

## **NIGERIA**

Nigeria is a federal republic of 36 states and a federal capital territory, with a population of about 150 million. In 2007 Umaru Musa Yar'Adua of the ruling People's Democratic Party (PDP) was elected to a four-year term as president, along with Vice President Goodluck Jonathan, also of the PDP. The election was marred by what international and domestic observers characterized as massive fraud and serious irregularities, including vote rigging and political violence. Vice President Jonathan became acting president on February 9 after the National Assembly conferred presidential authority on him during President Yar'Adua's prolonged illness. On May 5, Jonathan assumed the presidency following Yar'Adua's death. There were numerous instances in which elements of the security forces acted independently of civilian control.

Human rights problems during the year included the abridgement of citizens' right to change their government; politically motivated and extrajudicial killings by security forces, including summary executions; torture, rape, and other cruel, inhuman or degrading treatment of prisoners, detainees, and criminal suspects; harsh and life-threatening prison and detention center conditions; arbitrary arrest and detention; prolonged pretrial detention; denial of fair public trial; executive influence on the judiciary and judicial corruption; infringement on citizens' privacy rights; restrictions on freedom of speech, press, assembly, religion, and movement; official corruption and impunity; violence and discrimination against women; the killing of children suspected of witchcraft; female genital mutilation (FGM); child abuse and child sexual exploitation; societal violence; ethnic, regional, and religious discrimination and violence; vigilante killings; trafficking in persons for the purpose of prostitution and forced labor; discrimination against persons with disabilities; discrimination based on sexual orientation and gender identity; child labor; forced and bonded labor; and abductions by militant groups.

By October 9, although most militant groups in the Niger Delta had accepted then president Yar'Adua's offer of amnesty, by year's end killings and kidnappings by militant groups began to increase, although not to previous levels.

### **RESPECT FOR HUMAN RIGHTS**

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

- a.    Arbitrary or Unlawful Deprivation of Life

The government or its agents committed numerous extrajudicial killings.

According to credible eyewitness accounts, uniformed security forces participated in killings during ethnic violence in Plateau State.

Security forces were responsible for killings during attempts to apprehend religious extremists.

National police, army, and other security forces committed extrajudicial killings and used lethal and excessive force to apprehend criminals and suspects, as well as to disperse protesters. According to a December 2009 Amnesty International (AI) report, security services executed detainees in custody, suspected armed robbers under arrest, persons who refused to pay bribes, and persons stopped during road checks. While not confirming the report, Parry Osayande, the retired police deputy inspector general in Nasarawa State, told reporters in 2009 that police killed hundreds of detainees annually, which he blamed on lack of training and inadequate funding. Authorities generally did not hold police accountable for the use of excessive or deadly force or for the deaths of persons in custody. Police generally operated with impunity in the illegal apprehension, detention, and sometimes execution of criminal suspects. The reports of state or federal panels of inquiry investigating suspicious deaths were not published.

During the year the Joint Task Force (JTF), a unit formed in 2003 to restore stability in the Niger Delta and composed of elements of the military, police, and security services, conducted raids on militant groups and criminal suspects in the Niger Delta, resulting in numerous deaths and injuries to both alleged criminals and civilians alike. Credible reports also indicated that other military personnel and paramilitary mobile police carried out summary executions, assaults, and other abuses across the Niger Delta (see section 1.g.).

On June 29, the mother of Salisu Ahmadu found his body in a Jos mortuary after he was missing for five days. He was arrested earlier for driving a motorcycle during a government crackdown on commercial motorcycle ("okada") drivers. His mother stated that she saw injuries and two gunshot wounds on his body.

In April 2009 police in Mowe, Ogun State, indiscriminately fired into the home of Patrick Akama, who had called police because his home was being burgled. Akama died instantly.

In April a Maiduguri high court found that in July 2009 police detained and subsequently killed Baba Fagu, the father-in-law of then Boko Haram leader Muhammad Yusuf. The court ordered the federal and state governments to pay 100 million naira (\$667,000) as compensation to Fagu's family. The police stated that they would appeal the judgment. Fagu's death followed violent clashes between police and militant members of Boko Haram in four northern states in July 2009 which resulted in more than 700 deaths; quick burials in mass graves precluded an accurate accounting of the dead. Numerous injuries resulted, and the Red Cross estimated that about 4,000 persons were displaced. The clashes were preceded by Boko Haram attacks on police stations and government buildings in Bauchi and Maiduguri. There were reports of summary executions, use of excessive force, and widespread arrests of suspected extremists, many based on little or no evidence. Corpses of militants were found at police stations, and there were numerous reports that police pulled persons from cars and summarily shot them. According to AI, in July 2009 security forces killed an estimated 200 alleged members of the sect trying to flee Maiduguri. Religious leaders condemned the philosophy and actions of Boko Haram but criticized the government's use of excessive force and its failure to address the social problems, including poverty and lack of education, underlying the violence.

Also in July 2009 soldiers arrested Yusuf. Credible media reports claimed that police executed Yusuf, whose bruised body subsequently was seen at state police headquarters with multiple bullet wounds. While police initially admitted killing Yusuf in custody, they subsequently claimed he was killed while trying to escape. Buji Fai, a former state government official suspected of funding Boko Haram, also reportedly was killed in custody along with Fagu. In August 2009 then president Yar'Adua pledged to conduct a full investigation of the Boko Haram uprising, including the circumstances surrounding Yusuf's death, but authorities had not publicly released the results of the investigation by year's end.

In October 2009 a soldier shot Friday Ojieh at close range in his office in Ikeja, Lagos. The soldier claimed self-defense, but the victim's aunt questioned this explanation as the young man had some money in one hand and his cell phone in the other.

In December 2009 AI published *Killing at Will: Extrajudicial Executions and Other Unlawful Killings by the Police in Nigeria*, which documented 39 cases of security force killings and enforced disappearances based on interviews and research conducted between July 2007 and July 2009. According to the report national police conducted hundreds of extrajudicial executions, other unlawful

killings, and enforced disappearances each year. Victims were not picked at random and, in a country where "bribes guarantee safety," those who could not afford to pay were at risk of being shot or tortured to death. The majority of cases were not investigated, and perpetrators were not punished. When investigations did occur, they did not comply with international standards, and officers suspected of extrajudicial executions generally were sent away on training or transferred to other states instead of being prosecuted. Police often claimed that the victim was an armed robber killed in an exchange of gunfire or a suspect killed while trying to escape police custody. AI charged that Police Force Order 237, which permits officers to shoot suspects and detainees who attempt to escape or avoid arrest, "lets the police get away with murder."

In December 2009 in the northern state of Bauchi, a clash between members of the Islamic Kala-Kato sect, town residents, and security forces resulted in some 40 deaths, including children, in fighting that lasted about three hours. The conflict started when residents complained to police about aggressive open-air preaching against other Muslim groups. Police arrested 20 persons, including children, for allegedly fighting and burning homes. Police claimed that they killed sect leader Mallam Badamasi and recovered "bomb-making tools and explosives."

No action was taken against the four police officers from Ede, Osun State, who in 2008 beat to death Misitura Ademola following her arrest for theft; or the police officers in Oshogbo, Osun State, who in 2008 beat to death Dauda Najeem while attempting to extract a confession of theft.

Authorities charged a police officer with responsibility in the 2008 death of bank manager Modebayo Awosika, who was shot in the head for failing to stop after his car collided with a police vehicle in Lagos. In November during the trial of a police officer implicated in the case, police admitted that a police officer had killed the victim; a second officer remained at large at year's end.

A panel established by Plateau State to investigate the killings of about 700 civilians by security forces in the Jos North local government area in 2008 attributed the violence to provocation by religious leaders as well as violence by political parties and local government officials; however, the panel's full report was not released by year's end, and no one was charged or punished for any of the killings. A second panel called by the president to investigate the incident began public hearings and submitted its recommendations in September; however, by year's end none of the recommendations was implemented.

According to the 2009 AI report, police officers from the Ketu antirobbery squad arrested persons attending a 2008 community party and released only those who could pay a fine. One of the detainees unable to pay died after being beaten with an iron bar and rifle butt.

No investigation was conducted into the 2008 police killings of more than 50 persons in Ogaminana, Kogi State; police reportedly attacked the village in reprisal for the killing of a colleague by local youths.

In April 2009, after receiving a second petition from the Osun State Civil Societies Coalition against Corruption and Rights Violations, a team of police investigators visited Oshogbo to examine three extrajudicial killings that occurred in 2008 and seven that occurred in prior years. The investigators did not release a report on their findings by year's end, despite multiple petitions.

Police use of excessive force, including live ammunition, to disperse demonstrators resulted in numerous killings during the year.

For example, on April 3, Lagos police reportedly fired live ammunition into a crowd of young protesters and killed two persons. The crowd was protesting the police force's killing of another man two days earlier who was suspected of spray-painting graffiti. A Lagos police spokesperson later dismissed the accusation, and stated that no one was killed.

In October AI released the report *Port Harcourt Demolitions: Excessive Use of Force Against Demonstrators*, which documented an attack in October 2009 in which police and the JTF fired into a crowd of citizens peacefully protesting the proposed demolition of their homes. The report stated that at least 12 persons were shot and seriously injured, and witnesses claimed that they saw six bodies in a police vehicle.

There were no developments in several 2008 police killings of demonstrators, including the shooting deaths of three youths in Okeagbe, Ondo State, and the killings of four demonstrators in Kaduna State.

Violence and lethal force at unauthorized police and military roadblocks and checkpoints continued during the year, despite numerous announcements by the police inspector general that independent police roadblocks would be eliminated and offenders punished. According to AI's December 2009 report, police often stopped commercial drivers and asked them to pay a bribe, the amount of which

was determined by the weight of the vehicle. Police shot drivers who refused to pay and also shot them when a disagreement occurred over the price, or when it was unclear whether a bribe had been paid.

Bystanders sometimes were shot by mistake. In April 2009, three-year-old Kausarat Saliu was killed by a police bullet in Ketu that had first penetrated her father's hand after their car had been stopped. When the father ran towards the police officer that shot his daughter, the police proceeded to assault her parents and detained both of them. A federal high court judge ordered the Lagos State Police and the officer to pay the family a fine of 32 million naira (\$200,000) in damages, stating that no one is above the law. By year's end the family reported they had received no payment.

In May 2009 at a checkpoint in Emene, Enugu State, police shot Aneke Okorie, who later died on his way to the hospital. An eyewitness told AI that a police officer shot Okorie in the stomach and then hung his gun around Okorie's neck to suggest that the officer had been attacked by an armed robber. When radio reports in Enugu State claimed that police had killed an armed robber, the eyewitness and community leaders wrote a petition to the inspector general of police stating that Okorie was innocent and asking that the perpetrators be brought to justice. Authorities arrested the three police officers involved in the shooting and dismissed one, who awaited trial at year's end.

In September 2009 in Festac, Lagos State, five police officers stopped the car of Lagos State University student Michael Egwu at a checkpoint and demanded documentation, which Egwu produced. According to eyewitnesses, the officers subsequently demanded money, and an argument ensued, during which one of the police officers shot and killed Egwu. News reports claimed an officer was in custody over the incident, but there was no confirmation by year's end.

In November 2009 a 70-year-old man on the way home from the wedding of his son died after being shot in the head at a police checkpoint in Osogbo, Osun State. The man had refused to pay a 20-naira (13-cent) bribe. According to news reports, fellow officers removed the intoxicated police officer from the scene.

In December 2009 at Ado-Awaye, Oyo State, two police officers stopped 15 youths traveling by motorcycle, fired into the air to frighten them, and then shot and killed one of the youths. One officer was arrested; the other officer fled the scene, was dismissed in absentia, and remained at large at year's end.

In December 2009 the district coroner absolved police of any involvement in the 2008 killing in Lagos of journalist Abayomi Ogundeji and ruled that armed thieves were responsible. Police also claimed that Ogundeji had been killed by thieves, but a coroner's inquest in July implicated police in the killing after eyewitness accounts described the victim's unwillingness to get out of his car at a police roadblock. One of the eyewitnesses was shot and killed a few days before the inquest. The district coroner, however, accused police of failing to conduct a proper investigation.

Despite police pledges fully to disclose details of the prosecution into the 2008 shooting death of Gabriel Mordi at a checkpoint in Agbor, Delta State, police officers responsible for the killing were quietly redeployed to other locations in 2009.

Police and military personnel used excessive and sometimes deadly force to quell civil unrest, property vandalism, and interethnic violence.

For example, in October 2009, in Biu, Borno State, two of 100 motorcycle riders protesting the enforcement of a requirement to wear crash helmets were killed during a confrontation with police; several riders also were injured. A mob retaliated by burning Biu government offices.

Ethno-religious violence, often triggered by disputes between farmers and herders, resulted in deaths and displacement during the year. The most deadly examples of such conflict were in Jos and the farmlands surrounding the city. In two major attacks in January and March, and later smaller scale attacks, up to 1,000 persons, mostly women, children and the elderly, were killed (see section 6).

