's ongoing incarceration. In and around Abuja, police and military authorities put up barricades and fired tear gas and live rounds into the protestors, killing one and seriously wounding another.<sup>52</sup>

Not only has the government sought to clamp down on those calling for, or looking to organise, protests but more recently, it has sought to ban ethnic, religious and political gatherings based on the possibility that they might lead to civil unrest. Open-air religious services held away from places of worship are prohibited in many states, due to fears that they might heighten inter-religious tensions. In October 2016, shortly before the Shia commemoration of Ashura many northern states enacted restrictions on religious activities. In 2019, 15 members of IMN were killed across the 19 northern states as they marked their annual Ashura festivity with a public procession across major streets of the cities in northern Nigeria.

But the most memorable example of this closing down of the space to freely assemble in recent times came in October 2020, when #EndSars protests were staged in at least thirteen states around the country to demand humane policing and good governance.<sup>53</sup> Over 180 demonstrations

48 Entrepreneurship Development Centre, "Nigeria", OHCHR, May 11, 2012, accessed November 19, 2021, [https://www.ohchr.org/Documents/Issues/FAssociation/Responses2012/NGOs\\_and\\_other\\_stakeholders/Nigeria-Entrepreneurship\\_Development\\_Centre.pdf](https://www.ohchr.org/Documents/Issues/FAssociation/Responses2012/NGOs_and_other_stakeholders/Nigeria-Entrepreneurship_Development_Centre.pdf).

49 "Breaking: Police Arrest Deji Adeyanju While Leading Protest in Abuja", Sahara Reporters, November 28, 2018, accessed November 19, 2021, <http://saharareporters.com/2018/11/28/breaking-police-arrest-deji-adeyanju-while-leading-protest-abuja>.

50 Adejumo Kabir, "As students death toll rises in Ekiti, state govt, police muddy the waters", PremiumTimes, September 11, 2019, accessed November 19, 2021, <https://www.premiumtimesng.com/news/headlines/351841-as-students-death-toll-rises-in-ekiti-state-govt-police-muddy-the-waters.html>.

51 Kunle Sanni, "Omoyele Sowore, publisher of SaharaReporters, arrested", PremiumTimes, August 3, 2019, accessed November 19, 2021, <https://www.premiumtimesng.com/news/top-news/344532-omoyele-sowore-publisher-of-saharareporters-arrested.html>.

52 Luminous Jannamike, 2020. "Graphic: One shot dead, another injured as police disperse shi'ites protest in Abuja." Vanguard, 22 January. Accessed November 18, 2021. <https://www.vanguardngr.com/2020/01/graphic-one-shot-dead-another-injured-as-police-disperse-shiites-protest-in-abuja/>.

53 Emmanuel Akinwotu, "Nigeria cracks down on 'end Sars' protesters, alleging terrorism", The Guardian, November 13, 2020, accessed November 19, 2021, <https://www.theguardian.com/world/2020/nov/13/nigeria-cracks-down-on-end-sars-protesters-alleging-terrorism>.

linked with the #EndSARS movements were recorded by the Armed Conflict Location & Event Data Project (ACLED) during the month, with 86% of the protests being peaceful.<sup>54</sup>

Despite the peaceful conduct of the protesters, there were mobilisation of thugs with alleged ties to the government to disrupt the protest and the deployment of state security forces against the peaceful protesters. This brought to bear the President Buhari's administration's willingness to go to great lengths to limit citizens' right to assemble and protest. An estimated 10% of peaceful demonstrations associated with the #EndSARS movements were met with excessive force.<sup>55</sup> The military intervention at a sit-in protest at Lekki Toll Gate, Lagos on 20 October 2020,<sup>56</sup> was particularly disturbing. Under the cover of darkness, armed military soldiers opened fire on peaceful demonstrators waving the Nigerian flag and chanting the national anthem. Although, statistics on the total number of casualties is sketchy, obscure and conflicting, there is convergence on the fact that there were extrajudicial killings of protesters and the perpetration of various forms of human rights violations aimed at discouraging assemblance. According to Amnesty International, the military may have shot and killed at least 12 demonstrators and injured many more.<sup>57</sup> In total at least 56 protesters, bystanders, and members of the security forces were killed across the country during the #EndSARS protests. The Lagos Panel of Judicial Inquiry on #EndSARS presided over by a retired judge Doris Okuwobi submitted its report on the 14th of November 2021, to the Lagos State government confirming various levels of human rights violations. Findings by the panel revealed that

