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## 1999 Country Reports on Human Rights Practices

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### NIGERIA

The military regime of General Abdulsalami Abubakar implemented its program of transition to democratic civilian government begun in June 1998 with the election and subsequent inauguration of retired General Olusegun Obasanjo on May 29 as President. Formally, the Government remained a military dictatorship for the first 5 months of the year, with all decisionmaking authority vested in the Provisional Ruling Council (PRC), headed by the Commander-in-Chief of the armed forces, General Abubakar. The PRC ruled by decree, without a constitution or collaborative legislature. In accordance with Abubakar's transition program, members of the new civilian government were chosen in four elections held over a 3-month period. Elections for local government leaders were held in December 1998, those for state legislators and governors in January, and those for national legislators and president in February. Three loosely structured parties emerged to contest these elections, with the People's Democratic Party (PDP) winning the presidency and most governorships and state assemblies in the southeastern and middle parts of the country, as well as several northern states. A largely Yoruba-based party, the Alliance for Democracy (AD), won the governorships and state assemblies in the southwestern states, and the All Peoples Party (APP) won several northern states and a few middle-belt states. The elections, most notably the presidential election, were marred by fraud and irregularities perpetrated by all contesting parties, but most observers agreed that the election of Obasanjo as President, despite the observed fraud, reflected the will of the majority of voters. Before transferring power to the civilian administration, the Abubakar Government signed into law on May 5 (effective May 29) a new Constitution based largely on the suspended 1979 Constitution; this new Constitution prescribes a democratic federal nation consisting of 36 states and a federal capital territory. The Constitution provides for an independent judiciary; however, in practice the judicial branch remains susceptible to executive and legislative branch pressure, influence by political leaders at both the state and federal levels, and suffers from corruption and inefficiency.

A federal national police force is tasked with law enforcement. Local and state police forces are prohibited by the Constitution. Internal security is the duty of the State Security

Service (SSS). The SSS was scaled down drastically and reformed under Abubakar, and its profile continued to decline under Obasanjo. Until the advent of the civilian administration in May, special paramilitary anticrime squad "Rapid Response Teams" operated in every state. Under Obasanjo the military personnel dispatched to these units returned to their barracks, but the units remained intact in most states, staffed by regular policemen but with a reduced role and a less menacing presence. After the transfer to civilian rule on May 29, the Obasanjo Government abruptly retired all military officers who had held political posts and began to dismiss some categories of senior police commanders. It also began major reforms and restructuring of the security services. While under Abubakar the army occasionally was deployed to trouble spots, under Obasanjo the army was used less frequently to quell internal disorder, and the degree of civilian control over the Rapid Response Teams and the national police force improved. Members of the security forces, including the police, anticrime squads, and the armed forces committed numerous, serious human rights abuses, but did so less frequently under the Obasanjo Government.

Most of the population of approximately 120 million was rural and engaged in small-scale agriculture. Agriculture accounted for less than 40 percent of gross domestic product but employed more than 65 percent of the work force. Although the great bulk of economic activity is outside the formal sector, recorded gross domestic product per capita was \$260. Much of the nation's wealth had been concentrated in the hands of a tiny military, political, or commercial elite through corruption and nontransparent government contracting practices. Crude oil exports provided the preponderance of both national foreign exchange earnings and government revenues. During the year the economy was static, with growth still impeded by grossly inadequate infrastructure, endemic corruption, and general economic mismanagement. Many direct controls on the private sector have been removed, but a huge and inefficient public sector continues to dominate and inhibit the formal sector. Government revenue rose following the doubling of world oil prices, but much of the gain was offset by production-site shut-downs due to ongoing community unrest in the oil-producing areas, which decreased oil production. The chronic fuel shortages that afflicted the country for several years largely ended by mid-year, mostly because the Government spent more than \$400 million (approximately 40 billion naira) to subsidize fuel imports. The Government reintroduced fertilizer subsidies and announced a phased, potentially lengthy privatization process.

There continued to be serious problems in the Government's human rights record; however, there were marked improvements in several areas during the year. After 16 years of military rule, citizens had the opportunity to choose their government in elections. National police, army, and security forces committed numerous extrajudicial killings and used excessive force to quell civil unrest under both the Abubakar and Obasanjo governments, although they did so less frequently than under the Abacha regime. Disappearances remained a problem. Army, police, and security force officers regularly beat protesters, criminal suspects, detainees, and convicted prisoners; however, there were no reports of torture of political dissidents. The Government took steps to curb torture and beating of detainees and prisoners, including the dismissal and arrest of senior officials well known for beating detainees. Prison conditions were harsh and life threatening, and along with the denial of food and medical treatment, contributed to the death of numerous inmates. The Government released several thousand prisoners in an attempt to ease prison congestion. In May the Government repealed the State Security (Detention of Persons) Decree of 1984 (Decree 2), which had allowed prolonged arbitrary

detention without charge; however, police and security forces continued to use arbitrary arrest and detention, and prolonged pretrial detention remains a problem. After Obasanjo's inauguration, the Government ceased to use military tribunals to try civilians and announced the release of all known political prisoners and most known political detainees. The judiciary is subject to political influence, and is hampered by corruption and inefficiency. The Government continued to prove incapable of providing citizens with the right to a speedy, fair trial. The Government continued to infringe on citizens' privacy rights. Under both Abubakar and Obasanjo the Government generally respected freedom of speech and of the press; however, there were a few exceptions. Security force beatings of journalists, government seizures of newspaper print runs, and harassment of newspaper printers, advertisers, and distributors declined significantly. The Government significantly relaxed its restrictions on the rights of freedom of association, assembly, and movement. The Government restricts freedom of religion in certain respects. The National Assembly convened in June and began deliberations on national policies and legislation.

In June the Government established a governmental panel to review cases of human rights violations dating back to independence (1960). The panel received approximately 11,000 petitions for redress by alleged victims of human rights abuses.

Domestic violence against women remained widespread and permitted by traditional and customary law. Discrimination against women remained a problem. Female genital mutilation (FGM) remained widely practiced, and child abuse and child prostitution were common. Localized discrimination and violence against religious minorities persisted. Ethnic and regional discrimination remained widespread and interethnic and regional tensions often became violent. Numerous persons were killed in various local ethnic conflicts throughout the country. Some members of the Ijaw ethnic group in the oil-producing Niger Delta region who seek greater local autonomy continued to commit serious abuses, including killings and kidnappings. In March 130 persons were killed in Kafanchan in intercommunal rioting between Hausa and local minorities. In July ethnic clashes occurred in Kano and Sagamu, resulting in approximately 200 deaths. The Government took steps to improve worker rights; however, some persons, including children, were subjected to forced labor. Child labor is increasing. Trafficking in persons for purposes of forced prostitution and forced labor is a problem. There was an increase in vigilante violence throughout the country, particularly in Lagos, where suspected criminals were apprehended, beaten, and sometimes killed.

## **RESPECT FOR HUMAN RIGHTS**

### **Section 1 Respect for the Integrity of the Person, Including Freedom From:**

#### **a. Political and Other Extrajudicial Killing**

National police, army, and security forces committed numerous extrajudicial killings and used excessive force to quell civil unrest under both the Abubakar and Obasanjo Governments, although they did so less frequently than under the Abacha regime. While under both Abubakar and Obasanjo the Government largely ceased using lethal force to repress nonviolent, purely political activities, when protests or demonstrations were perceived as becoming violent or disruptive, or in the apprehension and detention of suspected criminals, police and security forces committed numerous extrajudicial killings. The State anticrime task forces, as during the Abacha period, remained the most egregious

human rights offenders. Neither the task forces, the police, nor the armed forces were held accountable for excessive, deadly use of force or the death of individuals in custody. They operated with impunity in the apprehension, illegal detention, and sometimes execution of criminal suspects. Since taking office, President Obasanjo largely resisted pressure to call in military troops to quell domestic unrest, which reduced the risk that the armed forces would overreact or harass civilians. Instead, Obasanjo preferred to let the police deal with clashes between rival ethnic groups. However, the police forces often have a difficult time restoring order; as a result, military troops sometimes are deployed to reinforce the police. Multinational oil companies and Nigerian oil producing companies subcontract police and soldiers from area units. Such deployment is done most frequently to protect the oil facilities in the volatile Niger Delta region.