Organized extremist groups such as Boko Haram attacked police and security forces during the year. Targeted attacks on police officials, their families, and police stations contributed to the increase in overall levels of violence. For example, on September 7, Boko Haram members attacked the Bauchi State prison to free other members of their group, resulting in the deaths of seven guards and police officers. Reports indicated that 732 prisoners escaped, most of whom authorities recaptured within four days (see section 6).

There were credible reports that traditional leaders were involved in killings. For example, in January 2009, the Ovie of Ozoro, a traditional ruler, and several of his supporters attacked Eugene Ebiri, an individual with mental disabilities who lived in Isoko North Local Government Area, Delta State. Ebiri's offense reportedly involved sitting on the Ovie's throne. He subsequently died, according

to the Network on Police Reform in Nigeria (NOPRIN), a network of 46 civil society organizations dedicated to police reform and accountability. Ebiri's body was taken to a mortuary, where it was located later by the family after police authorities refused to provide any information on the death. No action was taken against the perpetrators by year's end

There continued to be reports of street mobs killing suspected criminals during the year. There were no arrests reported from these mob actions and no developments in cases from previous years.

The torturing and killing of children accused of witchcraft resulted in numerous deaths during the year (see section 6).

Killings carried out by organized gangs of armed robbers remained common during the year. In many regions groups of street youths, known as "area boys," operated illegal highway checkpoints at which they demanded money from motorists.

#### b. Disappearance

Continuing abductions of civilians by militant and criminal groups occurred in connection with the conflict in the Niger Delta, particularly in Port Harcourt (see section 1.g.). On August 9, in an effort to address the increasing number of kidnappings, the Nigeria Police Force (NPF) reported that 10 police officers were dismissed or were being prosecuted for collaborating with kidnappers.

There was also a significant increase in abductions, some of which may have been politically motivated, in other parts of the country. Earlier kidnappings involved international oil workers and perceived high-value targets. During the year, however, kidnappings occurred against the middle class as a means of generating quick cash, and against political opponents for political gain. Criminals also kidnapped senior religious leaders.

While kidnappings for ransom commonly occurred in the south, they became more widespread as a money-making "venture."

Infants were abducted; an eight-month-old boy was kidnapped in Port Harcourt in February.



On April 8, more than 50 doctors from the main teaching hospital in Benin City went on strike after unidentified gunmen abducted the chief doctor on his way home from work. The protesting doctors demanded that authorities find the captors and increase security. In May doctors again went on strike to draw attention to the five doctors who had been kidnapped in Benin City within one week, claiming "doctors had become the prime targets of kidnapping."

On May 12, captors abducted and later killed Philomena Udoma, the 69-year-old mother of Akwa Ibom gubernatorial candidate Iniekong Udonwa. They abandoned her body at the side of a rural road. Her candidate son was captured from the family home at the same time, wounded by a gunshot, and then left behind because of the severity of his wounds.

On June 7, individuals kidnapped Halima Adamu, the wife of the speaker of the Jigawa State House of Assembly. Police arrived at the scene, chased, injured, and arrested four men after a gun battle. Two of the suspects died on the way to the hospital, while the remaining two died the next day.

On June 22, kidnappers abducted a British citizen in central Abuja and took him to a hideout while demanding a ransom. Police rescued the victim and arrested the suspected kidnappers. Reportedly no ransom was paid.

The June 27 kidnapping of Ndubuisi Nwobu, Anambra State chairman of the Action Congress Party, ended two days later with his safe release. Both the family and police denied payment of a ransom.

During an Akwa Ibom raid on July 8, police killed three kidnappers in their effort to free kidnap victim Akpan Timothy Akpan, the brother of Senator Effiong Bob. Police confiscated four AK-47 rifles and 145 rounds of ammunition.

On August 27, four armed gunmen abducted Tafawa Balewa, a prominent supporter of President Jonathan, from his office in Abuja and took him to a forest area, where a gun battle with police ensued. Police arrested two suspects. A reported ransom of 100 million naira (\$660,000), later reduced to 7 million naira (\$46,000) was demanded; it was not known if the ransom was paid.

On August 30, police rescued the ten-year-old son of Adamu Dahiru, a candidate for the House of Representatives, kidnapped by gunmen from his home in Bauchi. Neither the family nor police would confirm payment of a ransom.

On September 1, police posted public photos and information about two men, one of who was a former police officer, wanted for the kidnap and murder of Lotachukwu Ezeudu, a student from Enugu. Authorities offered a financial reward for information leading to the arrest of either suspect.

No arrests or prosecutions occurred in the following 2009 cases: the March abduction of seven-year-old Etiosa Aghobahi; the April abduction of five Canadian citizens on a Rotary exchange program; the August abduction of two Kogi State council chairmen; the September abduction of Waje Yayok, secretary to the government of Kaduna State; the October abduction of the 78-year-old father of Chukwuma Soludo, a former central bank governor and the PDP candidate for governor of Anambra State.

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

Although the constitution and law prohibit such practices and provide for punishment of such abuses, torture is not criminalized, and security services personnel, including police, military, and State Security Service (SSS) officers, regularly tortured, beat, and abused demonstrators, criminal suspects, detainees, and convicted prisoners. Police mistreated civilians to extort money. The law prohibits the introduction into trials of evidence and confessions obtained through torture; however, police often used torture to extract confessions.

JTF use of excessive force during raids on militant groups and criminal suspects in the Niger Delta resulted in deaths, injuries, mass rape, displacement of civilians, and other abuses in the Delta region (see section 1.g.).

In May, the Open Society Justice Initiative, together with the NOPRIN, released a 138-page report, *Criminal Force: Torture, Abuse, and Extrajudicial Killings by the Nigeria Police Force*, with first-hand reports from investigations at over 400 police stations. Describing summary executions of suspects, torture as a means of investigation, rape, and extortion, the report claimed that the government had acknowledged these problems but had actually allowed the abuse to continue with "a stunning degree of impunity."

In August police called 17-year-old radio mechanic Osadebamwen Okonigene to a police station in Edo State to repair electronics. When he arrived, police allegedly detained and tortured him for three days over an allegation of theft. His father went to the police station to find his son and discovered that he had been beaten and

burned; the boy was taken to the local hospital, where he recovered. Police stated that any officer found culpable would be disciplined or prosecuted; a court case was pending at year's end.

On September 6, an unnamed government official and his police escort encountered a Lagos traffic jam. The police officers jumped into the traffic, armed with long rifles and wielding long horsewhips. They proceeded to hit the stopped cars with their rifle butts and then, angered because the traffic did not move, they began to flog drivers with the whips to clear the road. Security forces' use of bullwhips was declared illegal by the Lagos State governor in 2009; in this case, the federal police ignored state law. Authorities took no action against police.

Police commonly used a technique called "parading" of arrestees. Parading involved literally walking the persons through public spaces, subjecting the arrestee to public ridicule and abuse. Taunts, food, and objects are often thrown. Police defended this practice with the argument that public humiliation helps deter crime. In November a 15 year-old girl was paraded through the Lekki area of Lagos along with her 50-year-old father who was accused of raping his daughter and fathering her child. The father, the girl, and the baby were paraded by the deputy Lagos police public relations officer.

Citing the nongovernmental organization (NGO) Social Justice and Advocacy Initiative, the December 2009 AI report noted that "intimidation, torture, and extortion of detainees" remained "entrenched practices" in the criminal justice system. The National Human Rights Commission (NHRC) claimed that "most cases in court are prosecuted by the police based on confessions obtained under circumstances of torture."

In August 2009 the Economic and Financial Crimes Commission (EFCC) arrested and detained without charge student leader Abduliahi Ebiloma. In July 2009 Ebiloma had asked to meet with the education minister to discuss the teachers' strike and the removal of the minister; the minister had rejected his request. During his 78-day detention Ebiloma was beaten, shocked with electrodes attached to his torso, and not allowed to confer with an attorney. In October 2009 he was released without explanation, and his case was in the court system at year's end. The case was repeatedly continued at the request of prosecutors during the year. Ebiloma was suspended from his university and was denied access to transcripts while awaiting a court decision.

Police and military use of excessive force in quelling the July 2009 uprising in Boko Haram communities resulted in numerous deaths and injuries (see section 1.a.).

Police occasionally beat children. For example, in July 2009, police in Iket, Akwa Ibom, entered a shelter that held 150 children accused of witchcraft. When the children tried to prevent the arrest of staff members, police beat children, rendering two girls unconscious (see section 6.).

Security forces beat journalists during the year (see section 2.a.).

According to credible reports, during the year security forces committed rape and other forms of sexual violence against women and girls with impunity. Police officials acknowledged that rape was a problem. In May, the Open Society Justice Initiative reported that rape was "a routine but unspoken aspect of policing" and was "one of the fringe benefits attached to night patrol." In January, a police officer allegedly impregnated 24-year-old homicide suspect Halima Abdu while she was detained in Maiduguri. Authorities arrested the officer, but no public information was available as to his whereabouts.

AI reported in December 2009 that police frequently raped women in detention but that victims did not report the abuse because of the social stigma attached to rape and the fact that police officers had committed these crimes. In 2008 the NHRC reported a sharp increase in reported cases of rape and sexual abuse, particularly of minors and women in prisons and detention centers.

Varying Sharia penal codes existed in 12 northern states, and Sharia courts delivered "hadd" sentences. For example, such sentences included caning for minor offenses such as petty theft, public consumption of alcohol, and prostitution; it was unknown if any of the sentences were carried out during the year. Numerous Sharia cases from previous years awaited appeal or implementation of sentence, including pending amputation sentences in Jigawa, Bauchi, Niger, Kano, and Zamfara States. To date, the only amputation sentence carried out involved a victim who refused to appeal his 1999 conviction.

Statutory law mandates that state governors either impose a stay or implement amputation or death sentences. Authorities often did not carry out sentences under Sharia due to the lengthy process for appeals. Because no relevant case had been appealed to the federal level, federal appellate courts had yet to decide whether such punishments violated the constitution. Courts consistently overturned stoning

and amputation sentences on procedural or evidentiary grounds, but the sentences had not been challenged on constitutional grounds. Caning is also a punishment under common law in the Northern Region penal code and was not challenged in the courts as a violation of statutory law. In some cases, convicted persons paid fines or went to jail instead of being caned. Sharia courts usually carried out caning immediately, while the Sharia criminal procedure code allows defendants 30 days to appeal sentences involving mutilation or death. Appeals often took months or years to decide.

Ethnic or communal clashes resulted in deaths and injuries during the year (see section 1.a.).

#### Prison and Detention Center Conditions

Prison and detention conditions remained harsh and life-threatening. Most of the country's 227 prisons were 70 to 80 years old and lacked basic facilities. Lack of potable water, inadequate sewage facilities, and severe overcrowding resulted in dangerous and unsanitary conditions. The federal government operated all the country's prisons, but maintained few pretrial jail facilities. Of the total prison population, 73 percent was not yet convicted. There were no regular outside monitors of the prisons, no statistics on mistreatment of prisoners, or on the availability of food or medical care.

Prison illnesses included HIV/AIDS, malaria, and tuberculosis. Inmates with these illnesses lived with the regular population. Although authorities made an effort to isolate persons with communicable diseases, the facilities often lacked the space to do so. No reliable statistics exist on prison deaths.

The office of the controller general of prisons released statistics at the end of August showing that the country's prisons held 48,000 inmates. Individual prisons held up to 275 percent of their designed capacity. For example, the prison in Ikoyi had a capacity of 800 prisoners but held more than 1,900. Makurdi prison in Benue State, with a capacity of 240 prisoners, housed 456, while Port Harcourt prisons, with a capacity of 804 prisoners, held 2,924. Of the inmate population, about 2 percent were female and 1 percent juveniles.

Authorities sometimes held female and male prisoners together, especially in rural areas, and prisons had no facilities to care for pregnant women or nursing mothers. Infants born to inmate mothers usually remained with the mother until weaned.

Although the law precludes the imprisonment of children, in 2008 more than 300 children lived in the country's prisons, many of whom were born there. Despite a government order to identify and release such children and their mothers, authorities had not solved the problem by year's end.

Political prisoners were held with the general prison population, not separately.

Prison authorities allowed visitors within a scheduled timeframe. Few visitors came due to lack of family resources and travel distance. Prisoners could attend religious observances, although prisons often did not have equal facilities for both Muslim and Christian worship. In some prisons outside clergy constructed chapels or mosques.

Prisoner complaints centered on access to court proceedings; in many cases, there was no transportation to take an inmate to a court hearing. No effective system existed for monitoring prisons for inhumane conditions. All prisons suffered from poor facilities, overcrowding, and lack of resources.

The government provided access to prisons for monitoring conditions, although few outside visits occurred. The local Red Cross made attempts to visit prisons, but could not maintain a regular visit schedule. Authorities inconsistently maintained records for individual prisoners in paper form, but without making them widely accessible.