at least 48 protesters were either shot dead, injured with bullet wounds or assaulted by soldiers. Specifically, the report stated that 9 people were confirmed killed and four other persons presumed dead. Beyond the direct offensive confrontation by security operatives, subtle attempts were also made to suppress the protest. Notably, the Feminist Coalition group that was at the forefront raising funds for the #EndSARS protest reported that its bank account and digital payment link on Flutterwave were both deactivated. Also, with the resurgence of the #EndSARS protest<sup>58</sup> in December, 2020, President Buhari threatened to deal with violent protesters in a public address. Appendix 1 captures the casualty list of the October 2020 #EndSARS clampdown on protesters to dissuade them from assembling to protest.

It could be seen from the Lekki Toll gate incident that the security agencies under the direct instructions from the government infringed on the right to assemble and freedom of expression but of great concern is that it took away the inalienable right to life of fellow Nigerians. The excessive use of force in response to a largely peaceful protest, has produced a fearful environment that inhibits or limits freedom of assembly. Yet Nigerians remain undeterred. In June 2021 nationwide protests were held on Democracy Day calling for an end to bad governance and insecurity. However, in furtherance of the culture of the Nigerian government, there was a violent response to protest as the police and army were deployed in large numbers in Lagos and Abuja, spraying tear gas and shooting live bullets into the air to disperse what they termed 'anti-government' protests, with reports of arrests and injuries.<sup>61</sup>

54 "Lessons From the #ENDSARS Movement in Nigeria", ACLED, February 9, 2021, accessed November 19, 2021, <https://acleddata.com/2021/02/09/lessons-from-the-endsars-movement-in-nigeria/>.

55 *ibid.*

56 Stephanie Busari, Nima Elbagir, Gianluca Mezzofiore and Katie Polglase, "They pointed their guns at us and started shooting", CNN, November 19, 2020, <https://edition.cnn.com/2020/11/18/africa/lagos-nigeria-lekki-toll-gate-feature-intl/index.html>.

57 Nigeria: Killing of #EndSARS protesters by the military must be investigated., Amnesty International, October 21, 2020, accessed November 19, 2021, <https://www.amnesty.org/en/latest/news/2020/10/killing-of-endsars-protesters-by-the-military-must-be-investigated/>.

58 "Nigeria 2020", Amnesty International, 2020, accessed November 19, 2021, <https://www.amnesty.org/en/location/africa/west-and-central-africa/nigeria/report-nigeria/>.

59 Toromade, Samson. 2020. "Government moves to frustrate fundraising efforts for EndSARS protests." PulseNG, 13 October. Accessed November 18, 2021. <https://www.pulse.ng/news/local/endsars-government-moves-to-frustrate-fundraising-efforts/04ltetk>.