Police and military personnel used excessive and sometimes deadly force in the suppression of civil unrest and interethnic violence, primarily in the oil and gas regions of the country, where there has been an upsurge in confrontations between increasingly militant youths, oil companies, and government authorities. For example, in December 1998, about 4,000 Ijaw activists met and issued the "Kaiama Declaration," which demanded that all government armed forces withdraw from Ijaw areas, that oil companies stop all production by December 30, and emphasized that the Delta region belonged to the Ijaw. In response to a perceived threat, the Government deployed additional armed forces in Bayelsa State and declared a state of emergency there. The state of emergency was lifted on January 4. At least 20 Ijaw died in the clashes between Ijaw youth protesters and military troops in Yenagoa, Bayelsa State between December 30 and January 4. On January 4, soldiers killed at least four civilians in Delta State in the Niger Delta region after attacks on oil production facilities by members of the surrounding communities. On January 6, the military commandeered privately owned helicopters that normally are leased to foreign oil companies and used these helicopters to quell community protests in two Ijaw villages in Delta State by allegedly firing indiscriminately at villagers from the helicopters. Official figures indicate that security forces killed approximately 35 persons before the state of emergency protests in Bayelsa and Delta States ended on January 10; there were some reports of higher figures. No one has been held accountable. The soldiers allegedly also beat and raped Bayelsa State residents, detained Ijaw members, and aggressively manned military checkpoints (see Sections 1.c., 1.d., 1.f., and 2.d.). The soldiers involved in the December 1998 and January attacks in Bayelsa and Delta States were not held accountable, nor were there any official inquiries. During an attack that occurred on April 19 and 20, state security personnel attached to an oil flow station owned by the international company Agip in Bayelsa State killed 8 members of the Ijaw ethnic group after a boat carrying approximately 22 persons allegedly disobeyed their orders to stop. The boat allegedly was going to a destination other than the flow station. (In May Agip apparently broke precedent by agreeing out of court to pay compensation for policemen acting on its behalf who shot and killed several persons.)

The use of excessive force to suppress protests was not confined to conflicts pertaining to oil company activities. On April 14, police in Lagos reportedly shot and killed at least seven persons as a violent riot (resulting in some police injuries) broke out during the attempted demolition of a vegetable market in the Ketu area of northeast Lagos. One press report put the death toll as high as 22 persons. On August 20, police reportedly killed six students and injured others when they fired into a group of demonstrating college students in Osogbo, Osun State. The students allegedly were protesting the nonpayment of teachers' wages, which forced the closure of four universities in the state (see Section 2.a).

When their protest became disruptive and threatened the security of the state secretariat buildings, the police fired into the crowd.

Police, military, and anticrime taskforce personnel committed numerous extrajudicial killings in the apprehension and detention of suspected criminals. For example, on April 14, army personnel stationed in Ijebu Ode, Ogun State, killed approximately 20 motorcycle taxi (okada) drivers in a revenge rampage after 1 of their colleagues allegedly was murdered by a taxi driver. On June 29, police at the Sapele police station in Ughelli, Delta State executed approximately six men accused of armed robbery. The men were arrested and detained on June 25; all were executed extrajudicially. The family of one of the executed men, Adetaye Agbah, filed a petition against the offending divisional police officer at the station, but as of year's end no charges were filed. On August 30, four civilians reportedly were killed and six others injured in an incident in Warri, Delta State in which soldiers fired into a crowd of clashing youths. Two rival factions of Itsekiri youths were involved in a political dispute that became violent, prompting soldiers to fire into the crowd. The soldiers were part of an army contingent dispatched to Warri, Delta State to quell ethnic violence. On September 1, members of Yobe State's anti-crime task force ("Operation Flush-Out") killed four brothers suspected of armed robbery. The task force was unable to apprehend the criminals in the act, but while searching the vicinity of the robbery, they encountered the four persons. The task force suspected the four youths, briefly interrogated them, and then executed them extrajudicially. No legal action was taken against these security officials by year's end.

Under Obasanjo violence and lethal force at police roadblocks and checkpoints was reduced greatly, largely due to the reduction in roadblocks in most areas (with the notable exception of Lagos). Obasanjo's order to reduce checkpoints and roadblocks also affected the National Drug Law Enforcement Agency (NDLEA), and resulted in a decrease in the use of violence and lethal force at NDLEA checkpoints and roadblocks.

Criminal suspects died from unnatural causes while in official custody, usually as the result of neglect and harsh treatment. On January 2, a man died while in the custody of the Lagos police special antirobbery squad. Godfrey Opuoru died in his jail cell following days of intense interrogation and abuse by officers and police squad members, according to a report from a reputable civil liberties organization. Members of the squad were attempting to obtain a confession from him concerning a stolen vehicle. The Civil Liberties Organization (a reputable human rights organization) filed a petition with the National Human Rights Commission and the Justice Oputa Panel concerning his case, but there has been no action yet against the officers of the Special Anti-Robbery Squad who allegedly killed him.

Harsh and life threatening prison conditions and denial of proper medical treatment contributed to the death of numerous inmates (see Section 1.c.).

In October the investigation into the murder of Newswatch editor Dele Giwa on October 19, 1986 reportedly was reopened (see Sections 1.c. and 2.a.). The Government offered no new developments in the death of journalist Bagauda Kaltho. Kaltho's family reportedly has filed a petition with the Justice Oputa panel.

In September Obasanjo gave his approval for the prosecution of Hamza Al-Mustapha and Sergeant Rogers Mshiella for the murder of Kudirat Abiola and other offenses (see

Sections 1.e and 2.a.). The Federal Government continues to investigate and 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 killings of prominent prodemocracy activists in Lagos. In November the case of Hamza Al-Mustapha, Mohammed Abacha, Mohammed Rabo Lawal, Lateef Shofalan, and Mohammed Aminu for the murder of Kudirat Abiola, a prominent prodemocracy activist and the wife of Moshood Abiola, was moved to Lagos High Court. They were charged with murder, a capital crime. Sergeant Rogers, the alleged killer, is listed as a prosecution witness. At year's end, the Government had not discussed whether he would receive immunity for any of his alleged crimes.

Former Army Chief of Staff Ishaya Bamaïyi was detained on October 13 for questioning about his involvement in the attempted murder of Guardian newspaper publisher Alex Ibru on February 2, 1996. Bamaïyi challenged his detention without charge and won a reprieve in the Abuja court in early November. The Government arraigned Bamaïyi in the Lagos magistrate court on November 15, the same day that Bamaïyi's appeal for release was to be heard in Abuja. Mustapha, former Lagos police commissioner James Danbaba, and Colonel Yakubu, also were charged in the attempt on Ibru. At year's end, the defendants were being held at Kiri Kiri maximum security prison. The Government has detained other Abacha-era security officials, such as Brigade General Ibrahim Sabo, the former Director of Military Intelligence, who allegedly oversaw the torture of hundreds, perhaps thousands of persons.

Destructive societal violence claimed many lives. Vigilante groups in large cities, particularly Lagos and Kano, committed numerous extrajudicial killings of suspected criminals. These groups were particularly active from March to July after an upsurge in violent crime in the waning days of the Abubakar regime and in the first months of the Obasanjo Government. The vigilante groups were more than mobs intent on administering immediate street justice to criminals caught in the act. They were fairly well organized and engaged in lengthy attempts to apprehend criminals days after the alleged offenses were committed. There also were numerous reports of angry street mobs apprehending and killing suspected criminals. The practice of "necklacing" (death in which a gasoline-soaked tire is placed around a victim's neck or torso and then ignited, burning the victim to death) criminals caught in the act continued in cities throughout the country.