The government did not make widespread improvements to prisons during the year, but individual prison administrations made attempts to obtain donations to benefit the inmates. For example, benefactors contributed equipment and materials for workshops. In September the first lady of Kano State paid the fines of 15 female inmates, allowing their release from overcrowded prisons.

Those awaiting trial suffered more than those already convicted due to lack of funding for their care. Inadequate medical treatment caused many prisoners to die of treatable illnesses. In October 2009 Jerry Manwe, the chair of the House Committee on the Interior, made a surprise visit to the Kaduna State Prison, after which he called conditions "deplorable" and criticized the lack of facilities. The deputy controller of prisons responded that the prisons lacked safe water, electricity, and basic infrastructure.

The country also operated 86 satellite prisons, 11 farm centers, eight zonal offices, and six directorates, all of which held prisoners and detainees. Conditions in these facilities were no better than in the other prisons.

Disease was pervasive in cramped, poorly ventilated prison facilities, and chronic shortages of medical supplies were reported. Only those with money or whose relatives brought food regularly had sufficient food; prison officials routinely stole money provided for food for prisoners. Poor inmates often relied on handouts from others to survive. Prison officials, police, and other security forces often denied inmates food and medical treatment as punishment or to extort money.

During a visit to Niger State's Minna Old Prison on September 2, an observer noted that women were housed in a separate cell building and slept on bunk beds under mosquito nets which the wife of the governor provided. By contrast, the 252 male prisoners slept on bare floors with no bedding in a prison built in 1937 to house 149 prisoners.

Inmates died from harsh conditions and denial of proper medical treatment during the year; however, an accurate count was not available from prison authorities.

Prisoners with mental disabilities were incarcerated with the general prison population, and no mental health care was provided.

The country does not provide services of an ombudsman who can serve on behalf of prisoners and detainees to consider such matters as creating alternatives to incarceration for nonviolent offenders to alleviate overcrowding; addressing the status and circumstances of confinement of juvenile offenders; or improving pretrial detention, bail or recordkeeping procedures to ensure that prisoners do not serve beyond the maximum sentence for the charged offense.

#### d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention; however, police and security forces continued to employ these practices. The JTF arbitrarily arrested hundreds of persons during the year during sweeps for militants, and security forces made arbitrary arrests in Plateau State following ethnic violence.

The NOPRIN is a group of 46 civil society organizations dedicated to promoting police accountability. The organization partnered with the NHRC and the National Committee on Torture to hold a series of six public tribunals in each geopolitical

zone of the country to provide an opportunity for victims and their families to put cases before a panel of judges in order to seek redress and public exposure of police abuses. The public hearings were well attended, received press coverage, and brought justice to the small number of complainants heard.

### Role of the Police and Security Apparatus

The NPF reports to the inspector general of police, who is appointed by the president and responsible for law-enforcement operations. An assistant inspector general commanded each NPF state unit. The constitution prohibits state and local governments from organizing their own police forces; however, state governors may direct federal police for local emergency actions. The SSS is responsible for internal security and reports to the president through the national security advisor. Due to the police's inability to control societal violence, the government continued to rely on the army in some cases.

The NPF committed human rights abuses and generally operated with impunity in the apprehension, illegal detention, and sometimes execution of criminal suspects. The SSS also committed human rights abuses, particularly in restricting freedom of speech and press.

Police officers themselves were not immune to harassment. For example, Emcy Munlip, a female police corporal serving in Rivers State, refused the advances of her commander, David Obike Eme. He directed that she would no longer have government housing privileges and immediately evicted her with her belongings.

According to AI's December 2009 report, only a fraction of the NPF annual budget reached state and local police stations, and the lack of funding contributed to many police failures. Officers worked without basic equipment and sometimes made crime victims pay for the gasoline and stationery necessary to conduct an investigation. Such lack of resources contributed to corruption (see section 4).

### Arrest Procedures and Treatment While in Detention

Police and security forces have authority to arrest without warrant, if they have a reasonable suspicion that a person committed an offense, a power they often abused. By law police may detain persons for 48 hours before charging them with an offense. The law requires an arresting officer to inform the accused of charges at the time of arrest, to transport the accused to a police station for processing within a reasonable time, and to allow suspects to engage counsel and post bail.



However, police routinely detained suspects without informing them of the charges or allowing access to counsel and family members. Provision of bail was often arbitrary or subject to extrajudicial influence. Conditions of bail set by judges often were too stringent to be met. In many areas with no functioning bail system, suspects remained incarcerated indefinitely in investigative detention within the prison system. Detainees were kept incommunicado for long periods. Numerous detainees alleged that police demanded bribes to take them to court to have their cases heard. If family members wanted to attend a trial, police often demanded additional payment.

Persons who happened to be in the vicinity of a crime reportedly were held for interrogation for periods ranging from a few hours to several months. After their release, authorities frequently asked them to return for further questioning.

Security forces arbitrarily arrested numerous persons during the year. During the January to March fighting between ethnic groups in Plateau State, and, after the Jos bombings in December, authorities arrested hundreds of persons in Jos, many based on little or no evidence of involvement (see sections 1.a. and 6). Some bystanders gained release within a few days; however, an unknown number of persons were held without bail or charges at year's end.

Security forces detained journalists and demonstrators during the year (see sections 2.a. and 2.b.).

The EFCC reportedly singled out political opponents of the governing party in its arrest and detention of state, local, and federal government officials on corruption charges during the year (see sections 1.c. and 4).

The rape of women in detention by police was a problem (see section 1.c.).

On September 3, a combined team of police and soldiers in Ebonyi State arrested 14 suspected members of the Movement for the Actualization of the Sovereign State of Biafra for treason for holding a peaceful meeting and wearing shirts or caps with a Biafran insignia. At year's end there was no information on the status of these cases.

Lengthy pretrial detention remained a serious problem, and human rights groups reported that detainees awaiting trial constituted 73 percent of the prison population, with some awaiting trial more than 10 years. At year's end 35,000 pretrial detainees resided in the country's prisons, out of a total of 48,000 prisoners.

Serious trial backlogs, endemic corruption, and undue political influence continued to hamper the judicial system. Multiple adjournments in some cases resulted in serious delays. Many detainees were denied trials because police lacked vehicles to transport them to court on their trial dates. In Makurdi prison, where 78 percent of prisoners were awaiting trial, pretrial detainees held a protest in November 2009 because so many were unable to make their court dates due to lack of transportation.

The NHRC reported that some detainees were held because authorities had lost their case files. Some state governments released inmates already detained for longer than the potential maximum sentence they would have received if they had been convicted. Although detainees had the right to submit complaints to the NHRC, the commission had no power to respond. Detainees could try to complain to the courts but often found this approach impossible. Even detainees with legal representation often waited years to gain access to the courts.

In April the attorney general created a prisons decongestion committee in response to controversies over the large number of inmates in prisons and the overstretched facilities. The committee did not release the results of its work by year's end.

On June 15, the National Economic Council announced a decision directing state governors to sign death warrants immediately for the 870 death-row inmates in the country's prisons for the purpose of reducing overcrowding. Such action led to an immediate and vocal reaction by NGOs, the African Union's human rights body, and the Economic Community of West African States (ECOWAS), which implored the government not to implement such a plan. Public opinion cited the lack of fair trials and citizens' rights of appeal. Authorities did not carry out the executions by year's end.

During the week of August 23, the chief judge of Niger State made spot visits to state prisons as part of an annual effort to reduce overcrowded conditions. He released inmates on several grounds, such as humanitarian and medical reasons, the weak legal cases of pretrial inmates, remorse, and good behavior while in prison.

In August 2009 Lagos State Governor Babatunde Fashola granted amnesty to three death-row inmates; the sentences of 29 death-row inmates were commuted to life in prison, and eight others were commuted to various jail terms. The governor stated he wanted to give the prisoners "hope of changing their behaviors and being rehabilitated into society."

e. Denial of Fair Public Trial

Although the constitution and law provide for an independent judiciary, the judicial branch remained susceptible to pressure from the executive, the legislative branch, and business. Political leaders influenced the judiciary, particularly at the state and local levels. Understaffing, underfunding, inefficiency, and corruption continued to prevent the judiciary from functioning adequately. Judges frequently failed to appear for trials, often because they were pursuing other sources of income and sometimes because of threats against them. In addition, court officials often lacked the proper equipment, training, and motivation to perform their duties, with lack of motivation primarily due to inadequate compensation. During the year supreme court judges called for a more independent judiciary.

The Ministry of Justice implemented strict requirements for the education and the length of service for judges at the federal and state level; however, there were no requirements or monitoring bodies for judges at the local level, which resulted in corruption and miscarriages of justice in those courts.

Military courts tried only military personnel.

Sharia and customary (traditional) courts of appeal function in 12 states and the Federal Capital Territory (FCT). The constitution also provides that the government establish a federal Sharia court of appeal and a final court of appeal, but these courts were not established by year's end.

The constitution provides that states may establish courts based on common-law or customary-law systems. The law also provides that states may elect to use the Sharia penal code in the courts. While Sharia courts have been in operation throughout the north for centuries, in 2000 Sharia courts were empowered to also hear criminal cases and pass sentences based on the Sharia penal code, which outlines "hadd" offenses and punishments, including caning, amputation, and death by stoning.

The nature of a case usually determined which court had jurisdiction. The return to the Sharia courts stemmed at least in part from inefficiency, expense, and corruption in the regular court system.

Defendants have the right to challenge the constitutionality of Sharia criminal statutes through the common-law appellate courts; however, no challenges with

adequate legal standing reached the common-law appellate system. The highest appellate court for Sharia remained the Supreme Court, staffed by common-law judges not required to have any formal training in the Sharia penal code.

### Trial Procedures

The constitution provides for public trials in the regular court system and individual rights in criminal and civil cases. The law does not provide for juries. A defendant is presumed innocent and has the right to be present, confront witnesses, present evidence and witnesses, be represented by legal counsel, and have access to government-held evidence; however, these rights were not always respected. Although an accused person is entitled to counsel of his choice, there is no law preventing a trial from going forward without counsel, except for certain offenses for which the penalty is death. The Legal Aid Act provides for the appointment of counsel in such cases and stipulates that a trial should not go forward without it. Defendants have the right of appeal.

In both common-law and customary courts (including Sharia), indigent persons without representation were more likely to have their sentences carried out immediately, although all convicted persons have the right to appeal. The federal government instituted a panel of legal scholars in 2003 to draft a uniform Sharia penal code to replace divergent Sharia codes adopted by various northern states; however, the panel did not produce a report, and states continued to apply their individual codes.

There were no legal provisions in common law barring women or other groups from testifying in civil or criminal proceedings or giving their testimony less weight, but the testimony of women and non-Muslims usually was accorded less weight in Sharia courts. Some "qadis" (Sharia court judges) allowed separate evidentiary requirements to prove adultery or fornication for male and female defendants. For women pregnancy was deemed permissible evidence in some Sharia courts. By contrast men could only be convicted by confessing to the crime or by eyewitness testimony. Sharia courts provided women with certain benefits, including increased access to divorce, child custody, and alimony, as to get an audience in a Sharia court was significantly easier, faster, and cheaper than in a common law court.

There was a lack of due process in numerous trials. For example, in April 2009, the army convicted 27 enlisted soldiers who had served as UN peacekeepers of mutiny and sentenced them to life in prison; the soldiers had protested after officers had

stolen their stipend during deployment. After the case garnered international media attention, prison guards took reprisals against the jailed soldiers. The army reduced the sentences of the 27 to seven years. Meanwhile, the army found the officers guilty of theft and reassigned or forced them to retire; however, none received a prison sentence. In September the defense attorney appealed to the new army chief of staff to review these sentences.

At the end of the year, a Lagos court released Major Hamza Al-Mustapha, who had been held without trial since 1998. Authorities arrested him on treason charges for alleged assassination attempts on former president Olusegun Obasanjo and other prominent prodemocracy activists. Al-Mustapha was an army intelligence officer on the staff of the former military leader Sonny Abacha. Saying the prosecution had not made its case, the judge discharged Al-Mustapha and acquitted him.

#### Political Prisoners and Detainees

There were no reports of political prisoners or detainees; however, persons arrested in previous years for alleged treason remained in detention at year's end.

#### Civil Judicial Procedures and Remedies

The constitution and law provide for an independent judiciary in civil matters. However, the executive, the legislature, and business interests exerted undue influence and pressure in civil cases. Official corruption and lack of will to implement court decisions also interfered with due process. The law provides for access to the courts for redress of grievances, and courts can award damages and issue injunctions to stop or prevent a human rights violation. However, the decisions of civil courts were difficult to enforce.

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

The law prohibits such actions, but authorities infringed on these rights during the year, and police raided homes without warrants.