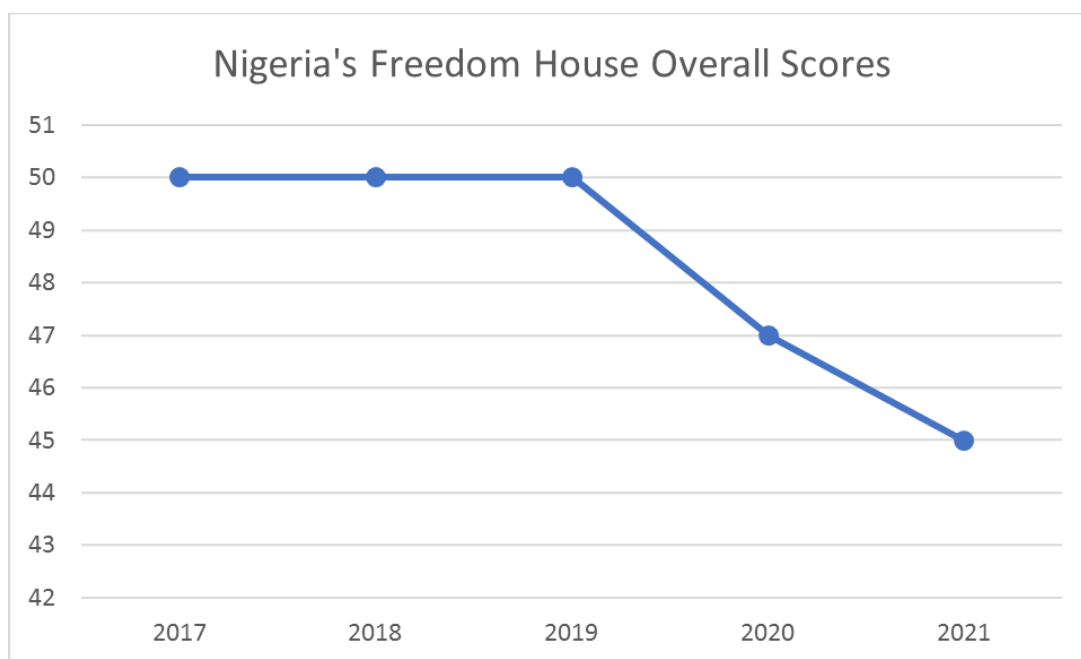
60 Premium Times. 2020. "Buhari threatens to 'deal decisively with violent protesters'." Premium Times, 20 December. Accessed November 18, 2021. <https://www.premiumtimesng.com/news/headlines/429878-buhari-threatens-to-deal-decisively-with-violent-protesters.html>.

61 Nigeria: Police fire tear gas in 'Democracy Day' protests", Aljazeera, June 12, 2021, accessed November 19, 2021, <https://www.aljazeera.com/news/2021/6/12/police-fire-tear-gas-to-break-up-nigeria-protests>.

## Freedom of expression

**F**reedom of expression and press is guaranteed under the Nigerian constitution. Section 39 (1) entitles every individual to “freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference.<sup>62</sup>” Additionally, Section 22 of the basic law states that, “the press, radio, television and other agencies of mass media shall at all times be free to uphold the fundamental objectives contained in this chapter and uphold the responsibility and accountability of the government to the people”.<sup>63</sup>

Whilst the media landscape is very vibrant with the proliferation of online newspapers, citizens journalists and the social media, challenges of intimidation, censorship, draconian legislations, assaults and assassination of journalists, impunity for crimes committed against journalists have been a feature of the last two decades. Nigeria's freedom scores have not improved since its military regime and seems to be deteriorating as of late. Although the country has been rated partly free since its democracy, overall freedom scores have suddenly deteriorated in the last few years of President Buhari's regime, according to the graph below



*Source: compiled Freedom House, Nigeria: Freedom in the World*

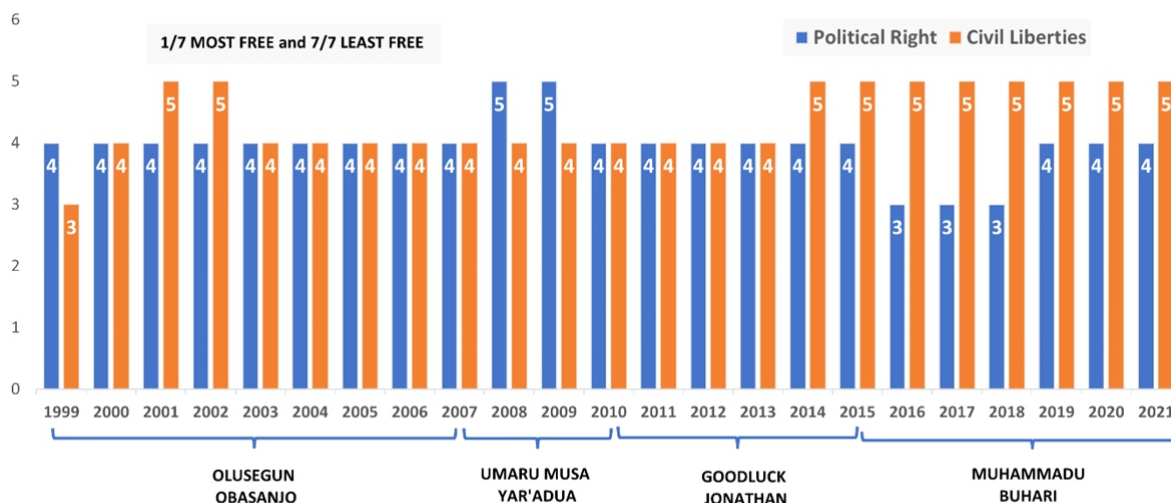
The sudden decrease in overall scores in the last two years (5 points down) is as a result of worsening civil liberties. Threats to civil liberties have increased (as shown in the graph below) due to the Buhari administration limiting of freedom of expression through the harassing and arresting of journalists, placing limits on religious activities, enacting laws to shut down critical opinions of the government and banning public protests.