During the year, there was an upsurge in lethal interethnic and intraethnic violence throughout the country. During May and June, the Ijaw, Itsekiri, and Urhobo ethnic groups clashed in the Delta State town of Warri, leaving approximately 200 persons dead. Disputes about the location of a local government headquarters, in addition to widespread disaffection and bitterness caused by perceived government neglect of the area, reportedly caused the violence. On July 17, violence erupted between the majority Yoruba population and the minority Hausa population in the southern city of Sagamu, Ogun State. The clash began after a Hausa woman reportedly failed to observe the customs of a traditional Yoruba festival by breaking a taboo against being outdoors when the festival parade begins (see Section 5.). Irate Yorubas apparently chased the offending woman and killed her, after which Hausas retaliated. The ensuing 3-day period of violence left approximately 100 persons, mostly Hausas, dead. This incident ignited reciprocal violence on July 21 in the northern, predominantly-Hausa city of Kano, with the Hausa majority attacking the Yoruba minority. Approximately 80 persons died over a 4-day

period; the majority of the victims were Yorubas. On July 26, violence between two Igbo communities erupted in Otuacha, Anambra State resulting in 120 deaths. Although the cause for the clash was unclear, local newspapers blamed a longstanding land dispute. From June through August, violent confrontations between the Ilaje and Ijaw ethnic groups occurred in Ondo State, resulting in approximately 30 deaths. Land disputes also appeared to be a reason for these clashes (see Section 5). Violence on November 1 and 2 between Ijaw and Ilaje youths in Lagos left at least 19 persons dead. The violence was due partly to territorial disputes in nearby Ondo State, as well as to confrontations between suspected Ijaw armed robbers and members of the Oodua Peoples Congress (OPC), a Pan-Yoruba group that sometimes engages in vigilante patrols in Lagos. Seven members of the Bayelsa police were killed in Odi the following week, apparently in response to the previous week's skirmishes. On November 20, government troops killed several Ijaw youths in the same area. According to police reports, soldiers killed 162 persons during the month's clashes in Odi; however, local communities insist that more than 500 persons were killed. The Inspector General of Police, Musiliu Smith, ordered an investigation of the number of civilians killed by soldiers in Odi to resolve conflicting reports, and on November 23, Senate President Chuba Okadigbo led a legislative fact-finding mission to Odi. By year's end, the investigation of the Odi incident had produced no results. Twelve police officers were among the persons killed during November's violence in Odi. On November 25, fighting between Yoruba and Hausa traders in Ketu, a Lagos suburb, resulted in over 100 deaths. Most of those killed died of machete wounds, but many of the deaths and injuries occurred as victims were doused with gasoline and set on fire. In an effort to quell the violence, President Obasanjo ordered police to "shoot-on-sight" members of the OPC. As of year's end, there were no reports of police killings as a result of this order.

#### b. Disappearance

There were no reports of politically motivated disappearances.

Members of minority ethnic groups in the oil-producing areas kidnaped foreign and local oil company employees throughout the year to press their demands for more redistribution of wealth generated by joint ventures with the state-controlled petroleum corporation and for specific projects in their areas. The incidence of kidnaping increased during the year, with approximately 50 such incidents occurring. On June 6, Ijaw youths kidnaped 48 oil company employees, including many foreigners, reportedly as a response to an ongoing dispute over a Texaco oil spill in July 1998 in Bayelsa State. In exchange for agreements to discuss compensation, on June 13 they were all released unharmed and without ransom.

In addition to the political rationale for kidnaping, there were numerous instances of strictly criminal kidnaping, in which the perpetrators' sole objective was ransom for the release of the victims. During the year, kidnapings by criminals to extort money overtook in number those perpetrated for "political" reasons. In February Ijaw youths took several foreigners hostage in Warri. On March 3, armed men took a foreigner hostage from an offshore dredging vessel. In March a hostage was released after the payment of a \$53,000 (5.25 million naira) ransom by an international oil company. On June 27, the group "Enough is Enough in the Delta" hijacked an oil company helicopter, kidnaping several foreigners on board. Ransom for the pilots and passengers was set at \$150,000 (15 million naira) by one hostage-taking group, and \$80,000 (8 million naira) by another--the disparity in ransom demands reportedly arose because the two groups holding hostages

were not communicating with each other. In all instances, after negotiations between the captors and the oil firms during which the firms usually paid ransoms and promised improved conditions, the victims were released unharmed. The victims were detained normally for periods of 2 days to 2 weeks and generally were treated well during their detention. Another reportedly was beaten. With limited manpower and capabilities, the police and armed forces rarely are able to confront the perpetrators of these acts, especially in the volatile Delta region.

### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The 1979 Constitution (suspended), the 1989 Constitution (never implemented), and the new Constitution (effective May 29) prohibit torture and mistreatment of prisoners and provide criminal sanctions for such abuses; however, although there were no reports of torture of political dissidents during the year, army, police, and security force officers regularly beat protesters, criminal suspects, detainees, and convicted prisoners. Police regularly physically mistreated civilians in attempts to extort money from them. Detainees often were kept incommunicado for long periods of time. These practices continued, but at a decreased level, after Obasanjo took office on May 31. The Evidence Act of 1960 prohibits the introduction into trials of evidence obtained through torture. The Government took steps to curb torture and beating of detainees and prisoners and arrested persons, and plans to try senior security officials that engaged in such practices under the previous regime.

In January army personnel dispatched to Delta State to quell ethnic violence reportedly abused civilians and looted property. Also in January, military officers allegedly raped Ijaw and Ikwerre women in Bayelsa and Rivers States; however, the Government continues to deny these allegations. Army personnel, who reportedly fired on the town of Kaiama, killed many persons, destroyed many buildings, looted property, and drove away the town's population of about 10,000 residents (see Sections 1.a. and 2.d.). In November army troops burned down the town of Odi in Bayelsa State, forcing residents to flee (see Sections 1.a. and 2.d.). According to the media and human rights organizations, in September and October military personnel allegedly raped Choba residents. According to the President and the army Chief of Staff, these rapes could not have occurred because the military reportedly was not in Choba at the time. However, local residents say that soldiers hired to protect oil company facilities were in the area. On April 6, members of Lagos State's anticrime task force severely beat members of the National Union of Petroleum and Natural Gas Workers (NUPENG) when they assembled at the Lagos headquarters of an oil company to protest the dismissal of several union workers (see Sections 2.b. and 6.b.). Police, using riot gear, attacked the reportedly peaceful protesters, injuring many persons seriously. There also were numerous reports of beatings of citizens by members of special task forces established to ensure the cleanliness of cities that hosted soccer matches during the World Youth Championship (Nigeria '99), held during the months of April and May.

On June 25, members of the Lagos State anticrime task force reportedly beat and detained 16 civilians and 1 journalist in an attempt to extort money from them for their release. In August police in Lagos arrested a reporter on theft charges and detained him for 6 days, during which time they physically abused him and paid other prisoners to do likewise. In November former army Chief of Staff Lieutenant General Ishaya Bamaïyi was arraigned in Lagos Magistrate Court in Ikeja for the attempted murder of Guardian publisher Alex

Ibru. Also charged in the February 1996 murder attempt were the former Military Administer of Zamfara State Colonel Jubril Yakubu, former Lagos State Police Commissioner James Danbaba, Hamza Al-Mustapha, and Mohammed Rabo Lawal (see Sections 1.a. and 2.a.).