The Federal Capital Development Authority (FCDA) continued to demolish homes and businesses illegally in the FCT that allegedly did not comply with the city's master plan. The FCT government typically claimed that demolished homes, businesses, or churches lacked proper permits, even if owners were able to produce paperwork indicating the structures were built legally. There was no transparent

legal process for deciding which homes would be demolished, and persons whose homes were destroyed had no recourse to appeal and received no compensation. According to the Swiss-based Center on Housing Rights and Evictions, authorities demolished more than 800,000 homes in the Abuja area since 2003. There was widespread opinion that the demolitions were primarily motivated by corruption and discrimination based on socioeconomic class, since mostly lower- and middle-class persons lost their homes and property, which, once vacated, were sold to wealthy persons with connections to government officials.

A long effort by the Rivers State governor to demolish slums on 21 Port Harcourt waterfront sites, which would displace 200,000 residents, came to the courts in July when the members of the Ijaw ethnic group filed a suit to stop the demolition and resettlement. The government sought to clear out "poorly built structures" and to replace them with schools and commercial and residential buildings in an urban renewal program paid by investors. Residents protested evictions without adequate planning made for replacement housing for the poor. State payments were made to landlords, but this money did not reach the residents in order to facilitate their relocation. On August 29, First Lady Patience Jonathan, a native of Rivers State, visited the area and joined the debate in a public disagreement with the governor about the demolitions (see sections 1.a and 2.d.). In October, AI published a report on the demolitions and displacement of residents, and called for an investigation by the federal government of police use of excessive force, and the adoption of new laws addressing the use of lethal force that would bring the country's laws into agreement with those permitted under international human rights law and standards. On October 24, a lawsuit was filed against the state and federal governments for use of excessive force and loss of property. At year's end no action on the court case was made public.

The government also destroyed the homes of suspected opponents. For example, in January 2009 the JTF expanded its operations beyond the Niger Delta to raze 10 villages of the Abala community in Abia State. Residents were injured, and more than 80 homes were destroyed. The JTF, in conjunction with Abia State vigilante services and police forces, accused residents of sheltering armed robbers. No action was taken against the soldiers and vigilantes.

In April 2009 authorities expelled 2,000 Fulani nomads from the Wase Local Government Council in Plateau State after disputes over grazing their cattle on farmlands; in May 2009 another 700 nomads were expelled from Borno State (see section 6).

In July 2009 a Lagos State government special task force demolished hundreds of homes and buildings along the route of the Lagos-Badagry highway to make way for a major road expansion project. Authorities warned that only homeowners able to provide genuine title documents would be compensated and, alleging fraud, denied the claims of many homeowners.

After the July 2009 uprising by Boko Haram, the government of Niger State forcibly relocated 1,200 members of the Darul Islam sect (see section 2.d.).

g. Use of Excessive Force and Other Abuses in Internal Conflicts

The Niger Delta region is home to a large oil industry which produced about two million barrels of crude oil per day at year's end. Particularly since 2006, militant groups have used violence, including kidnapping oil company workers, to demand greater control of the region's resources. Kidnapping for ransom, armed robberies, gang wars, and fighting connected to the theft of crude oil, known as illegal oil bunkering, continued during the year and contributed to the region's general insecurity and lack of economic vitality. The government's amnesty program reduced the level of conflict for much of the year; however, an increase in violence and kidnappings began in October and continued at year's end.

Criminal gangs, called "cults" in some areas, have copied the methods of more sophisticated militants to amass wealth and power. In a recent trend, kidnappings targeted businessmen, doctors, teachers, religious leaders, foreign residents, and others. Gangs extended their reach beyond the core Niger Delta states, where they originated as politically sponsored thugs to intimidate opponents and to aid election rigging. Kidnappings committed primarily for ransom increased throughout the country, including in the north. In the previous three years power struggles between gangs resulted in extensive property damage and hundreds of deaths, including of civilian bystanders.

In June 2009 the government announced a general and unconditional amnesty for militants in the Niger Delta, and almost all major militant leaders accepted the offer by the October 2009 deadline. Authorities established a training camp in Obubra, Cross River State, and some of an estimated 20,000 former militants had completed training in nonviolence by year's end. Many militants expressed interest in vocational training as well. They received stipends during rehabilitation. The amnesty program resulted in a decline in militant violence; however, some observers expressed concern that the militants' amnesty payments were being used to purchase more arms.

## Killings

The JTF was responsible for numerous killings during the year, but no investigations were conducted.

In December the JTF attempted to raid a camp of Niger Delta militant leader John Togo. A human rights group reported that the JTF killed nine civilians in the Ayakoromo community of Delta State during the raid. The observers took video evidence of destroyed homes and villagers with bullet wounds including a body with a head wound. Hundreds of displaced persons fled to Warri. A military spokesman acknowledged the JTF may have killed civilians, but insisted that only militants were targeted.

In February 2009 the JTF reportedly killed 10 persons during an attack on a community in Rivers State.

In June 2009 militants attacked two police officers escorting a Scottish oil services worker from Port Harcourt; one of the officers died from his injuries. No arrests were made.

In August 2009 soldiers shot and killed Clement Nwode in Abakaliki, Ebonyi State, claiming he was a militant involved in the Ezza-Ezillo community clashes in the state.

In October 2009 in the Bundu waterfront neighborhood of Port Harcourt, JTF troops first shot firearms into the air to disperse a crowd demonstrating against a planned demolition, and then shot into the crowd. At least one death occurred, and at least 12 persons were injured (see sections 1. a. and 2.d.).

No developments occurred in the following 2008 JTF killings in the Niger Delta: the March killing of four men near Isaka in the Okrika Local Government Area, Rivers State, which was widely reported as an overreaction after JTF officials were killed by militants; and the July killing of 12 suspected militants in Bayelsa and Rivers States. There also were no developments in the following 2008 deaths that resulted from clashes between the JTF and armed militants: the August deaths of 35 persons in Bayelsa, Delta, and Rivers States; and the September deaths of an estimated 15 to 30 persons in the Elem Tombia and Ogboma communities of Rivers State in a reprisal JTF attack after officers were killed. The JTF never apologized for the deaths.



Militants were responsible for numerous killings. For example, in July 2009 a gang of unidentified gunmen ambushed a convoy of police escorting foreign workers to their offices at a bottling company in the city of Aba, Abia State, and killed five police officers. No arrests were made.

### Abductions

Family members did not report most kidnappings, and no reliable statistics existed. In the past, kidnappers targeted foreign nationals, but an increasing number of middle class citizens, including women and children, were abducted. Police reported that most kidnappings involved the complicity of persons close to the victim's family, including relatives.

Government authorities responded to kidnappings in the Niger Delta by deploying the JTF, which reportedly used excessive force and engaged militants and criminals in gun battles.

In some areas tensions remained high between oil-producing communities and oil company employees and contractors. Foreign oil company contractors were kidnapped for ransom, such as the capture of seven foreign workers from an offshore oil rig on November 8. Nineteen workers, both citizen and foreign, were rescued in a military raid November 17.

While kidnappings perpetrated by militant groups were generally for ransom, they sometimes publicized the acts as an expression of grievances about lack of economic development, local control of oil revenues, or prisoner releases. Oil facility guards and JTF soldiers were among those killed in these incidents. During the year criminals continued to kidnap the relatives (usually children or parents) of prominent state politicians for ransom or to force payment for services such as protection details and voter intimidation during elections.

On March 1, South African sound engineer Nick Greyling, two Nigerian sports commentators, a cameraman, and 21 other passengers were taken hostage after their bus was attacked by gunmen near Lagos. Greyling and his associates were released four days later; it was not confirmed if a ransom was paid.

In January 2009 unknown persons abducted Chief Nelson Effiong, the house speaker of Akwa Ibom State; he was released unharmed with no official report of a ransom paid.

Also in January 2009 gunmen hijacked a foreign oil supply vessel, took nine crewmembers hostage, and demanded a ransom of \$25 million. Four days later all crewmembers were released safely with no public report of a ransom being paid.

In separate incidents in February 2009, criminals kidnapped the wife of a former petroleum minister, an electoral commission member of Rivers State, and an AGIP Oil Nigeria employee. The victims were released safely, with no public report of ransoms being paid.

In June 2009 in Enugu State, gunmen abducted Uchenna Ani, a UN Development Program (UNDP) employee. On June 10, Ani was released after his family reportedly refused to pay a ransom.

#### Physical Abuse, Punishment, and Torture

In January 2009, following the razing of 10 villages in Abala, Abia State, the Abia State vigilante forces, local security forces hired by the state government, arrested five members of the Abala community and placed them in jails in Umuahia, Aba, and in Owerri, Imo State. Police reportedly beat detainees regularly with the butts of guns and knives. One of the detainees, Ikechukwu Nwagbara, was released after two months, but the location of the remaining four detainees remained unknown at year's end.

In June 2009, during another JTF attack in the same area of Abia State, JTF forces allegedly raped numerous women and girls. Thousands of residents were displaced, property was destroyed, and refugees in camps were left without adequate food and water. No arrests were made in connection with the attack, which triggered extensive media criticism.

#### Other Conflict-related Abuses

In May and June 2009 the JTF conducted a military offensive against Tom Polo, an ethnic Ijaw and one of the country's most influential and effective militant leaders. Using helicopter gunships the JTF destroyed Tom Polo's base in Gbaramatu Kingdom, attacked communities suspected of harboring militants, killed and injured numerous persons, and scattered survivors into local creeks. JTF patrol boats closed waterways while searching for militants. Civil society groups and Ijaw leaders reported the destruction of Oporoza, Benikrukru, Okenroekoko, and two other communities. Tens of thousands of persons were either displaced or lost

their livelihoods because of the attacks. Critics charged that the attacks reduced security in the area because Tom Polo's followers escaped with their arsenal intact and moved into surrounding communities.

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and of the press; however, the government sometimes restricted these rights in practice. Security forces beat, detained, and harassed journalists, sometimes for reporting on sensitive issues such as the president's health. Journalists practiced self-censorship, and local NGOs claimed that newspaper editors and owners did not report some killings and other human rights abuses, due in part to government intimidation.

A large and vibrant private domestic press frequently criticized the government. Only one national, government-owned daily newspaper was published. State and local governments owned daily or weekly newspapers. These state-owned publications tended to be poorly produced, had limited circulation, and required large state subsidies. There were 15 privately owned major daily newspapers, six weekly newsmagazines, and several sensationalist evening newspapers and tabloid publications.

Government authorities attempted to impede public criticism.

On April 1, a team of more than 50 armed police officers and 100 armed vigilantes from Imo State allegedly broke into the offices of Excelsior Press Limited, destroyed equipment, stole 3.7 million naira (\$24,000), and impounded books and other materials printed for the Alliance for Good Governance of Imo State, a political group.

During the year three journalists were killed.

On April 24, Muslim rioters killed Nathan S. Dabak and Sunday Gyang Bwede, both journalists for *The Light Bearer*, a publication of the Church of Christ in Nigeria, while the two covered sectarian violence in Plateau State. No separate police investigation occurred. Also on April 24, in a separate incident two unknown assailants shot and killed Edo Sule Ugbagwu, a judiciary correspondent with *The Nation* newspaper in a home invasion in which no robbery occurred. Security forces investigated the murder, but it remained unsolved at year's end.

In the January 17 crisis in Jos, Christian journalists lost their equipment, and were harassed and wounded by rioters whom witnesses suspected of being Fulani herdsmen. On March 7, an angry crowd of mourners attending a Christian mass funeral in Jos assaulted state radio reporter Murtala Sani, a Muslim reporter who was assigned to cover the funeral. Police fired into the air to disperse the attackers. Sani was taken to a nearby hospital, treated, and released.

There were no developments in the September 2009 killing of Bayo Olu, a journalist with *The Guardian*.

There were no developments in the separate killings of journalists Paul Abayomi Ogundeji and Eiphraim Audu in 2008.

Journalists received death threats during the year. In April following the government's decision to remove Independent National Electoral Commission (INEC) Chairman Maurice Iwu from his position, four journalists covering his removal for different news sources received anonymous death threats.

On July 11, unknown assailants kidnapped four journalists returning to Lagos from a meeting of the Nigerian Union of Journalists in Akwa Ibom State. The journalists, Wahab Oba, Adolphus Okoronkwo, Sylva Okereke, and Sola Oyeyipo, and their driver were held for a week. The kidnappers allegedly demanded a ransom of 250 million naira (\$1.7 million), but released the journalists under pressure from the police. The governor removed the traditional ruler of the nearby local government, Eze Vincent Okezie Uche, from his position and charged him in court for allegedly sponsoring the kidnapping. The governor also suspended three other traditional rulers for their part in the kidnapping plot. The cases remained under investigation at year's end.

Security forces beat journalists.

For example, on January 21, Governor Ikedi Ohakim of Imo State sent a team of armed police to abduct Internet journalist Ikenna Samuelson Iwuoha from his home. They allegedly brought the journalist to the governor's office, where he allegedly was beaten by the governor himself and then detained by police without access to medical care. Iwuoha later was charged with eight counts of libel against the governor. Iwuoha later filed a lawsuit against the governor for his beating and ill treatment while in custody. His case had not come to trial by year's end.