[62 Section 39](#)

[63 Section 22](#)



### Threats to Freedom in Nigeria (1999 - 2021)



Nigeria has been rated **PARTLY FREE** from 1999 - 2021, according to the Freedom in the World scores.

Source: Compiled from the Freedom House, *Nigeria: Freedom in the World*

The graph above shows that threats to civil liberty has been on a constant high since 2014 till date. The last time the threats to civil liberties became this high was in 2002 under Former President Olusegun Obasanjo after which it dropped by one step and rose again in 2014, remaining so till date.

At various junctures, presidents have sought to exercise undue influence over the media space by controlling content or shutting down providers. In September 2004, armed State Security Service (SSS) agents broke into the offices of a private media firm in Lagos known as Insider Weekly with sledgehammers, seizing documents, equipment, and money. They detained at least two of the magazine employees for several days before releasing them without charge; confiscated the entire print run of the 5 September edition and sealed off the offices, replacing the locks<sup>64</sup> for publishing "discourteous articles about the president and commander-in-chief, and other

government personalities.<sup>65</sup> Clamping down on free expression by the media became a predominant issue towards the last days of President Yar'Adua. The Leadership newspaper was shut down and its officials arrested for publishing news that alleged the former president had serious health challenges that will affect his performance in governance<sup>66</sup>.

On several occasions the Jonathan administration also clamped down on the media. In 2012, according to the Committee to Protect Journalists, there were 143 attacks on the press in Nigeria with government and security forces responsible for 79%.<sup>67</sup> Nigeria made it onto the list of the "worst nations in the world for deadly, unpunished violence against the press".<sup>68</sup> According to the 2019 Afrobarometer survey, Nigeria fell below the African average in its perceived freedom of expression ranking.<sup>69</sup> Recent examples of attacks on the media would suggest that the perception is not necessarily misplaced. In 2016, 12 officers from the DSS stormed the office of Jones

64 Attacks on the Press in 2004 – Nigeria", Reporters Without Borders, February 2005, accessed September 21, 2019,

<https://www.refworld.org/docid/47c566e823.html>.

65 Reporters Without Borders Annual Report 2005 – Nigeria", Reporters Without Borders, 2005, accessed August 31, 2021.

<https://www.refworld.org/docid/46e690d1c.html>.

66 Idayat Hassan, "Human Rights Status in Nigeria Since Obasanjo's Second Coming," in *The Oxford Handbook of Nigerian Politics*, A Carl LeVan & Patrick Ukata (Oxford: Oxford University Press, 1997), 457-472.

67 "Attacks on the press in 2012 Nigeria", Committee to Protect Journalists, 2013, <https://cpj.org/2013/02/attacks-on-the-press-in-2012-nigeria/>.

68 CPJ's 2013 Impunity Index spotlights countries where journalists are slain and the killers go free, <https://cpj.org/reports/2013/05/impunity-index-getting-away-with-murder/>

69 Carolyn Logan and Peter Penar, "Are Africans' freedoms slipping away?" Afrobarometer, no. 55 (April 2019), accessed November 19, 2021.