Jerry Needam, Editor of the Ogoni Star Newspaper, was arrested on October 11 and detained by the State Intelligence Bureau (SIIB) in Port Harcourt (see Sections 1.d. and 2.a.). On October 22, police reportedly beat Needham in an effort to force a confession and letter of apology from him. While incarcerated Needham also was denied needed medical treatment for typhoid fever and malaria. Needam was released on bail on November 2. At year's end, no hearing had occurred.

In the numerous ethnic clashes that occurred throughout the year (see Sections 1.a. and 5), thousands of persons were beaten and injured severely. Police and security forces failed to respond to many criminal acts in a timely manner.

Prison and detention conditions remained harsh and life threatening. Most prisons were built 70 to 80 years ago and lack functioning basic facilities. Lack of potable water, inadequate sewage facilities, and severe overcrowding resulted in unhealthy and dangerous sanitary conditions. Disease was pervasive in the cramped, poorly ventilated facilities, and chronic shortages of medical supplies were reported. Prison inmates were allowed outside their cells for recreation or exercise only irregularly and many inmates had to provide their own food. Only those with money or whose relatives brought food regularly had sufficient food; petty corruption among prison officials made it difficult for money provided for food to reach prisoners. Poor inmates often relied on handouts from others to survive. Beds or mattresses were not provided to many inmates, forcing them to sleep on concrete floors, often without a blanket. Prison officials, police, and security forces often denied inmates food and medical treatment as a form of punishment or to extort money from them. Harsh conditions and denial of proper medical treatment contributed to the deaths in detention of numerous prisoners. During the year, a reputable human rights organization estimated that at least one inmate dies per day in the Kiri Kiri prison in Lagos alone. According to the nongovernmental organization (NGO), dead inmates promptly are buried in mass graves on the prison compound, usually without their families having been notified. A nationwide estimate of the number of inmates who die daily in the country's prisons is difficult to obtain because of poor (if not nonexistent) record keeping by prison officials.

Both the Abubakar and Obasanjo Governments acknowledged the problem of overcrowding in the prisons as the main cause of the harsh conditions common in the prison system. Approximately 41,000 inmates were held in a system of 147 prisons with a maximum designed capacity of 33,348 prisoners. The majority of prisoners are so-called awaiting trial persons (ATP's), who have not been charged (see Section 1.d.).

Both the Abubakar and the Obasanjo administrations focused on prison reform. In January the Ministry of the Interior claimed that the Presidential Committee on Prisons Decongestion released 2,433 prisoners after September 1998. In April the Abubakar administration released 646 prisoners, and in August the Obasanjo Government released another 1,403 prisoners.

Throughout the year, the Government allowed both international and domestic NGO's

occasional access to prisons. It did not allow them continuous access to all prisons.

#### d. Arbitrary Arrest, Detention, or Exile

The new Constitution prohibits arbitrary arrest and detention; however, the Government rarely observed these prohibitions. Under the Abubakar and Obasanjo administrations, police and security forces continued to use arbitrary arrest and detention; such practices decreased somewhat after Obasanjo's inauguration in May, but still continued.

On May 26, in anticipation of the implementation of the new Constitution, Head of State Abubakar announced (in Decree 63) that all prior military decrees that were inconsistent with the law of the new Constitution were repealed. This included the State Security (Detention of Persons) Decree (Decree 2 of 1984), which had allowed the Government to detain without charge persons suspected of acts prejudicial to state security or harmful to the economic well-being of the country. When invoked, Decree 2 suspended the detainee's civil liberties and precluded judicial review. It authorized the Chief of Staff or the Inspector General of Police to detain persons for up to 3 months without charge. This 3-month detention often was renewed indefinitely, and under this procedure, in the past many persons were detained for several years without trial.

The Abubakar Government claimed in March that no one was being detained under Decree 2, and that no one had been deprived of his liberty on account of Degree 2 under his administration. However, a civil rights group reported in May that 31 members of the Shi'a Muslim Brotherhood Group were being detained under Degree 2 and had been for over 2 years. Regardless of whether Degree 2 was cited as their reason, police and security forces arbitrarily detained numerous persons. For example, during the violence that affected Bayelsa and Delta States in January (see Sections 1.a., 1.c., and 5), military officials detained numerous ethnic Ijaw youths. Police arrested student protesters in January (see Section 2.a.). On April 18, Ibadan police arrested Lanre Arogundade, a senior member of the editorial board of the "Vanguard" newspaper and chairman of the Lagos Council of the Nigerian Union of Journalists (NUJ), and detained him illegally for 10 days before charging him with an offense (see Section 2.a). The journalist reportedly disagreed with a progovernment faction of journalists, and his arrest was encouraged by this opposing faction. After being detained for approximately 2 months on what widely were regarded as trumped-up murder charges, the reporter was released. A human rights group reported in August that 29 suspected members of the Oodua People's Congress (a pan-Yoruba group that repeatedly clashed with the Government) were detained illegally in Lagos State. In September soldiers deployed to Cross River State allegedly detained 10 village chiefs after the chiefs discontinued the practice of providing free crayfish to the soldiers for consumption.

Police and security forces were empowered to make arrests without warrants if they believed that there was reason to suspect that a person had committed an offense; they often abused this power. Under the Fundamental Rights Enforcement Procedures Rules of the 1999 Constitution (based on those of the 1979 constitution), police may arrest and detain persons for 24 hours before charging them with an offense. The law requires an arresting officer to inform the accused of charges at the time of arrest and to take the accused persons to a station for processing within a reasonable amount of time. By law police must provide suspects with the opportunity to engage counsel and post bail. However, police generally did not adhere to legally mandated procedures under both the

Abubakar and Obasanjo Governments. Suspects routinely were detained without being informed of the charges, denied access to counsel and family members, and denied the opportunity to post bail for bailable offenses. There was no functioning system of bail, so many suspects were held in investigative detention. In August police detained 25 citizens in Ondo State for their suspected involvement in ethnic hostilities between the Ijaw and Ilaje groups. All 25 were detained for a month while the police investigated the matter further. On October 11, Jerry Needham was arrested and detained by the SIIB in Port Harcourt without charge for over 15 days (see Sections 1.c. and 2.a.).

Lengthy pretrial detention remained a serious problem. According to the new Constitution, persons charged with offenses have the right to an expeditious trial. However, in practice this right was not honored (see Section 1.c.). The judicial system remained hampered by serious backlogs, endemic corruption, and undue political influence (see Section 1.e.). Estimates of the percentage of so-called ATP's (see Section 1.c.) in the prison population range from 60 to 74 percent of the estimated 41,000 detainees. For example, in Ikoyi prison, over 90 percent of inmates, or over 1,500 individuals, are ATP's. In the Kiri Kiri maximum-security prison in Lagos, approximately 1,000 of the 1,605 inmates were ATP's; approximately 2,100 of the 2,300 prisoners at the Kiri Kiri medium-security prison were ATP's. Many prisons held 200 to 300 percent more persons than they were designed to hold, and many of the ATP's had been detained for periods far longer than the maximum allowable sentence for the crimes for which they have yet to be tried. Police cited their inability to transport detainees to trial on their scheduled trial dates as one reason why so many of the detainees were denied a trial.

Persons who happen to be nearby when a crime is committed normally are held for interrogation for periods ranging from a few hours to several months. Even after their release, those detained are asked to return repeatedly for further questioning. Police and members of the NDLEA continued the practice of placing relatives and friends of wanted suspects in detention without criminal charge to induce suspects to surrender to arrest, although this was done much less often than under the Abacha regime (see Section 1.f.).

On a number of occasions security forces beat and detained journalists (see Sections 1.c. and 2.a.).