On March 15, the chief security officer for the Nasarawa state governor allegedly beat *This Day* reporter George Oko and *National Life* reporter Joseph Erunkeat at a political rally as they attempted to record the event. The journalists received medical treatment, but lost their equipment, including cameras, tape recorders, and cell phones; and unspecified amounts of money.

On June 22, security agents allegedly attacked journalists for covering a brawl that erupted inside the House of Representatives. Two reporters from the *Nigerian Compass*, Wole Oladimeji and Julius Toba, allegedly were shoved, slapped and detained while trying to prevent guards from taking the camera of a *Vanguard* photographer who had taken pictures of the fight.

There were no arrests in the June 2009 Delta State case in which police assaulted six journalists, seized their identification cards, and prevented them from covering the demolition of several buildings built on government land without official approval. The inspector general subsequently apologized to the six journalists, and the Ministry of Lands paid to replace a journalist's eyeglasses that were broken during the assault.

No arrests were made in the January 2009 case in which unidentified gunmen broke into the apartment of *The Scroll* editor Janet Mba. Mba had called police before the gunmen entered the apartment, and they fled when police arrived.

No developments occurred in the 2008 attack on a Channels TV cameraman who attempted to take pictures of a raid on the house of Niger Delta Peoples Volunteer Force leader Asari Dokubo, or the beating by police officers in Lagos of three journalists for attempting to cover an opposition political rally.

Security forces detained journalists and seized newspapers. For example, in March 2009 police in Bayelsa State arrested and detained Akin Orimolade, the Abuja bureau chief of the newspaper *National Life*, and accused him of publishing a report that defamed Governor Timipre Sylva. Police held Orimolade for one week until Sylva ordered his unconditional release.

No new developments occurred in the March 2009 case in which police detained Olusola Fabiyi, a journalist from the independent newspaper *The Punch*, alleging that he failed to disclose the source of a story that a PDP governor in a northern state plotted to kill former Lagos governor Ahmed Tinubu. After interrogation, police released Fabiyi on bail.

There were no new developments in the July 2009 case in which police arrested and detained for six hours editor Shaka Momodu of a Lagos-based private newspaper for publishing allegedly defamatory information about a prominent businessman.

No charges have been filed in the 2008 case in which SSS agents raided the offices of the newspaper *Leadership*, seized several computers, and arrested and detained *Leadership* publisher Sam Nda Isaiah; the agents questioned him for two days about a story reporting that President Yar'Adua was critically ill.

There were no developments in the following 2008 cases of arbitrary arrest: the arrest without charge of online editor Jonathan Elendu after he published several reports speculating about the president's health; the arrest of Murtala Muhammad for speculating on the president's health in his online magazine Web site; and the arrests of *Daily* editor Abdulrazaque Bello Barkindo, *Weekend* editor Laura Olugbemi, and *Weekend's* former associate editor Simon Imoboswam for "defamation of character" after the three published articles about the president's health.

There were 19 independently owned, private radio stations. The government owned one radio network with 34 stations.

In December 2009 Kano station Freedom Radio was removed from state government advertising and communication linkages after it broadcast reports critical of the state government. After a nine-month suspension the linkages were restored with Freedom Radio's management asserting the station would remain independent and continue to place the public interest first.

In May 2009 the National Broadcasting Commission (NBC) ordered the closure of a private radio station in Akure, Ondo State, for failure to pay a fine imposed for broadcasting an interview with opposition political leaders; the NBC claimed the interview was "capable of inciting people to violence on the eve of an April 24 local election." Later that month, the Ondo State High Court ordered the NBC to allow the station to resume broadcasting, stating that it had not followed due process.

In September 2009 security agents in Owerri, Imo State, detained and beat Wale Oluokun, a Radio Nigeria correspondent, after he reported on youths with visual disabilities who had marched on state offices to protest government neglect. Oluokun stated he was taken to the chief security officer, who took off his shoe

and beat the reporter, followed by more beatings by the security officer's subordinates. Oluokun, who was hospitalized, claimed this was the second beating he had received from security personnel after a radio report.

There were 14 independently owned private television stations and two privately owned direct-to-home satellite network stations. The government owned one television network, the Nigerian Television Authority, with 96 affiliate stations. The law requires local television stations to limit programming from other countries to 40 percent and restricts foreign content of satellite broadcasting to 20 percent. In 2008 NBC chief executive Yomi Bolarinwa ordered that all local prime-time news broadcasts contain no more than 20 percent foreign content and that international news be broadcast live. The 2004 NBC's prohibition of live broadcasts of foreign news and programs remained in force but did not apply to international cable or satellite services.

Because newspapers and television were relatively expensive and literacy levels low, radio remained the most important medium of mass communication and information. The government controlled much of the electronic media through the NBC, which was responsible for monitoring and deregulating broadcast media.

The government suspended television and radio stations. For example, in May 2009 the NBC suspended for two weeks the broadcast license of radio station Adaba 88.5 FM, based in Akure, because it had not paid a fine for political reporting that constituted "incitement to violence."

Hamisu Lamido, a filmmaker who was arbitrarily arrested in 2008 for releasing a film before submitting it to the state censorship board, was released on bail after three months. In September, Lamido filed a lawsuit against the censorship board for defamation of character, which he won with an out of court settlement.

Libel is a civil offense and requires defendants to prove the truth of opinion or value judgment contained in news reports or commentaries, or pay penalties. This limited the circumstances in which media defendants could rely on the defense of "fair comment on matters of public interest" and restricted the right to freedom of expression. Penalties for defamation of character included two years' imprisonment and possible fines.

No actions were taken during the year to promote or improve freedom of the press.

Internet Freedom

There were few government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups generally engaged in peaceful expression of views via the Internet, including by e-mail, with few exceptions. According to the International Telecommunications Union, approximately 29 percent of the population had access to the Internet.

Several Internet news sites critical of the government experienced server problems, which site owners attributed to government interference. Such disruptions usually lasted a few hours.

In March, a Kaduna Sharia court ordered the immediate suspension of all debates on blogs and on the online social networking sites Facebook and Twitter regarding the 1999 amputation of Bello Buba Jangebe's right hand as punishment for stealing a cow. The court issued a restraining order to prevent an NGO, the Civil Rights Congress, from discussing the decade-old case in its online forums. The presiding judge stated the defendants, as Muslims, had no right to question any judgment given by a Sharia court. The judge's order represented the first of its kind restricting Internet freedom.

There were no reports of government attempts to collect or disclose personally identifiable information in connection with a person's peaceful expression of political, religious, or ideological opinion or belief.

#### Academic Freedom and Cultural Events

The federal government continued to restrict academic freedom by controlling elementary and secondary curriculums, including mandating religious instruction.

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

##### Freedom of Assembly

The constitution and law provide for freedom of assembly; however, police effectively precluded antigovernment rallies by prohibiting any rally they deemed could result in violence, which. In areas that experienced societal violence, police and security forces permitted public meetings and demonstrations on a case-by-case basis.



The government occasionally banned gatherings whose political, ethnic, or religious nature might lead to unrest. Open-air religious services held away from places of worship remained prohibited in many states fearing that they might heighten interreligious tensions. Kaduna State continued to enforce a ban on processions, rallies, demonstrations, and meetings in public places on a case-by-case-basis.

In February a weeklong annual musical festival in Kano, sponsored by the Alliance Francaise and with the patronage of the Emir, was canceled with only a few hours' notice because of a conflict with the Kano Censorship Board: one of the many local performers had apparently not registered in time for performance approval.

The March 10 rally by the Save Nigeria Group (SNG) in Abuja was peaceful, as the crowd clamored for more information from government during the illness and absence of then-president Yar'Adua. The group was nonviolent and nonconfrontational as police were brought in, antiriot vans were stationed in the central area, and fortified construction trucks barricaded the entrance of the National Assembly's gate.

On March 16, hundreds of youths chanting antigovernment slogans, joined by notable celebrities, forced their way through the gate of the National Assembly. They had sent letters prior to the march requesting meetings with lawmakers but a police spokesperson stated no request was received. Armed police prevented the group from entering the National Assembly buildings.

On July 19, security forces turned a mass rally of youths away from the governor's office in Kano, preventing the youths from presenting a petition about the upcoming elections. Earlier, after initially being stopped by police, a leadership group was granted access to see the Emir of Kano, who spoke with the youths about their desire to express their ideas peacefully to leaders.

On July 29, a peaceful rally by the SNG was disrupted in Yenagoa, Bayelsa State, when youths reportedly attacked the demonstrators with cutlasses and bottles. The SNG had earlier received a government permit for the rally; two police officers were injured along with two activists. Police arrested three of the attackers.

Security forces used excessive force to disperse demonstrators during the year, resulting in numerous deaths and injuries (see section 1.a.).

#### Freedom of Association

The constitution and law provide for the right to associate freely with other persons in political parties, trade unions, or special interest organizations, and the government generally respected this right in practice. The constitution and law allow the free formation of political parties. There were 62 parties registered with INEC at year's end.

c. Freedom of Religion

For a complete description of religious freedom, please see the *2010 International Religious Freedom Report* at <http://www.state.gov/g/drl/irf/rpt/>.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation; however, security officials restricted freedom of movement at times by enforcing curfews in areas experiencing ethno-religious violence and routinely set up roadblocks and checkpoints to extort money from travelers. Security officials continued to use excessive force at checkpoints and roadblocks, which were sometimes maintained every few miles.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers through the National Commission for Refugees (NCFR), its federal commissioner, and the National Emergency Management Agency (NEMA). The Eligibility Committee, on which the UNHCR has observer status, governed the granting of refugee status, asylum, and resettlement, and it also reviewed refugee resettlement.

During the year state officials imposed dusk-to-dawn curfews in response to sectarian conflicts. For example, curfews were imposed from January through May in Jos, Plateau State, following ethno-religious violence.

There are no legal grounds for forced exile, and there were no examples of formal legal proceedings to exile a citizen. However, there were citizens who self-exiled for political reasons, such as Nuhu Ribadu, former Chairman of the EFCC, who left the country in January 2009 after threats on his life. Ribadu voluntarily returned in June.

### Internally Displaced Persons (IDPS)

The NCFR estimated a total of one million IDPs at one time or another during the year. There was no national registration of internally displaced citizens, and no accurate count. There were many causes of displacement, including boundary and border disputes, sectarian and communal violence, localized political violence, forced evictions, conflict in the Niger Delta and Plateau State, the government's use of force in efforts to eliminate extremist sects, such as Boko Haram, altered cattle grazing patterns due to climate change, and major flooding in the northwest. Government response to IDPs was uneven depending on the state affected. Federal NCFR budgets did not cover the need; state and federal emergency management resources were inadequate. A national IDP policy was under development but had not been signed by year's end.

In January and March violent ethnic clashes near Jos caused up to 30,000 persons to flee their homes for relative sanctuary in other villages or nearby Bauchi State. NEMA worked with civil society and religious groups in an attempt to provide food and shelter to IDPs. Bauchi State offered homes to families fleeing the violence, scattered them around the state to integrate them into small communities, and gave many families land to build a house and to have a plot to farm. At year's end most of these IDPs either moved back to their villages, or took up residence with family members; 5,000 IDPs permanently relocated to Bauchi State.

Ethnic disputes over land and political power along the borders of Benue, Taraba, and Ebonyi States resulted in the displacement of hundreds of persons. The governors of Benue, Taraba, and Ebonyi States attempted to quell the violence through meetings with local leaders, curfews, and development programs. The federal government deployed mobile police units to affected areas to prevent further violence.

The FCDA's continued demolition of illegal homes, businesses, and churches in the FCT left hundreds of persons homeless. A 2008 report by the Center on Housing Rights and Evictions and the Social and Economic Rights Action Center estimated that 800,000 persons were evicted in the FCT between 2003 and 2007.

During the year authorities in Port Harcourt forcibly displaced residents on the waterfront in an area slated for redevelopment, an action that left thousands of residents homeless (see Section 1.f.). In October AI released the report *Just Move Them: Forced Evictions in Port Harcourt, Nigeria* documenting the forced

eviction of tens of thousands of persons along the waterfront communities of Port Harcourt beginning in 2009.

On February 21, state government authorities dislodged the Islamic sect, Islahudeen, from Niger State. Bulldozers razed the sect's central mosque and other buildings, dispersing the residents. A government spokesman declared the sect was preparing to cause violence.