[https://afrobarometer.org/sites/default/files/publications/Policy%20papers/ab\\_r7\\_policypaperno55\\_are\\_freedoms\\_slipping\\_away\\_in\\_africa\\_1.pdf](https://afrobarometer.org/sites/default/files/publications/Policy%20papers/ab_r7_policypaperno55_are_freedoms_slipping_away_in_africa_1.pdf)

Abiri, the editor in chief of a regional newspaper, Weekly Source. He was arrested for a publication that alleged that the military was contemplating a coup against Buhari. He was also accused of being the leader of a separatist group – the Joint Revolutionary Council of the Joint Niger Delta Liberation Force. He remained in jail and was tortured for two years without trial.<sup>70</sup> He was subsequently discharged by the court because the prosecution failed to validate the case against him. In January 2017, the police raided the Premium Times office in Abuja and arrested the publisher, Dapo Olorunyomi, and their judiciary correspondent, Evelyn Okakwu. The arrest was allegedly carried out based on a complaint filed by the chief of army staff, General Tukur Buratai, after Premium Times published a report alleging corruption and human rights violations by the military.<sup>71</sup>

The year 2020 saw a significant rise in assaults on journalists and media houses reporting on social unrest and conflict nationwide. The DSS<sup>72</sup> arrested journalist Tunji Omirin of the Daily Trust for posting a story about the Boko Haram insurgency. Maxwell Nashan, a journalist for the Federal Radio Corporation of Nigeria, was murdered in Adamawa State. Alex Ogbu, a journalist for the Regent Africa Times was shot dead by police in Abuja in the same month. Two journalists, Godwin Sunday and Edidiong Udobia, were attacked while covering the rerun senate election in Akwa Ibom State. While Samuel Ogundipe and Musikilu Mojeed with the Premium Times were forced into hiding after receiving threats from the DSS. Social movements and Covid-19 protocols have contributed to this growth in assaults. In October 2020, at least 12 journalists were attacked during the #EndSARS protests by security forces and unidentified perpetrators.

## MEMBERS OF THE PRESS ARRESTED, DETAINED, ASSAULTED, THREATENED OR FORCED INTO HIDING SINCE 2015



<sup>70</sup> Journalist Jones Abiri: tortured and two years in detention", Free Press Unlimited, January 4, 2019.

<https://www.freepressunlimited.org/en/stories/journalist-jones-abiri-tortured-and-two-years-in-detention>

<sup>71</sup> Nigerian police raid investigative news website's office", Committee to Protect Journalists, January 19, 2017, <https://cpj.org/2017/01/nigerian-police-raid-investigative-news-websites-o/>

<sup>72</sup> Attacks on Journalists and Freedom of Expression Persist, #Saynotosocialmediabill Campaign", CIVICUS, April 1, 2020, <https://monitor.civicus.org/updates/2020/04/01/attack-on-journalists-and-freedom-of-expression-persists/>

The graph above shows that in 2019 and 2020 there were 45 arrests of journalists, a statistic that outnumbers the total number of arrests from 2015 to 2018. Furthermore, the government has also used regulatory amendments to limit journalistic freedom, with television and radio stations being targeted. The NBC penalised local radio station Nigeria Info 99.3 FM in August 2020 for airing statements by the former deputy governor of the Central Bank of Nigeria, Obadiah Mailafia, about insecurity in the nation, claiming that a northern governor was a Boko Haram supporter. They cited an infringement of amendments to the sixth edition of the Nigeria Broadcasting Code to justify the penalty. During October's #EndSARS protests, the NBC also sanctioned commercial television stations Africa Independent Television, Channels TV, and Arise News, claiming that their coverage of the countrywide demonstrations was based on unverifiable video footage from social media handles.<sup>73</sup>