Both the Governments of Abubakar and Obasanjo continued to release political detainees from previous regimes. Ibrahim El-Zakzaky, leader of the Muslim Brotherhood, who had been detained since 1996 on charges of seditious publishing, was released in January. On March 4 and March 23, the Government announced the release of most of its remaining political detainees. During the year, all political detainees are believed to have been released. On March 4, eight armed forces officers and six civilians detained since December 1997 for an alleged coup plot against the Government of General Sani Abacha were released (see Section 1.a.). Lieutenant General Oladipo Diya, Deputy Head of State to Abacha, was among those released. Also on March 4, 17 armed forces officers detained since 1995 for an alleged coup plot against Abacha were released. Colonel Lawan Gwadabe and Colonel Babatunde Bello-Fadile, both accused of fomenting the 1995 plot, were among that group. On March 24, the Government released eight more armed forces officers held since 1990 in connection with an alleged coup attempt during that year in which one person was killed. Turner Ogboru, a civilian relative of one of the alleged coup plotters, was released in 1998. Ogburu, a lawyer arrested in 1990 for allegedly participating with his brother, Great Ogboru, in the 1990 coup attempt, was convicted by

a special military tribunal that year, granted a pardon in 1993, ordered released, and then rearrested in 1995. In addition in mid-June Obasanjo's Government released over 100 persons who had been suspected of improper acts that resulted in the failure of several banks during Abacha's regime. Many of these suspects had been detained for periods of 4 years without being charged.

Four political detainees remained in custody. Two retired armed forces officers alleged to have participated in the 1990 coup plot, Trooper Innocent Ofem Anang and Lance Corporal Lucky Iviero, still were being detained. There was no apparent reason why these two men remained in custody, since six of their alleged coconspirators, who had been sentenced to life imprisonment, were released in March. Also, the Government reportedly pardoned all alleged coup plotters in 1992.

In July Abacha's presidential security officer who is widely believed to have orchestrated killings, torture, and hundreds of extrajudicial detentions brought suit against the Federal Government because he was detained without being charged with a crime (see Section 1.a.). The suit later was dropped.

The 1999 Constitution prohibits the expulsion of citizens, and the Government does not use forced exile. Many citizens who had lived abroad due to fear of persecution under the Abacha regime returned to the country during the year, especially after the civilian government of Olusegun Obasanjo was inaugurated on May 29.

#### e. Denial of Fair Public Trial

Both the suspended 1979 Constitution and the never implemented 1989 Constitutions, as well as the new Constitution promulgated on May 29, provide for an independent judiciary; however, in practice, the judiciary remained subject to executive and legislative branch pressure, influence by political leaders at both the state and federal levels, and suffers from corruption and inefficiency. During the first 5 months of the year, under the military regime, both the Head of State (Abubakar) and the Provisional Ruling Council exerted undue influence on the judiciary. In addition understaffing, inefficiency, and corruption continued to prevent the judiciary from functioning adequately. Citizens encountered long delays and frequent requests for small bribes primarily due to a lack of sufficient resources necessary for the court system.

Under the new 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, and distance to alternative venues encouraged many litigants to choose these courts.

Criminal justice procedures call for trial within 3 months of arraignment for most categories of crimes. Understaffing of the judiciary, inefficient administrative procedures, petty extortion, bureaucratic inertia, poor communication between police and prison officials, and inadequate transportation continued to result in considerable delays, often

stretching to several years, in bringing suspects to trial (see Section 1.d.).

Trials in the regular court system are public and generally respect constitutionally protected individual rights, including a presumption of innocence, the right to be present, to confront witnesses, to present evidence, and to be represented by legal counsel. However, there is a widespread perception that judges easily are bribed or "settled," and that litigants cannot rely on the courts to render impartial judgements. Most prisoners are poor and cannot afford to pay the very real costs associated with moving their trials forward. As a result they remain in prison.

Some courts are understaffed. Judges frequently fail to show up for trials, often because they are pursuing other means of income. In addition court officials often lack the proper equipment, training, and motivation for the performance of their duties, again due in no small part to their inadequate compensation.

There are no legal provisions barring women or other groups from testifying in civil court or giving their testimony less weight. However, the testimony of women is usually accorded less weight in Shari'a courts.

Under the Abubakar Government, military tribunals continued to operate outside the constitutional court system, but they were used less and less frequently as military rule waned; the tribunals officially were disbanded by the implementation of the new Constitution and the return to civilian rule. The tribunals had in the past been used to try both military personnel and civilians accused of various crimes. There was a report in March of a student accused of armed robbery who was tried and executed by a military tribunal in southeastern Nigeria. Human rights groups assert that these tribunals failed to meet internationally accepted standards for fair trial. In most cases before the tribunals, the accused had the right to legal counsel, bail, and appeal, although some tribunals substituted a presumption of guilt for the presumption of innocence, and conviction rates in the tribunals reportedly exceeded conviction rates in the regular courts. The decisions of the tribunals were exempt from judicial review. At year's end, none of the tribunals were operating.

There were no reports of political prisoners.

The Movement for the survival of the Ogoni People (MOSOP) and the Saro-Wiwa family continued to petition President Obasanjo, the Minister of Justice, and the Oputa Human Rights panel to reverse the verdict of the Autu Tribunal that convicted Saro-Wiwa and the Ogoni-9 in October 1995. At year's end, the Government had not responded to the appeal to clear the names of Saro-Wiwa and the Ogoni activists, who were executed by the regime of Sani Abacha in November 1995.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The new Constitution prohibits arbitrary interference with privacy, family, home, or correspondence; however, although government authorities generally respect these prohibitions, authorities continued at times to infringe on these rights.

Police and security forces continued the practice of placing relatives and friends of wanted suspects in detention without criminal charge to induce suspects to surrender to arrest,

although this was done much less frequently than under the Abacha regime. There were calls by human rights groups for the police to end the practice.

Members of the armed forces looted property, destroyed buildings, and drove away many persons from their homes (see Sections 1.a., 1.c., and 2.d.).

In October the governor of Zamfara signed into law two bills passed by the state legislature aimed at instituting Islamic (Shari'a) law in the state; at year's end, the bills had not been implemented. After the bills passed, the sale of alcohol was banned in Zamfara state, and the Government announced that only those persons with beards would win government contracts (see Section 2.c.); however, the Federal Government has disregarded the ban on alcohol sales on military installations. Section 2 Respect for Civil Liberties, Including:

#### a. Freedom of Speech and Press

The 1979 Constitution that provided for freedom of speech and of the press remained suspended during the first 5 months of the year, but under Abubakar the Government significantly relaxed the restrictions on freedom of speech and of the press that had been instituted during the regime of Sani Abacha; the new Constitution promulgated in May restored these freedoms, and under both Abubakar and Obasanjo, the Government generally respected these rights; however, there were a few exceptions.

Although there is a large and vibrant private domestic press that is frequently critical of the Government, the Government also owns or controls many publications. Under Abubakar, all newspapers and magazines legally were required to register with the Government in accordance with the Newspaper Registration Board Decree 43 of 1993; however, most papers refused to register and were not punished for doing so. Shortly before Abubakar transferred the Government to the civilian administration in May, he abrogated Decree 43 and its registration requirements, based on his conviction that the press would fare better if it were monitored by its own control mechanism. This mechanism was the Nigerian Press Council, which was charged with the enforcement of professional ethics and the sanctioning of journalists who violated these ethics. However, the Press Council soon became a subject of controversy, with most journalists describing it as a subtle means of censorship.