In August 2009, following the July uprising by Boko Haram militants across four northern states, Niger State police forces raided the compound of Darul Islam, an Islamic sect. According to state officials, civil society groups, and press reports, police arrested approximately 4,000 persons, detained them for questioning, and searched the compound for weapons. Although no weapons were immediately found, the government forcibly relocated sect members, including children, in an effort to disperse the sect's members before any violence could develop in their isolated village. The government provided no notice and minimal compensation to residents, evicted approximately 1,250 members from their village, and sent them by bus to their states of origin. Another 300 members were deported to Niger after police determined that they lacked proper citizenship documentation. Family members were moved into vacant schools and government buildings in their states of origin, where the lack of sanitation, food, and sleeping facilities resulted in outbreaks of cholera among sequestered groups. Police claimed that the arrests and evictions were intended to preempt the violence that had occurred the previous month in Boko Haram communities and that police had received reports that the community was forcibly holding women and children. However, human rights observers stated that the government violated the constitutional and human rights of thousands of innocent persons.

Since early 2009 as many as 1,000 fishermen and their families from the Bakassi Peninsula sought refuge near Calabar due to reported violence by Cameroonian police forces. This area was part of the lands which the International Court of Justice awarded to Cameroon pursuant to the 2007 Greentree agreement to settle the disputed land border between the two nations. Rivers State emergency services was trying to provide permanent housing and services for displaced citizens at year's end.

### Protection of Refugees

The law provides for the granting of asylum or refugee status, and the government established a system for providing protection to refugees. In practice the

government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

According to the UNHCR, the country had 8,747 refugees at year's end, most of whom were from Liberia, Cameroon, and the Democratic Republic of Congo. At year's end 5,316 Liberian refugees remained near Lagos, waiting either for repatriation, resettlement, or local integration. In addition, the UNHCR provided for 1,120 refugees from the Democratic Republic of Congo, Sudan, Chad, and other West African nations. There were 1,994 Nigerians who had been living on the Cameroonian side of the new border and were now settled in Bakassi, Cross River State, who are not considered refugees. Also 1,815 persons had requested asylum, 66 percent of them from the Democratic Republic of Congo.

The NCFR established a camp in a remote area of Taraba State for refugees from Cameroon. An office operated by the NCFR in Maiduguri, Borno State, assisted refugees from Chad, but there was no official camp in that location.

Refugee status for persons displaced by the civil war in Sierra Leone terminated in January 2009, when the camps were closed. Subsequently, 553 persons were repatriated to Sierra Leone. Another 240 refugees who requested residency were provided two-year residency permits and help in obtaining passports from Sierra Leone; the refugees also received job training and small grants from the UNHCR to begin their lives in the country.

As a result of repatriation and local integration, overcrowding in refugee camps decreased during the year. The camp at Oru, near Lagos, was decommissioned, although refugees continued to occupy buildings without permission. The UNHCR provided food, education, and job skills training, and refugees were able to move and work freely in the country. However, refugees, like citizens, had poor access to the police and courts and few opportunities for employment.

The government also provided temporary protection to a few hundred individuals who may not qualify as refugees.

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

The constitution and law provide citizens with the right to change their government peacefully through periodic, free, and fair elections held on the basis of universal suffrage. The government, however, abridged citizens' right to change their government during the 2007 national and state elections, which were conducted amid widespread fraud and numerous incidents of violence.

### Elections and Political Participation

In May 2007 Umaru Musa Yar'Adua was sworn in as president with his vice president, Goodluck Jonathan. The inauguration marked the first transition from one elected civilian presidential administration to another since the country gained independence from the United Kingdom in 1960. Forty-three parties participated in the national assembly elections, and 50 parties were listed on the ballot in the presidential election. However, the presidential, national assembly, gubernatorial, and state-level elections were marred by poor organization, widespread fraud, and numerous incidents of violence. Although the INEC claimed a 60-percent voter turnout nationwide, most independent observers estimated it was less than 20 percent. All major international and domestic independent observer groups questioned the fairness of the elections and cited problems throughout the country, including ballot stuffing, intentional miscounting at both polling stations and the ballot-compilation stages, underage voting, multiple voting, intimidation, violence, and at least 300 deaths, including some politically motivated killings. Although all parties participated in the misconduct, observers cited violations by the ruling PDP significantly more often than those by other parties.

In 2007 as part of his pledge to address the shortcomings in the electoral system, President Yar'Adua established the Electoral Reforms Committee, consisting of governmental and NGO representatives, which was charged with bringing the electoral process to international standards. The committee submitted its report to President Yar'Adua in December 2008, citing lack of independence for the INEC and state electoral committees as key deficiencies in the 2007 electoral process. The administration rejected crucial reforms outright, and forwarded seven of its own reforms to the National Assembly, where they languished without action.

Following the elections, election tribunals received more than 1,250 legal motions filed across the country to overturn the results of individual elections for all levels of government posts, including the presidency. Both major rival candidates of Yar'Adua--Atiku Abubakar and Muhammadu Buhari--petitioned for the annulment of the presidential race. The tribunal upheld the election, but Abubakar and Buhari appealed to the Supreme Court. In December 2008 in a 4-to-3 decision, the

Supreme Court rejected the appeals, thereby upholding the election of President Yar'Adua. During the year courts continued to hear and adjudicate cases related to the 2007 elections.

Political violence occurred at federal, state, and local levels, as well as within political parties. The government made little effort to investigate or bring charges in any cases of political violence.

Following the removal of Adamawa State house speaker and his deputy on April 5, about 200 PDP loyalist youths invaded the assembly complex, overpowered security guards, and threatened to burn the building. The youths protested the forced resignations of the speaker and his deputy, and the appointment of the new speaker, who had just defected from the minority party, Action Congress.

Violence marred local elections during the year. In the April local area elections in the FCT, 41 persons were arrested because of violence at the polls. Charges included brandishing machetes and knives in an attempt to disrupt ballot counting; blocking the major road in the area, stranding several hundred cars; and smashing windshields and injuring motorists in protest over election results.

On May 6, four unidentified gunmen opened fire as they raided the campaign office of a senate aspirant in Oyo State, injuring two aides, who were hospitalized. No arrests were made by year's end.

On May 7, a violent clash between two factions of the PDP in Osun State killed two persons, and injured 25 others. The violence occurred during a political gathering when about 40 thugs allegedly stormed the meeting. No arrests were made public.

On July 21, hoodlums armed with guns, machetes, and sticks attacked Oyo State elected officials at a village ceremony to inaugurate a new water well system. The attackers reportedly arrived at the scene in two 18-seat buses, and injured aides of the senate leader and a house committee chairman. Eight victims were hospitalized, and six vehicles were vandalized in the attack.

On August 7, hours after his official declaration to run for a house seat from Edo State, candidate Oghogho Omorogbe was confronted by a group of five gunmen, and shot. No arrests were made by year's end.

On August 9, clashes between the All Nigeria People Party (ANPP) and PDP supporters in Zamfara State killed at least three persons, injured many others, and left at least six vehicles burned. The violence occurred when supporters of the ruling PDP governor sought to prevent the rival ANPP senate candidate from holding a rally.

On August 28, a PDP rally in Maiduguri, Borno State, to introduce the support group for reelection of the president was marred by at least one death when armed youths invaded the meeting with knives and cutlasses. Police and security services broke up the fight with tear gas. No arrests were reported.

Also on August 28, unknown gunmen killed a personal assistant to the Bauchi State governor, the latest of five attacks on politicians in Bauchi State.

On June 24, the Senate confirmed the appointment of Professor Attahiru Jega as chairman of the INEC, to replace Maurice Iwu. Iwu had supervised the seriously flawed 2007 elections. Chairman Jega proceeded to nominate some new electoral commissioners, and promised to conduct credible elections in 2011. At year's end Jega continued to enjoy popular support for the changes he was making in preparation for the 2011 elections.

During the year the INEC registered new political parties, bringing the total number of parties to 62. Establishing a political party was relatively easy if the required fees were paid. Parties generally formed around individuals rather than on ideological grounds. Allegations continued that the PDP established new parties to confuse voters with large numbers of candidates.

Membership in the majority party, PDP, conferred advantages, primarily in employment. Police arbitrarily arrested opposition leaders.

In June 2009 the Bauchi State house of assembly impeached Deputy Governor Muhammad Gaba Gadi, who refused to move to the PDP along with the governor in April, for alleged financial wrongdoing. Legislators reportedly were offered 10 million naira (\$67,000) each for their signatures.

In August citizens in the diaspora petitioned the INEC to be able to vote in the 2011 national elections, but the required technology and organization were not available. According to the petitioners, of the 20 million citizens living abroad, approximately five million would be eligible to vote.



Men continued to account for more than 90 percent of the country's appointed and elected officials in more than 500 ministerial and national assembly positions. There were only eight female ministers out of 42, eight female senators out of 109, and 25 female representatives out of 360. Although there were no female governors, four of 36 states had female deputy governors. President Jonathan appointed a woman as the minister of petroleum resources, a key cabinet position.

To promote national unity and loyalty, the law mandates that the composition of the federal, state, and local governments and their agencies, as well as the conduct of their affairs, reflect the diverse character of the country. The current administration demonstrates this diversity. President Jonathan is an Ijaw from the southern state of Bayelsa, the vice president is a Hausa Fulani from the northern state of Kaduna, the senate president is an Idoma from the central state of Benue, and the speaker of the house is Yoruba from the southwest state of Ogun. The government attempted to balance other key positions among the different regions and ethnic groups. The majority PDP party also engaged in "zoning," a practice of rotating positions within the party among the different regions and ethnic groups to ensure that each region was given adequate representation. This practice has become an issue as Jonathan's transition from vice president to president after the death of former President Yar'Adua, a northerner, upset the prior rotational scheme. With more than 250 ethnic groups, it was difficult to ensure representation of every group in the government.

#### Section 4 Official Corruption and Government Transparency

Corruption was massive, widespread, and pervasive at all levels of government and throughout the security forces. The constitution provides immunity from civil and criminal prosecution to the president, vice president, governors, and deputy governors while in office.

There was a widespread perception that judges were easily bribed and that litigants could not rely on the courts to render impartial judgments. Citizens encountered long delays and frequent requests from judicial officials for bribes to expedite cases or obtain a favorable ruling.

Police corruption remained rampant, particularly at highway checkpoints. Police routinely stopped drivers who had committed no traffic infractions, refusing to allow them to continue until they paid bribes. The police inspector general attempted to strengthen the Police Monitoring Unit, which was charged with visiting police stations to search officers for signs of accepting bribes; however, the

unit was ineffective and made no arrests by year's end. Citizens could report incidents of police corruption to the NHRC; however, it had no power to act on such complaints, and no other mechanism was available to investigate security force abuse.

On August 17, Human Rights Watch (HRW) released *Everyone's in on the Game*, a report on corruption and human rights abuses by the police. HRW compiled information from 145 interviews, and documented pervasive police extortion with impunity committed by police officers throughout the country. Police demanded bribes, threatened arrest and physical harm, and enforced a system of "returns" in which officers were compelled to pay up the chain of command a share of the money they extorted from the public. This system undermined the rule of law and created a large disincentive for superior officers to hold their subordinates accountable for extortion and other abuses.

Public officials, including president, vice president, governors, deputy governors, and legislators (at both federal and state levels) were subject to financial disclosure laws, including the requirement to declare their assets before assuming and after leaving office. Violators are subject to prosecution, but cases rarely came to conclusion.

The EFCC's anticorruption efforts were largely ineffectual. The 2008 replacement of its internationally respected chairman, Nuhu Ribadu, and transfer of many of its senior personnel raised questions about the government's commitment to fighting corruption.

Despite the arrest of several high-ranking officials by the EFCC, allegations continued that agency investigations targeted individuals who were out of favor with the government, while those who were in favor continued their activities with impunity. Since 2007 the EFCC has indicted 13 former state governors on corruption charges; only one of those governors, Lucky Igbinedion of Edo State, was convicted, in this case through a plea bargain. The courts have granted bail to all the others: Ayo Fayose, Ekiti; Joshua Dariye, Plateau; Saminu Turaki, Jigawa; Orji Uzor Kalu, Abia; James Ibori, Delta; Jolly Nyame, Taraba; Chimaroke Nnamani, Enugu; Michael Batmang, Plateau; Boni Haruna, Adamawa; Rasheed Ladoja, Oyo; Abdullahi Adamu, Nasarawa; and Attahiru Bafarawa, Sokoto.

Former Delta State governor James Ibori was acquitted on 170 counts of corruption charges. He continued to face court charges in the United Kingdom for money laundering and other financial crimes stemming from embezzlement during

his government tenure. At year's end Ibori faced extradition from Dubai to London. The EFCC cooperated with London police on the case, and EFCC Chairperson Farida Waziri told media sources she was under no pressure to drop the case.

According to the results of an investigation by a foreign legislative body released in February, Atiku Abubakar, a former vice president and former presidential candidate, and his wife, Jennifer Douglas Abubakar, removed more than \$40 million in suspect funds from the country between 2000 and 2008. The sum reportedly included at least \$1.7 million in bribe payments from a foreign corporation. By the end of the year the EFCC took no action on this published report.