Legislative efforts in the last decade have also threatened citizens' rights to freedom of expression. The Jonathan administration criminalised same sex relations with the signing into law of the Same Sex Marriage Prohibition Act in January 2014. The Act punishes same sex marriage by a 14-year prison term and further goes on to criminalise the right to privacy and association. According to the act: "any person who registers, operates or participates in gay clubs, societies and organisations or directly or indirectly makes a public show of same-sex amorous relationship in Nigeria commits an offence and shall each be liable on conviction to a term of 10 years in prison." The passage of the law led to a rise of vigilante justice against lesbian, gay, bisexual and transgender (LGBT) community both online and offline. In 2014 a

mob reportedly dragged several suspected gay men from their beds in the middle of the night, in house-to-house raids that took place in Abuja. The victims were beaten up and handed off to the police. Members of the mob were reported as shouting that they were 'cleansing the community' of gays and 'we are working for Jonathan'.<sup>74</sup>

Efforts to close the space for freedom of expression online are also growing. In 2015, the Cybercrime Act, which criminalises a broad range of online interactions was promulgated. But there is minimal evidence to suggest that the legislation has resulted in the arrest of genuine cyber criminals, but the law is increasingly being used to target journalists and the media with spurious allegations of cyberstalking and cyber terrorism.<sup>75</sup> In November 2019, the Protection from Internet Falsehood and Manipulation Bill, often known as the "Social Media Bill," was introduced in the House of Representatives. The bill tries to stifle freedom of expression by allowing the government to shut down social media platforms for information it deems to be a threat to public safety and national security. Simultaneously, a no-less repressive measure was introduced in the Senate titled the Prohibition of Hate Speeches and Other Related Matters Bill aka 'Hate Speech Bill'. While the bill appears to be tailored to prevent and respond to hate speech, the bill's lack of clear definitions and dubious sections make it a danger to constitutionally protected free expression. These laws, if enacted, will effectively stifle critical voices, impose severe control on civil society, and allow the government to prevent human rights organisations and the media from carrying out their roles freely and effectively. So far resistance to them from civil society and the media have prevented their passage.

73 United States Department of State - Bureau of Democracy, Human Rights and Labor, "Nigeria 2020 Human Rights Report", 2020.

74 Reports: Mob Attacks Suspected Gays In Abuja - P.M. News", Pmnewsnigeria.Com, February 16, 2014.

<http://www.pmnewsnigeria.com/2014/02/16/reports-mob-attacks-suspected-gays-in-abuja>: Adam Nossiter, "Nigeria Tries to 'Sanitize' Itself of Gays", New York Times, 8 February, 2014, <https://www.nytimes.com/2014/02/09/world/africa/nigeria-uses-law-and-whip-to-sanitize-gays.html>, accessed 5 November, 2017.

75 Media Foundation for West Africa (MFWA), "Nigeria's cybercrime law being selectively applied" ifex, October 9, 2020, <https://ifex.org/nigerias-cybercrime-law-being-selectively-applied/>

But even without legislation, efforts to clampdown on online activity is underway. The Nigerian government suspended Twitter activity indefinitely on the 4 June 2021 after the platform took down a post by President Buhari that it deemed to have breached the terms of use. The suspension is an infringement on the right to freedom of speech, as well as a host of other rights protected by the Nigerian Constitution and international human

rights treaties. It appears primarily driven by a desire to protect the government from criticisms, particularly over the government's failure to respond appropriately to the security and secessionist upheavals that threaten the stability and corporate existence of Nigeria which have been virulent online.

## Conclusion

On 12 June 2021, Nigeria commemorated 22 years of democracy, however there was little to celebrate as the hallmarks of a democratic nation that adheres to key human rights principles remain conspicuously lacking. Despite the provisions laid out in the constitution, consecutive Nigerian governments have shown scant concern for human rights since 1999. The Obasanjo administration did little to address extrajudicial killings and unlawful killings, particularly by security forces. The deployment of security forces by the state to suppress violence developed into a trend, resulting in numerous unlawful killings of unarmed civilians. With the unlawful actions of the Nigerian Police Force and other security agents such as the now defunct SARS, these human rights abuses have persisted under the tenure of President Buhari. State actors have cumulatively caused more deaths than Boko Haram and other sectarian actors in Nigeria since 2011. This makes extrajudicial killing one of the leading causes of death in the country.