The decree creating the Nigerian Press Council (Decree 60) was signed into law in the last days of the Abubakar regime and immediately was criticized by the media as "an undisguised instrument of censorship and an unacceptable interference with the freedom of the press." Decree 60 replaced the abrogated Decree 43 and attempted to put control of the practice of journalism into the hands of a body of journalists who received payment from the Government. The NUJ, the professional association of all Nigerian journalists, and the Newspaper Proprietors Association of Nigeria (NPAN), rejected the creation of the Press Council. Claiming that the Decree establishing the Press Council contained similar provisions to the abrogated Decree 43, the NPAN called the Decree unconstitutional and a violation of press freedom, as there already were enough laws concerning the operation of the press. The Decree, which virtually made members of the council employees of the Government, also contained a number of provisions inimical to the operation of a free press. It gave the Press Council the power to accredit and register journalists and the power to suspend journalists from practicing. Like the abrogated

Decree 43, Decree 60 required that publications be registered by the council annually through a system entitled "Documentation of Newspapers." In applying for registration, publishers were expected to submit their mission statements and objectives and could be denied registration if their objectives failed to satisfy the council. The penalties for practicing without meeting the council's standard were a fine of \$2,500 (250,000 naira) or imprisonment for a term not to exceed 3 years. The Decree also empowered the council to approve a code of professional and ethical conduct to guide the press and to ensure compliance by journalists. Under the Decree, publishers were expected to send a report of the performance of their publications to the council; failure to do so was an offense that carried a fine of \$1,000 (100,000 naira). The Nigerian Press Council continued after Obasanjo's inauguration. In fact, Information Minister Dapo Sarumi expressed the view of the new civilian Government that the council would continue to operate, and said that "It is in line with journalists' demand." At year's end, the Council had not yet begun operating, but remained on the books in principle. The new Constitution also removed the Mass Media Commission (included in the 1995 draft Constitution), which aimed at regulating the conduct of journalists and restricting the circulation of newspapers and magazines to their states of operation.

On October 11, Jerry Needham, editor of the Ogoni Star newspaper, was arrested, detained without charges, and reportedly abused by the SIIB in Port Harcourt, before being released on November 2 (see Sections 1.c. and 1.d.). In November soldiers at a hospital in Port Harcourt prevented reporters from interviewing those persons injured in clashes in Bayelsa State. On a number of other occasions security forces also beat and detained journalists (see Sections 1.c. and 1.d.).

There were no reports of harassment of advertisers or printers. However, on February 6 the police and SSS agents raided a printing company in search of allegedly offensive pamphlets and calendars, and reportedly seized 80,000 copies of a magazine that they believed to be "inciting" and "capable of undermining the peace and security of the nation." The laws cited for the seizure dealt with national security issues. According to the Government, the "news" seizure was by mistake and was not directed at the media, and ultimately there did not appear to be any clear rationale for seizing that particular magazine. There were no other reports of press seizures. General Abubakar encouraged a free flow of information from his office by making himself available for "on the spot" interviews.

The press, which was at the forefront of the fight for democracy, cautiously welcomed the advent of the civilian Government of President Obasanjo, given Obasanjo's reputed dislike for the press and his choice of Media Adviser and Information Minister, both of whom were nonmedia practitioners. However, the initial skepticism diminished and a cordial working relationship evolved as the administration maintained an open policy toward the press. Obasanjo granted several interviews to members of the press and participated in three press forums. The sense of freedom from retribution enjoyed by journalists encouraged them to expose corrupt government officials, including the former Speaker of the House of Representatives, who resigned after the press broke the story of his falsifying his age and qualifications (see Sections 1.e. and 3). There were a few arrests made in the killing and attempted killing of journalists in previous years (see Sections 1.a. and 1.c.).

There are two national, daily, government-owned newspapers in English, the New

Nigerian and the Daily Times. The New Nigerian has an additional Hausa edition. Some of the states of the federation have daily and/or weekly state-owned newspapers in English. There is a national radio broadcast station, the Federal Radio Corporation of Nigeria (FRCN), which broadcasts in English, Hausa, Yoruba, Igbo, and other languages. State radio stations broadcast in English and local languages. The National Television Station (NTA) is federally owned, and many states also operate television stations. The majority of the country's print publications and television and radio broadcasting outlets are privately owned.

President Obasanjo appointed several purportedly radical persons to prominent positions in government-owned newspapers, radio programs, and television programs in an attempt to reflect the democratic nature of the country. In addition several managers of certain media organizations, which generally were regarded as government mouthpieces and propaganda machines, were replaced with professionals whose abilities to deliver objective journalism had been demonstrated in the past.

Because newspapers and television are relatively expensive and literacy is not universal, radio remained the most important medium of mass communication and information. The Government continued to prohibit nationwide private radio broadcasting during the first 5 months of the year. However, before the transfer of power to Obasanjo, this prohibition was lifted and 10 applications for radio and television licenses were submitted to the National Broadcasting Commission for approval. There were indications that Obasanjo was not opposed to the issuance of these licenses. However, at year's end, no new licenses had been issued.

There are nine privately owned television stations in the southwest, most of which broadcast domestic news and political commentary. The Press Law of 1993 requires local television stations to limit programming from other countries to 40 percent. In March 1999 the Nigerian Broadcasting Commission (NBC) considered terminating licenses of several television operators that contravened this requirement by broadcasting more foreign programs than local. The Press Law of 1993 also restricts the foreign content of satellite broadcasting to 20 percent, but the Government did not restrict access to, or reception of, international cable or satellite television. The Government did not restrict Internet access, although unreliable and costly digital telephone service limited access and hindered service providers. All Internet service providers were privately owned.

The Government controls state-owned media to varying degrees. However, under Abubakar state-owned media outlets exercised a much greater measure of editorial freedom than under the Abacha regime, and this freedom continued under Obasanjo. Following the appointment of a new Director General for the Nigerian Television Authority (NTA), it began to broadcast several public-interest programs. For example, the NTA 2 and Channel 5 began broadcasting 24-hours a day to compete with other independent broadcasters.

While private television and radio broadcasters remained economically viable on advertising revenues alone, despite the restrictions that the Government imposed on them, government-sponsored broadcasters complained that government funding and advertising were inadequate for their needs.

Under both Abubakar and Obasanjo, journalists and editors of state media did not fear

suspension for their editorial decisions, although some self-censorship lingered. During the election period all candidates and parties had opportunities to express their views via the media.

After the advent of the civilian regime, foreign journalists who sought to enter the country to cover political developments more easily obtained visas. Many of the obstacles that previously frustrated foreign journalists were removed. Officials in the Ministry of Information responsible for accrediting foreign journalists became more accommodating.

On January 13, police arrested 22 students for protesting against tuition increases at Obafemi Awalowo University and expressing displeasure with decaying conditions at the country's tertiary educational institutions. The students were released later in the month.

Throughout the Abacha regime, there was no academic freedom for students or academic staff, and under Abubakar, there were numerous student protests, strikes, and demonstrations. However, under Obasanjo, the new Federal Minister for Education, the President, and the National Assembly took some concrete steps to address the significant education problems that the Government inherited from the country's previous military regimes and sought to restore academic freedom. For example, setting precedent within the country, Obasanjo engaged in direct dialog with representatives of the Academic Staff Union of Universities and representatives of the Student Union to discuss educational reform. After Obasanjo became President, the level of unrest on university campuses apparently subsided. However, in August police reportedly killed student protesters and injured others (see Section 1.a.).

#### b. Freedom of Peaceful Assembly and Association

The 1999 Constitution provides citizens with the right to assemble freely; and the Government, especially the civilian regime of Obasanjo, generally respected this right, although some limits remained, particularly under Abubakar.

Throughout the year, the Government nominally required organizers of outdoor public functions to apply for permits, although both government authorities and those assembling often ignored this requirement. The Government retained legal provisions banning gatherings whose political, ethnic, or religious content might lead to unrest. Open-air religious services away from places of worship remained prohibited in most states due to religious tensions in various parts of the country (see Sections 1.a., 2.c., and 5).

There were no reports that the Government or security forces denied permits for peaceful public meetings; nor were there reports that they prohibited or disrupted such meetings.

In early January, government authorities declared a state of emergency, and under it severely restricted freedom of assembly in Bayelsa State and in the Niger River Delta, in response to continued violence by members of the Ijaw ethnic minority who sought greater local autonomy. Freedom of assembly also was restricted during numerous curfews imposed in various cities during periods of ethnic unrest. Curfews were imposed in the cities of Sagamu, Kano, Warri, and Port Harcourt in response to interethnic and political violence (see Section 1.a.).