On February 21, the EFCC authorities arrested former Nasarawa State governor Abdullahi Adamu on allegations of the fraudulent awarding of contracts and stealing of public funds estimated at 15 billion naira (\$100 million) during his eight years in office which ended in 2007. The court immediately granted Adamu bail. Supporters questioned the timing of the charges; the announcement came just days after Adamu declared his intention to run for governor again. At year's end Adamu's motion to dismiss the case was pending in the Federal High Court in Lafia, Nasarawa.

On May 3, authorities arraigned former PDP National Chairman Vincent Ogbulafor on 17 criminal counts of corruption and money laundering in the amount of 2.3 billion naira (\$15 million). Ogbulafor filed a petition to dismiss the charges. The case remained active at year's end.

On August 1, the Nigeria Extractive Industries Transparency Initiative (NEITI) board fired NEITI's executive director over allegations including double payment of salaries, expense account payments for trips not taken, and payments of honoraria and other allowances not authorized for government staff. The report came from an employee who was later dismissed. No charges were filed.

In November the EFCC detained ten expatriate and Nigerian employees of Halliburton and its subsidiaries in connection with the \$180-million bribery scandal that occurred between 1995 and 2005. The EFCC released the employees but held their passports and required that they remain in the country, pending subsequent legal action.

In August, Attorney General Mohammed Adoke announced that the government could not authenticate the Pius Okigbo Panel report on former military president

and general Ibrahim Babangida which charged that Babangida mismanaged 12.4 billion naira (\$82 million) during his administration. The civil society group Socio-Economic Rights and Accountability Project accused the attorney general of a cover-up by refusing to accept its copy of the report, which the organization forwarded to Adoke in May after he was unable to locate the original.

In June 2009 the newly appointed Central Bank Governor Lamido Sanusi fired the managing directors of eight banks with large portfolios of nonperforming loans.

In August 2009 the central bank governor replaced the heads of four banks after the banks failed corporate governance audits. In October 2009 Sanusi replaced the heads of four additional banks for the same reasons. Legal proceedings broadened by year's end to include a total of 29 bank executives. Among the bank executives facing charges, one faced a 25-count criminal charge for fraud of more than 160 billion naira (\$1 billion), while another faced a 22-count criminal charge of the fraud of 350 billion naira (\$2.3 billion).

In October 2009 the courts convicted former Nigerian Ports Authority (NPA) board chairman Bode George and five other commissioners of abuse of public office in the improper awarding of contracts. George was sentenced to 30 months in prison without the option of paying a fine.

In December 2009 the EFCC arrested former Sokoto State governor Attahiru Bafarawa, who was attending an opposition meeting to plan a new "mega" opposition party. Bafarawa was charged with embezzlement of public funds in 2007, which he denied. Observers charged that the arrest was an attempt to harass opponents of the ruling party. The court granted Bafarawa bail, and his case is pending.

The corruption trial of former Ekiti State governor Ayodele Fayose in March was moved at his request to the Ekiti courts, rather than Lagos, where the EFCC originally brought charges. In 2006 he was accused of laundering 1.4 billion naira (\$9 million) while in office. The case continued at year's end.

Trials also remained pending in the 2008 corruption cases against former aviation ministers Femi Fani-Kayode and Babalola Borishade for the alleged embezzlement of 19.5 billion naira (\$130 million), former Adamawa State governor Boni Haruna for misappropriating 93 million naira (\$620,000), and the former chairman of the NPA board of directors and five other NPA members for illegally awarding contracts worth 84 billion naira (\$558 million).

No laws provide for access to government information, and in practice the government provided limited access. In contrast, the Rivers State government for the first time published information on its 2010 state budget allocations and expenditures.

#### Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were sometimes cooperative and responsive to their views.

The NHRC, which the government tasked with monitoring and protecting human rights, maintained zonal affiliates in the country's six political regions. Since its inception, the NHRC's operations have been limited by insufficient funding. The commission also lacked an independent budget and judicial authority, and could only make nonbinding recommendations to the government. The commission published periodic reports detailing specific human rights abuses, including torture and poor prison conditions. The government removed two prior effective and outspoken NHRC executive secretaries without public justification. The current leader, a former official of the justice ministry, was outspoken and publicly advocated for human rights and an independent budget. The president is empowered by law to remove the NHRC executive secretary if the public is not being well served.

During the year the government arbitrarily arrested NGO members.

For example, in May two members of the Civil Liberties Organization (CLO) were attacked by air force police in Lagos after they tried to investigate the case of Ebere Ihiedoha, whom air force officers beat almost to death at a base in Ikeja, Lagos, for a minor traffic offense. Senior officials made no attempt to investigate the incident by year's end. CLO members attempted to press charges at the hospital where they received treatment after the attack, but the doctor refused to issue them a medical certificate due to fear of retaliation from air force officers.

On November 9, a group of EFCC officers and mobile police visited the Child Rights and Rehabilitation Network (CRARN) shelter to arrest Sam Itauma, the director of the CRARN, at the request of the state governor. When reached by

telephone, Itauma was asked to appear at EFCC offices to answer charges of fraud. In the director's absence, police attempted to arrest other personnel as children and other staff obstructed the arrests. Four children were beaten and required medical attention.

In May 2009 members of the Eagle Squad, a special police force sponsored by the government of Osun State, arrested 12 leaders of the Osun State Civil Societies Coalition Against Corruption and Rights Violations; the arrests occurred immediately after revocation of bail for the 12, who were arrested in 2008 for protesting an election tribunal decision.

The government cooperated with international nongovernmental organizations and permitted visits by UN representatives or other organizations during the year. The government did not interfere with international human rights organizations which visited the country to research human rights violations, police abuses, and ethnic conflicts. HRW, AI, and various UN agencies published reports.

Civil society groups requested both the UN Special Representative for the Prevention of Genocide and the International Criminal Court to visit Jos and launch investigations into the ethnic violence and government's lack of response. No visits had occurred by year's end.

On August 17, HRW released *Everyone's in on the Game*, a compilation of 145 interviews on corruption and human rights abuses by the police force between 2008 and 2010 (see section 4).

The Open Society Justice Initiative and the NOPRIN published a 129-page report, *Criminal Force: Torture, Abuse, and Extrajudicial Killings by the Nigeria Police Force* (see sections 1.a and 4).

In December 2009 AI published *Killing at Will: Extrajudicial Executions and Other Unlawful Killings by the Police in Nigeria*, which documented 39 cases of security force killings and enforced disappearances and was based on interviews and research conducted between July 2007 and July 2009 (see section 1.a.).

## Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law prohibit discrimination based on community, place of origin, ethnic group, sex, religion, or political opinion; however, the government did not enforce the law effectively. The constitution prohibits discrimination based

on the circumstances of a person's birth. However, the constitution does not explicitly prohibit discrimination based on disability.

### Women

The law criminalizes rape and provides penalties of 10 years' to life imprisonment, as well as fines of 200,000 naira (\$1,330) for those convicted of rape, but societal pressure and the stigma associated with being a rape victim reduced both the percentage of rapes reported and the penalties imposed for conviction. The law recognizes spousal rape as a separate offense; however, spousal rape was difficult to prove in court, and no such prosecutions were reported during the year. Rape continued to be epidemic in universities. In 2006 AI issued a report criticizing the judicial system for a conviction rate of only 10 percent of the total number of rape prosecutions.

In May the Open Society Justice Initiative released a report on corruption within the country's police force that highlighted the problem of rape of arrested prostitutes by police. The report described police officers raping women who could not pay as little as 1,000 naira (\$6) for their release. Police allegedly raped women who came to report crimes at police stations. The report also claimed that officers, both male and female, sodomized women with bottles and metal pipes.

In August, HRW released a report detailing widespread police abuse of power, including acts, or threats, of rape or sexual assault, as a means to extort bribes from female detainees or women traveling between road checkpoints.

Female students of Delta State University, Asaba, in November complained of frequent rape incidents in their dormitories. The school authorities claimed the charges were untrue. A reporter documented several rapes where there were no arrests and school authorities blamed the victims insisting they were "not careful enough."

In October 2009 the government implemented its Niger Delta amnesty program to rehabilitate former militants. In November 2009 a group was relocated adjacent to the University of Port Harcourt, where shortly afterward the former militants raped dozens of female students. There were no arrests reported, but the federal and Rivers State governments relocated the former militants to an unknown location. No action against perpetrators was taken during the year.

According to the 2008 Nigeria Demographic and Health Survey (NDHS), three percent of married women between the ages of 15 and 49 years experienced spousal rape.

The constitution provides for equality and freedom from discrimination; however, no laws criminalize gender-based violence, and some federal laws condone such violence. For example, 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, speech, facial disfigurement, or life-threatening injuries. Penalties for the sexual assault of a man exceed the penalties for the same offense against a woman.

Domestic violence was widespread and often considered socially acceptable. In a survey released in November 2009, 28 percent of women reported experiencing violence after age 15, the majority of which was inflicted by a husband or partner. Police did not intervene in domestic disputes. In rural areas courts and police were reluctant to intervene to protect women who formally accused their husbands of abuse if the level of alleged abuse did not exceed customary norms in the areas. According to the 2008 NDHS, 43 percent of women and 30 percent of men between the ages of 15 and 49 agreed that a husband was justified in hitting or beating his wife for at least one of five specified reasons, including burning food and arguing.

Project Alert on Violence Against Women, a local NGO, continued various outreach efforts to combat domestic violence, including training programs to sensitize police to domestic violence, support groups and programs for male abusers, and assistance to faith-based organizations in counseling victims of domestic abuse. Project Alert also operated a shelter, Sophia's Place, for victims of domestic violence, which offered services such as counseling, legal aid, and acquisition of skills. The Women's Rights Advancement and Protection Alternative also served as a leading voice in the campaign against violence against women and continuously advocated passage of legislation to protect women's rights.

On June 10, the government deposed the traditional ruler of Akure Kingdom in Ondo State after he attacked one of his wives in the street in full view of witnesses. Police stated that they would press assault charges against the perpetrator, and the actions were widely criticized in Ondo State and Abuja. In a countermeasure, the accused filed an injunction naming police and the courts and asking the court to drop the case. The courts had not begun to hear the case by year's end.



Sexual harassment remained a common problem. No statutes prohibit sexual harassment, but authorities may prosecute violent forms under assault statutes. The practice of demanding sexual favors in exchange for employment or university grades was common. Women suffered harassment for social and religious reasons in some regions. Purdah, the cultural practice of secluding women and pubescent girls from unrelated men, continued in various parts of the north.

Couples and individuals generally had the right to decide freely and responsibly the number, spacing, and timing of children; however, effective information and counseling on reproductive health was not widely available to women and couples. According to the 2008 NDHS, 70 percent of women knew about at least one method of family planning; however, only 15 percent used any kind of birth control, and only 10 percent of women used modern methods. Approximately 50 percent of the population was adolescents, many of whom were sexually active, but few of whom had access to contraceptives. The UN Population Fund reported the maternal mortality rate at 840 deaths for every 100,000 live births in 2008, a high rate partially due to births to adolescents and women at high risk of complications from pregnancy. About 53,000 women and 250,000 newborns die annually from complications of childbirth. About 39 percent of live births were assisted by a trained health professional. Women married young and averaged a fertility rate of 5.7 children; 36 percent of mothers did not receive any prenatal care, and only 38 percent of new mothers received postnatal examinations within two days of delivery. Women and men were given equal access to diagnostic services and treatment for sexually transmitted infections.

Women also experienced considerable economic discrimination. There are no laws barring women from particular fields of employment, but women often experienced discrimination under traditional and religious practices. The country's NGO coalition expressed concern over continued discrimination against women in the private sector, particularly in access to employment, promotion to higher professional positions, and salary equality. According to credible reports, many businesses operated with a "get pregnant, get fired" policy. Women remained underrepresented in the formal sector but played active and vital roles in the country's informal economy. The number of women employed in the business sector increased every year, but women did not receive equal pay for equal work. According to the UNDP's 2007-08 Human Development Report, women earned only 40 percent of what men earned and often found it difficult to acquire commercial credit or obtain tax deductions or rebates as heads of households. Unmarried women, in particular, endured many forms of discrimination.

Some women made considerable progress in both the academic and business worlds, but women overall remained marginalized. No laws barred women from owning land, but some customary land tenure systems allowed only men to own land, and women could gain access to land only through marriage or family. Many customary practices also did not recognize a woman's right to inherit her husband's property, and many widows became destitute when their in-laws took virtually all the deceased husband's property.

In some parts of the country, widows experienced unfavorable conditions as a result of discriminatory traditional customs and economic deprivation.

"Confinement," which occurred predominantly in the northeast, was the most common rite of deprivation to which widows were subjected. Confined widows were under social restrictions for as long as one year and usually were expected to shave their heads and dress in black as part of a culturally mandated mourning period. In other areas a widow was considered a part of her husband's property to be "inherited" by his family.

Polygyny is legal and continued to be practiced widely among many ethnic and religious groups.