Abuses of civil liberties such as the right to freedom of speech and assembly have also marred the appearance of Nigeria's democracy. Countless incidences of media clampdowns, ranging from attacks on media personnel and houses to the strict regulations on speech, have been a feature of every administration since 1999. During President Jonathan's tenure, restrictions on freedom of assembly and speech were most visible in the form of crackdowns on protests movements, as well as the enactment of laws criminalising same-sex relationships. However, it is possible to argue that freedom of expression and assembly has worsened further under the current administration. Threats to national security and Covid-19 measures have been exploited by the government to accuse and detain journalists, limit popular protest and seek to clampdown on online spaces for dialogue. As Nigeria marks more than two decades of democracy it is clear there is a long way to go when it comes to realising the human rights commitments laid down on paper, in practice



# Recommendations

This report has suggested the following policy recommendations.

## *The Role of the Government*

1. Government should ensure an increased respect for the rule of law in Nigeria. This is necessary to maintain equality for all citizens, secure a non-arbitrary form of governance, and prevent the arbitrary use of power. This would also increase trust in the judiciary.
2. In addition, the board of the Nigerian National Human Rights Commission should be strengthened and stripped off politics for it to promote respect for human rights and punish violators appropriately.
3. Security forces and associated agencies need to be trained, monitored and regulated to ensure that they do not violate the values of the Nigerian Constitution, and the human rights guarantees it provides, in carrying out their duties.
4. Innovative tools for investigation and surveillance like close circuit television, lie detectors amongst others should be provided for the security agencies so that they will not utilize torture as an information gathering technique.
5. The Federal and State governments in Nigeria should implement the various reports of panels set up to investigate human rights violation including the reports of the recent #EndSARS panels of judicial inquiry.

## *The Role of the Civil Society Organisations*

1. Civil society organisations should also support in conducting training for security agencies on the ethics of civil-military engagements.
2. Non-governmental organisations should amplify cases of human right violations and seek redress for those affected. This could be done by visiting the prisons regularly to ascertain the conditions of the inmates, conducting research to find out new dynamics to human rights violations in the country and deploying independent unobtrusive observers to examine the conduct of security agencies in the country.
3. Civil society organisations should sponsor bills that will enhance adherence to human rights and also proffer submissions to the National Assembly in relation to problematic bills. Furthermore, CSOs should call for the amendment or even the abrogation of obnoxious laws that propel the violation of human rights.

### *The Role of the Media*

1. The media should prioritize investigative journalism on issues of human rights violations in Nigeria.
2. Invite government officials and security officials to programs that require them to explain their involvement in human rights violations and make them suggest ways to curb the menace.
3. The media should educate Nigerians more about their rights, what by human rights violations means and how to seek redress in case of eventuality.

### *The Role of the People*

1. Ultimately, the capacity to effect fundamental changes rests with the people in a democracy. Consequently, Nigerians should not relent in their demand for the respect for fundamental human rights by the government and security agencies alike.
2. Citizens should galvanise and hold the government accountable for any infringement on the fundamental human rights of Nigerians.