In January police arrested student protesters (see Section 2.a.). On April 6, police and

security agents from the anti-robbery squad "Operation Sweep" dispersed members of the National Union of Petroleum and Natural Gas Workers using tear gas and firing weapons into the air. The union members were protesting outside of the Chevron-Nigeria oil headquarters outside Lagos (see Section 6.b.).

The 1999 Constitution provides for the right to associate freely with other persons in political parties, trade unions, or special interest associations, and the Government respected this right in practice.

### c. Freedom of Religion

The new Constitution provides for freedom of religion, including belief, practice, and religious education; however, the Government restricted this right in practice in certain respects. The Constitution prohibits state and local Governments from adopting an official religion; however, it also provides that states may elect to use Islamic (Shari'a) customary law and courts. The Constitution also provides that the Federal Government is to establish a Federal Shari'a Court of Appeal and Final Court of Appeal; however, the Government had not yet established such courts by year's end. In 1987 the Government instituted a ban (still in effect at year's end) on religious organizations on campuses of primary schools, although individual students retain the right to practice their religion in recognized places of worship.

About half the population is Muslim, about 40 percent Christian, and about 10 percent practice traditional indigenous religions or no religion. Religious tensions between Muslims and Christians and between Sunni and the small number of Shi'ite Muslims occasionally erupted into violence (see Sections 1.a. and 5). Both the Federal Government and state governments continued to discourage and criticize public proselytizing of minority beliefs in areas of Muslim or Christian majorities, in the belief that it stimulates religious tensions, although they do not outlaw it. Although distribution of religious publications remained generally unrestricted, there is a lightly enforced ban on published religious advertisements. There were only minor restrictions on religious television and radio programming. Most religious programs appeared to be broadcast without controls.

In predominantly Muslim communities, local governments commonly used zoning regulations to stop or slow the creation of non-Muslim, usually Christian, churches. Typically, a small section of a city was designated for non-Muslims to build their places of worship. In several cases, citizens in these enclaves reported that they were discriminated against by not receiving police protection or waste removal service. Missionaries reported that law enforcement officials harassed them when they proselytized outside of their designated zones.

On December 18 Muslim youths attacked and looted 14 Christian churches in Ilorin, Kwara State. At least two more churches were looted on December 19, seriously injuring a clergyman (see Section 5). The Government's response was limited to pleas for calm and understanding, and there was no attempt to prosecute the perpetrators.

Muslim Brotherhood leader Ibrahim El-Zakzaky was released by General Abubakar in January. The Federal Government continued to settle property claims by El-Zakzaky for compensation for his home and mosque, which were razed by law enforcement officers 2 years ago. In May the predominantly Shi'a Muslim Brotherhood published a list of 96 of

its followers who still were in prison or awaiting trial on charges that vary from preaching without a license to homicide. According to police records, the majority of the 96 prisoners were charged with, or convicted of, unlawful assembly.

On October 8, the governor of Zamfara Ahmed Sani signed into law two bills passed by the state legislature aimed at instituting Islamic (Shari'a) law in the state; the bills were scheduled to take effect in January 2000. Other northern officials, including many from Kano, Niger, Sokoto, Jigawa, Borno, Yobe, Kaduna, and Katsina States, began to echo the call for Shari'a in their states; however, at year's end, only Kano and Niger had initiated action in their respective state assemblies on the issue. According to the Zamfara governor, Shari'a only is supposed to apply to Muslims; however, school children are now being segregated by sex in Zamfara schools and preparations were underway for separate transportation and health facilities for men and women. The Zamfara governor also disbursed public funds to refurbish mosques and pronounced that only those persons with beards would win government contracts. The implementation of Shari'a is expected to be challenged constitutionally, but constitutional challenges can only occur after Shari'a has been implemented.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The 1999 Constitution entitles citizens to move freely throughout the country and reside where they wish, and in general, the Government respected this right; however, police occasionally restricted this right by setting up roadblocks and checkpoints where security and law enforcement officials routinely engaged in extortion, violence, and excessive use of force (see Section 1.a. and 1.c.). For example, following the security crackdown in Bayelsa State from December 30, 1998 to January 3, military units continued to man checkpoints very aggressively, reportedly strip-searching some travelers in search of scars and tattoos that would identify them as members of the Egbesu cult (see Sections 1.a. and 1.c.).

The 1999 Constitution also prohibits the denial of exit or entry to any citizen; and the Government generally respected this law. However, the law provides that women are required to obtain permission from a male family member before having an application for a passport processed.

Both the Abubakar and the Obasanjo Governments welcomed the return of prominent human rights and prodemocracy activists who fled the country during the regime of General Sani Abacha. The impediments to travel under the Abacha regime for the most part were eliminated. Unlike the previous year, there were no reports that Government denied passports to political figures or journalists, detained such persons entering or leaving the country, or interrogated citizens who were issued visas to foreign countries.

During periods of civil unrest, numerous persons were displaced temporarily from their villages. For example, during the January 10 violence in Bayelsa State, approximately 10,000 persons fled their villages (see Sections 1.a. and 1.c.). The villagers returned once the violence ceased. According to local human rights NGO's, at least 10,000 Odi residents fled into neighboring states during the November military exercise (see Sections 1.a. and 1.c.).

The Government cooperated with the Lagos office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian agencies in assisting refugees through the National Commission for Refugees and its Federal Commissioner. Regulations governing the granting of refugee status, asylum, and resettlement are outlined in Decree 52 of 1989, which incorporates many aspects of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Eligibility Committee established under Decree 52 reviews refugee and resettlement applications. A representative from the UNHCR participates in this committee. The issue of the provision of first asylum has not arisen since the establishment of the National Commission for Refugees under Decree 52.

At year's end, there were 8,958 recognized refugees: 13 from Angola, 23 from Benin, 1,313 from Cameroon, 1,665 from Sierra Leone, 1,505 from Chad, 115 from Sudan, 135 from Ghana, 3,954 from Liberia, and 453 from other countries. Of these, the UNHCR repatriated 50 Sierra Leonians and 89 Liberians. It resettled 3 Cameroonians, 3 Chadians, 5 Sudanese, 13 Liberians, and 17 from other countries.

There were no reports of the forced return of persons to a country where they feared persecution.

### Section 3 Respect for Political Rights: The Rights of Citizens to Change Their Government

For the first time since 1983, citizens had the opportunity to exercise their right to change their government. General Abdulsalami Abubakar oversaw a transition to civilian rule that included elections for local governments (in December 1998), state governors and assemblies (in January), and national legislators and the president (in February). Voter apathy and widespread fraud marred the legislative elections; however, the turnout increased for the presidential race a week later, which proceeded peacefully with reports of only a few violent incidents. The Independent National Electoral Commission (INEC) certified former president Olusegun Obasanjo's victory over Chief Olu Falae with a reported 62 percent of the votes.

Irregularities occurred at each stage of the electoral process, particularly the presidential nominating convention and election where, for example, large sums of money were offered by both political camps to delegates to vote against political opponents. During the presidential election, international observers and foreign diplomats witnessed serious irregularities in procedures. All three parties engaged in the local purchase of false ballots and fraudulent tally sheets so that there were vast discrepancies between what observers saw and inflated tallies in some areas. In addition there were administrative problems such as late delivery of voting materials at a large number of polling stations. Those areas with the worst problems were the southern tier of states in the Niger Delta region, several states in Igboland, and a handful of north central states. The production of "ghost votes" in these states amounted to as much as 70 or 80 percent of the total reported votes. Although all parties engaged in attempts to rig the vote, the PDP machine in the Delta and Igboland was responsible for the worst excesses. These votes may have added an estimated 15 percent to Obasanjo's total figure; however, observers believe that even if they were thrown out, he still would have maintained roughly a 15 percent lead over Falae's total. International observers confirmed the results and stated that, despite widespread fraud, Obasanjo's victory reflected the will of most voters. Although Falae initially protested the election results, eventually he dropped his legal challenge. Obasanjo, 109 senators, 366

members of the National Assembly, and 36 governors and state assemblies assumed office on May 29. The President, Vice President, and other national and state officials serve 4-year terms. The next elections are scheduled for 2003. INEC issued a report on the conduct of the election in July that documented the fraud. INEC is working with several international electoral assistance organizations to help improve the process in 2003; however, no INEC officials have faced disciplinary action as result of their involvement in corrupt activities.