S// N	NAMES OF VICTIMS	STATUS	GENDER	LOCATION
1	VICTOR SUNDAY IBANGA	DECEASED	MALE	LEKKI TOLL GATE
2	ABUTA SOLOMON	DECEASED	MALE	LEKKI TOLL GATE
3	JIDE	DECEASED	MALE	LEKKI TOLL GATE
4	NICHOLAS OKPE	GUNSHOT INJURY	MALE	LEKKI TOLL GATE
5	UKALA PATRICK AYIDE	GUNSHOT INJURY	MALE	LEKKI TOLL GATE
6	OLALEKAN FALEYE	GUNSHOT INJURY	MALE	LEKKI TOLL GATE
7	MABEL NNAJI	GUNSHOT INJURY	FEMALE	LEKKI TOLL GATE
8	JOSHUA SAMUEL	GUNSHOT INJURY	MALE	LEKKI TOLL GATE
9	LUCKY PHILEMON	GUNSHOT INJURY	MALE	LEKKI TOLL GATE
10	AJOKU JAPPHET	GUNSHOT INJURY	MALE	LEKKI TOLL GATE
11	OPE KEHINDE	INJURY TO THE WRIST	MALE	LEKKI TOLL GATE
12	CHARLES CHINEDU OZIOMA	ASSAULT BY MILITARY	MALE	LEKKI TOLL GATE
13	DAMILOLA ADEDAYO	GUNSHOT INJURY	MALE	LEKKI TOLL GATE
14	ANDREW UGOCHUKWU	ASSAULT BY MILITARY	MALE	LEKKI TOLL GATE
15	IOITYOM SAMUEL	ASSAULT BY MILITARY	MALE	LEKKI TOLL GATE
16	ISAAC AMEDE	GUNSHOT INJURY	MALE	LEKKI TOLL GATE
17	FELIX NANDIP	GUNSHOT INJURY	MALE	LEKKI TOLL GATE
18	EMMANUEL JOHN	ASSAULT	MALE	LEKKI TOLL GATE
19	SIMON ABU RAYMOND	INJURY FROM ASSAULT	MALE	LEKKI TOLL GATE
20	MOSES ADAMS	GUNSHOT INJURY	MALE	LEKKI TOLL GATE
21	SAVIOR OSIKE	ASSAULT BY MILITARY	MALE	LEKKI TOLL GATE
22	MOSES OYI	GUNSHOT GRAZE	MALE	LEKKI TOLL GATE
23	YINUSA ADAMU	GUNSHOT INJURY	MALE	LEKKI TOLL GATE
24	JOHN HARRISON	ASSAULT BY MILITARY	MALE	LEKKI TOLL GATE
25	SOLOMON SAMUEL AGIH	GUNSHOT INJURY	MALE	LEKKI TOLL GATE
26	THEOPHILUS DAVID	GUNSHOT INJURY	MALE	LEKKI TOLL GATE
27	AVWEROGUO TRUST	GUNSHOT INJURY	MALE	LEKKI TOLL GATE
28	OLAMIDE DAUDA	STAMPEDE INJURY	MALE	LEKKI TOLL GATE

29	SAMUEL ASHOLA	GUNSHOT INJURY	MALE	LEKKI TOLL GATE
30	ASUE ROLAND THOMAS	ASSAULT	MALE	LEKKI TOLL GATE
31	EMMANUEL OGBONNA	GUNSHOT INJURY	MALE	LEKKI TOLL GATE
32	JOSHUA JAMES	GUNSHOT INJURY	MALE	LEKKI TOLL GATE
33	PAUL FEMI	GUNSHOT GRAZE	MALE	LEKKI TOLL GATE
34	OLALEKAN SANUSI	SEVERE ASSAULT BY MILITARY	MALE	LEKKI TOLL GATE
35	OLALEKAN ABIDEEN ASHAFI	DECEASED	MALE	LEKKI TOLL GATE
36	OLAMILEKAN AJASA	DECEASED	MALE	LEKKI TOLL GATE
37	KOLADE SALAMI	DECEASED	MALE	LEKKI TOLL GATE
38	FOLORUNSHO OLABISI	DECEASED	MALE	LEKKI TOLL GATE
39	KENECHUKWU UGOH	DECEASED	MALE	LEKKI TOLL GATE
40	ABIODUN ADESANYA	MISSING PRESUMED DEAD	MALE	LEKKI TOLL GATE
41	IFEANYI NICHOLAS EJI	MISSING PRESUMED DEAD	MALE	LEKKI TOLL GATE
42	TOLA	MISSING PRESUMED DEAD	MALE	LEKKI TOLL GATE
43	WISDOM	MISSING PRESUMED DEAD	MALE	LEKKI TOLL GATE
44	IFEANYI AGBEZIE	GUNSHOT INJURY	MALE	LEKKI TOLL GATE
45	NNATAH STANLEY CHIMEZIE	GUNSHOT INJURY	MALE	LEKKI TOLL GATE
46	NATHANIEL SOLOMON	DECEASED	MALE	LEKKI TOLL GATE
47	AYODEJI BECKLEY	INJURED	MALE	LEKKI TOLL GATE
48	ONILEOWO LEGEND	SEVERE ASSAULT BY POLICE	MALE	LEKKI TOLL GATE







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