Prior to leaving office in May, Abubakar promulgated a new Constitution that outlaws the seizure of the Government by force and contains provisions for the removal of the President, Vice President, ministers, legislators, and state government officials for gross misconduct or medical reasons. The Government's first test case occurred in July when the Speaker of the House, Sanusi Buhari, resigned after press reports revealed that he was under the legal age limit to hold office and that he falsified his academic credentials (see Section 2.a.). He resigned after a National Assembly investigation confirmed the reports. In addition he was convicted by the Abuja High Court in early August for lying under oath. Although the fine of \$20 (about 2,000 naira) was criticized widely as too low, most citizens agreed that the system worked. Several other public officials were subjected to close scrutiny by the press, public, and legislative investigators.

The political system remains in transition. The three branches of the new Government acted independently during the President's first months in office. Despite his party's substantial majority in the legislature, the President was not able to exercise authority without legislative oversight and inclusiveness. The Senate and the House of Representatives took the screening of government ministers, ambassadorial appointments, budget review, and other executive initiatives seriously and amended the Government's budget request and various personnel procedures. They also rejected several ministerial and ambassadorial appointments. Obasanjo created several commissions to investigate past government contracts and human rights abuses, which were overwhelmed with applications to present evidence of wrongdoing (see Section 4). However, the judicial branch remained weakened by years of neglect and politicization.

Abubakar's military Government, which consulted with a selected group of constitutional and legal experts around the country to revise the 1979 and 1995 Constitutions, promulgated the 1999 Constitution on May 5. The constitution-writing process was criticized for not being open to enough participants and for not being subjected to wider debate on the country's federal structure, revenue allocation and power-sharing formulas, and minority ethnic groups' rights.

Although the Constitution allows the free formation of political parties, only three parties were registered with the INEC. The Constitution requires parties to have membership in two-thirds of the country's 36 states.

There were no legal impediments to political participation or voting by women; however, men continued to dominate the political arena. NGO's continued to protest the underrepresentation of women in the political process, and women were underrepresented in the new civilian Government. Only 6 women were appointed as ministers out of a total of 56 positions. Three women were among the Senate's 109 members (compared with 8 in the last government) and only 12 women were elected to the 366-member National Assembly. Women's rights groups pushed local, state, and the Federal Government (and

state and local levels as well) to adopt a 30 percent affirmative action program; however, these efforts were to no avail.

There are no legal impediments to participation in government by members of any ethnic group. The Constitution requires that government appointments reflect the country's "federal character." However, with over 250 ethnic groups, not every group can be represented in the Government. The federal- and state-level ministers generally are selected to represent the country's regional, ethnic, and religious makeup. President Obasanjo attempted to create an ethnically inclusive Government. The 56-member Cabinet and 109 ambassadorial slots were allocated to an equal number of candidates from each state to achieve a regional balance. Despite this effort, northerners and southeasterners criticized the new Government for favoring westerners or ethnic Yorubas.

Middle-belt and Christian officers dominate the military hierarchy. In June Obasanjo retired all military officers that held political office, which meant that a disproportionate number of northern Hausa officers--who dominated the upper ranks under the previous military regimes--left the service.

#### Section 4 Government Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government permitted local human rights groups to operate and did not interfere with their activities; nor did it detain, intimidate, or harass their members. Criticisms of the Government's past human rights record were abundant in various media. High-level government officials noted that the human rights community assisted in the advancement of democracy.

The International Committee of the Red Cross (ICRC) is active, with offices in Abuja and Lagos under the direction of a regional delegate. Its primary human rights activities during the year involved the training of prison officials on human rights, sanitation, and prisoner health.

During the year, the Government cooperated extensively with both national and international human rights groups. For example, between March 30 and April 1, General Abubakar's Government hosted the third West African Human Rights Forum in Abuja. The event was sponsored by and held at the Economic Community of West African States (ECOWAS) Secretariat. Representatives from other governments, all of the ECOWAS member states, and several NGO's attended. Participants reported that the panels and discussions were very frank, open, and productive. In addition the Government permitted the ICRC to visit prisons to provide training and to give advice on how to improve the human rights of prisoners.

The National Human Rights Commission (NHRC), established by the Abacha regime in 1996, enjoyed greater recognition by and coordination with NGO's, but still lacks credibility as an independent monitoring body.

The National Human Rights Commission was established by decree in 1996. It is tasked with monitoring and protecting human rights in Nigeria. The commission is chaired by a retired Chief Justice of the Nigerian Supreme Court, Paul Nwokedi, and includes eight other members. The NHRC also is represented in some states by state-level affiliates. The

NHRC is supposed to work hand-in-hand with NGO's that are devoted to human rights issues. While during the year the commission achieved such things as a syllabus for human rights education for primary and secondary schools and universities (yet to be instituted), since its inception, the NHRC has been denied adequate funding to do its job properly. President Obasanjo reportedly promised to increase its funding but had not done so by year's end. The NHRC is a permanent commission of the Government.

The Justice Oputa panel is a one-time panel that was established in June by President Obasanjo to investigate human rights abuses dating to 1960. The Oputa panel can recommend courses of action to the justice system for perpetrators of past abuses, something the NHRC does not do.

#### Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The 1999 Constitution provides citizens with the right to freedom from discrimination based on "community, place of origin, ethnic group, sex, religion, or political opinion." However, customary and religious discrimination against women persisted, occasional religious violence persisted, social discrimination on the basis of both religion and ethnicity remained widespread, and ethnic and regional tensions continued to contribute to serious violence both between groups of citizens and between citizens and the security forces.

#### Women

Reports of spousal abuse are common, especially those of wife beating in polygynous families. Police normally do not intervene in domestic disputes, which seldom are discussed publicly. The Penal Code permits husbands to use physical means to chastise their wives as long as it does not result in "grievous harm," which is defined as loss of sight, hearing, power of speech, facial disfigurement, or other life threatening injuries. A women's rights group has estimated that spousal abuse occurs in 20 percent of adult relationships. In more traditional areas of the country, courts and police are reluctant to intervene to protect women who accuse their husbands formally if the level of alleged abuse does not exceed customary norms in the areas. Rape, prostitution, and sexual harassment continue to be problems. Prostitution is not illegal; pandering is. In some parts of the country, women continue to be harassed for social and religious reasons. Purdah, the Islamic practice of keeping girls and women in seclusion from men outside the family, continued in parts of the far north.

There is an active market for trafficking in women to Europe, and elsewhere, for illicit purposes (see Section 6.f.).

Women experience considerable discrimination as well as physical abuse. There are no laws barring women from particular fields of employment, but women often experience discrimination because the Government tolerates customary and religious practices that adversely affect them. The Nigerian NGO's Coalition (NNC) expressed concern about continued discrimination against women in the private sector, particularly in access to employment, promotion to higher professional positions, and in salary inequality. There are credible reports that several businesses operate with a "get pregnant, get fired" policy. Women remain underrepresented in the formal sector but play an active and vital role in

the country's important informal economy. While the number of women employed in the business sector increases every year, women do not receive equal pay for equal work and often find it extremely difficult to acquire commercial credit or to obtain tax deductions or rebates as heads of hous