Women in the 12 northern states were affected to varying degrees by Sharia law. In Zamfara State, local governments enforced laws requiring the separation of Muslim men and women in transportation and health care. The Kano State prohibition on commercial motorcycle taxis taking women as passengers remained in place; however, it was not strictly enforced.

The testimony of women was given less weight than that of men in many criminal courts.

### Children

Citizenship of a child is derived from the parents. The government does not require birth registration, and the majority of births were unregistered; however, this did not result in denial of education, health care, or other public services.

Public schools remained substandard, and limited facilities precluded access to education for many children. The law calls for the government--when practical--to provide free, compulsory, and universal primary education to age 12. However, compulsory primary education rarely was provided, and there were numerous mandatory school fees. Most educational funding came from the federal

government, with state governments required to pay a share; however, not all state governments released their funding share. It was estimated that up to 10 million children were outside the conventional school system. As a result of the government's failure to pay them for months at a time, primary, secondary, and university teachers were frequently on strike. In many parts of the country, girls were discriminated against in access to education for social and economic reasons. When economic hardship restricted families' ability to send children to school, many girls were redirected into activities such as domestic work, trading, and street vending. Many families favored boys over girls in deciding which children to enroll in elementary and secondary schools. According to UNICEF, for every 10 girls in school, there were more than 22 boys. For young persons between the ages of 17 and 25 years, 25 percent had fewer than two years of education.

Child abuse was common throughout the country. The government criticized child abuse and neglect but did not undertake significant measures to stop traditional practices harmful to children, such as sales of young girls into marriage. According to credible reports, poor families sold their daughters into marriage to supplement their incomes. Families sometimes forced young girls into marriage as early as puberty, regardless of age, to prevent "indecent" associated with premarital sex or for other cultural and religious reasons. Human rights groups reported sexual assaults and rapes of young girls, especially in the north.

On March 17, Zamfara Senator Sani Ahmed Yerima married a 14-year-old Egyptian girl at the central mosque in Abuja, in violation of the 2003 Child Rights Act adopted by the FCT. He maintained that he was not subject to civil laws, only Sharia law. The case was brought to the attorney general for possible prosecution, but no decision was made by year's end.

On August 22, Abubakar Rabo Abdulkareem, the director of Kano's State Censorship Board, allegedly engaged in sexual activity with a minor. Police encountered him with the minor in his car and chased him at high speeds until he hit a motorcyclist, who was injured. Charges had not been filed by year's end.

The 2008 NDHS reported that 30 percent of women in the country had been subjected to FGM. While practiced in all parts of the country, FGM was most prevalent in the southern region among the Yoruba and Igbo. Infibulation, the most severe form of FGM, was infrequently practiced in northern states but was common in the south. The age at which women and girls were subjected to the practice varied from the first week of life until after a woman delivered her first child; however, most women were subjected to FGM before their first birthday.

The law criminalizes the removal of any part of a sexual organ from a woman or girl, except for medical reasons approved by a doctor. According to the provisions of the law, an offender is any woman who offers herself for FGM; any person who coerces, entices, or induces any woman to undergo FGM; or any person who, for other than for medical reasons, performs an operation removing part of a woman's or a girl's sexual organs. The law provides for a fine of 50,000 naira (\$330), one year's imprisonment, or both, for a first offense and doubled penalties for a second conviction.

The federal government publicly opposed FGM but took no legal action to curb the practice. Twelve states banned FGM. However, once a state legislature criminalized FGM, NGOs found that they had to convince the local government authorities that state laws were applicable in their districts. The Ministry of Health, women's groups, and many NGOs sponsored public awareness projects to educate communities about the health hazards of FGM; however, underfunding and logistical obstacles limited their contact with health care workers.

FGM often resulted in obstetrical fistula (a tearing of the vaginal area as a result of prolonged, obstructed labor without timely medical intervention). Most fistulas resulted in the death of the baby and chronic incontinence in the woman. The social consequences of fistula included physical and emotional isolation, abandonment or divorce, ridicule and shame, infertility, lack of economic support, and the risk of violence and abuse. The absence of treatment greatly reduced prospects for work and family life, and women affected often were left to rely on charity.

There is no statutory rape law. Child prostitution is prohibited, with penalties of up to seven years' imprisonment for the adult involved. The minimum age of consensual sex is 18. The Child Rights Act, which provides penalties for pornography, was not implemented in all states.

Children accused of witchcraft were kidnapped, tortured, and killed. In September media reported that the public outcry and effort by the government, particularly in Akwa Ibom State, had caused a drop in new cases of children abused for alleged witchcraft. According to two local NGOs, Stepping Stones Nigeria (SSN) and the CRARN, attackers drove nails into children's heads, cut off fingers, tied children to trees, and abandoned them in the jungle. Self-proclaimed "bishop" Sunday Williams publicly claimed to have killed 110 child witches and asserted that Akwa Ibom had as many as 2.3 million witches and wizards among its population of 3.9

million. In 2008 authorities arrested Williams and charged him with torture and murder; he was arraigned in May 2009, and the case continued at year's end. The government did not acknowledge the wider problem of accusing children of witchcraft. The state governor, reacting to international press stories of persecution of children accused of witchcraft in Akwa Ibom, issued arrest warrants for the leaders of the SSN and the CRARN for alleged misappropriation of funds and personal gain. The cases were pending at year's end with outstanding warrants for the shelter's directors.

On September 24, in Akwa Ibom State, a father was arrested after he buried his six-year-old twin sons in a shallow grave; the boys were rescued when villagers heard their cries. The father believed the boys were wizards who were responsible for the death of his wife, their mother. The police asserted that they were ready to arrest anyone who committed a crime under the guise of witchcraft, but a clan leader complained that, rather than celebrating the father who discovered witchcraft in his children, the police were called.

In July 2009 police in Eket, Awka Ibom State, raided the CRARN shelter that housed 150 abused and neglected children, some of whom had fled their homes after being accused of witchcraft. Police beat children who tried to stop the arrest of two staff members. The two were released later after the governor's office intervened; two girls, aged 11 and 12 years, were left unconscious.

The government did not conscript nor recruit persons under the age of 18 into the military forces.

In June, President Jonathan stated that there were 17.5 million vulnerable children, including 7.3 million orphans. According to 2009 UN statistics, 1.2 million children were orphaned due to HIV/AIDS. UNICEF added that 25 percent of children in the country, including orphans, were vulnerable due to inadequate nutrition, poor access to health care, and infrequent school attendance.

On May 24, an illegal orphanage that allegedly sold babies was discovered in Delta State. The proprietor reportedly coerced pregnant, unmarried mothers to sign over their babies. The police discovered six pregnant girls, among them a 14-year-old. The case had not come to court by year's end.

Many children were homeless and lived on the streets. There were no known statistics on their numbers. Major factors causing children to turn to the streets

included instability in the home, poverty, hunger, abuse and violence by parents, and displacement caused by clashes in the community.

In December, the Ministerial Committee on Madrasah Education reported 9.5 million children were "almajirai," or children whose parents sent them from their rural homes to urban areas with the expectation that they would study and live with Islamic teachers. Instead of receiving an education, however, many almajirai became child beggars who were forced to work manual jobs or beg for money that was then turned over to their teacher. The religious leaders often did not provide the almajirai with sufficient shelter or food, and many of these children were effectively homeless. In 2008 the government distributed 90 million naira (\$600,000) to 15 states to introduce Koranic education into the mainstream educational system to rehabilitate, integrate, and educate almajirai. There were no reports that the program resulted in removing almajirai from the streets.

#### International Child Parental Abductions

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at [http://travel.state.gov/abduction/resources/congressreport/congressreport\\_4308.html](http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html).

#### Anti-Semitism

There were no reports of anti-Semitic acts during the year. An estimated 700 to 900 members of the Jewish community resided in Abuja, all foreign employees of international firms, and worshipped together in one synagogue.

#### Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/g/tip](http://www.state.gov/g/tip).

#### Persons with Disabilities

The constitution does not prohibit explicitly discrimination based on disability; however, it does prohibit discrimination based on the circumstances of one's birth. No laws prohibit discrimination against persons with physical, sensory, intellectual, or mental disabilities in employment, education, access to health care,

or the provision of other state services. There were no laws requiring physical accessibility, or access to information or communications for persons with disabilities.

Mental health facilities were almost nonexistent. All disabled prisoners were kept with the general inmate population without regard to disability, and no additional services were available.

Persons with disabilities faced social stigma, exploitation, and discrimination, and they were often regarded by their families as a source of shame. Many families viewed children with disabilities who could not contribute to family income as liabilities and sometimes severely abused or neglected them. Many indigent persons with disabilities begged on the streets.

The government ran vocational training centers in Abuja and Lagos to train indigent persons with disabilities. Individual states also provided facilities to assist blind and other persons with physical disabilities to become self-supporting. Persons with disabilities established self-help NGOs, such as the Hope for the Blind Foundation in Zaria, the Kano Polio Victims Trust Association, the Joint National Association of Persons with Disabilities, the Albino Foundation, and Comprehensive Empowerment of Nigerians with Disabilities.

#### National/Racial/Ethnic Minorities

The country's population was ethnically diverse and consisted of more than 250 groups, many of which were concentrated geographically and spoke distinct primary languages. There was no majority ethnic group; however, the three major groups--Hausa, Igbo, and Yoruba--jointly constituted approximately half the population. Ethnic discrimination was widely practiced by members of all ethnic groups and was evident in private-sector hiring patterns and the effective ethnic segregation of urban neighborhoods. A long history of tension existed between some ethnic groups.

Many groups complained of insufficient representation in government.

The law prohibits ethnic discrimination by the government, but claims of marginalization continued, particularly by members of southern groups and Igbos. Ethnic groups of the Niger Delta continued their calls for senior representation on petroleum agencies and committees and within security forces.

In September the naming of an Igbo as the commander of the army was seen by many citizens to be an effort to address long-standing discrimination against Igbos in the military, a practice that has been in place since the end of the Biafran War in 1970.

The constitution requires that the government have a "national character," meaning that cabinet and other high-level positions are distributed to persons representing each of the 36 states, or each of the six geopolitical regions. Traditional relationships were used to pressure government officials to favor particular ethnic groups in the distribution of important positions and other patronage.

All citizens have the right to live in any part of the country, but state and local governments frequently discriminated against ethnic groups not indigenous to their areas, occasionally compelling individuals to return to a region where their ethnic group originated but to which they had no personal ties. The government sometimes compelled nonindigenous persons to move by threats, discrimination in hiring and employment, or destruction of their homes. Those who chose to stay sometimes experienced further discrimination, including denial of scholarships and exclusion from employment in the civil service, police, and the military.

For example, in Plateau State, the Hausa and Fulani, most of whom were Muslim and considered nonindigenous, claimed to face significant discrimination from the local government in land ownership, jobs, access to education, scholarships, and government representation.

Religious differences often mirrored regional, ethnic, and occupational differences. For example, in many areas of the Middle Belt, Muslim Fulani tended to be pastoralists, while the Muslim Hausa and Christian Igbo and other ethnic groups tended to be farmers or work in urban areas. Consequently, ethnic, regional, economic, and land use competition often correlated with religious differences between the competing groups.

Incidents of extreme sectarian violence between Christians and Muslims in the Middle Belt resulted in numerous deaths and injuries, the displacement of thousands of persons, and widespread property destruction.

On January 17, violence erupted in the city of Jos in Plateau State. Accounts varied as to what sparked the violence. Continuing violence in the succeeding days killed an estimated 326 persons, primarily Muslim women and children, displaced approximately 15,000 persons, and resulted in numerous injuries and extensive



property damage. Security services made some arrests, but most alleged attackers were released without charge. Few cases came to the courts, and there were no documented convictions.

On March 7, Muslim Fulani herders attacked Berom villages, leaving 700 persons dead. As in January, few arrests were made, and most of these arrestees were released. There were no documented convictions from these attacks.

Reprisals and counter attacks continued all year, with estimates of victims over 3,000 by year's end. For example, on the night of October 26, unknown assailants attacked villagers while they slept in the Bassa local government area in Plateau State. Reports indicate that six persons, all women and children, were killed, and several persons were injured. No arrests were documented.

The Presidential Advisory Committee on Jos Crisis delivered its report in August. The report contained recommendations regarding land ownership, indigeneship, creation of new local government areas, establishing a culture of nonviolence, addressing youth unemployment, and community sensitization. No commitment was made to implement these recommendations by year's end.

In the city of Jos, multiple bombs exploded near a church and busy shopping area on December 24, killing and injuring Christians. In the weeks after these attacks, more than 200 persons, both Muslim and Christian, were killed in reprisals and counter-reprisals, according to HRW.

Ethnic groups claimed economic exploitation, environmental destruction, and government indifference to their problems in the oil-producing Niger Delta region. Incidents of ethnic conflict and confrontation with government officials and forces continued in the Niger Delta area (see section 1.g.).

Numerous ethnic clashes occurred in parts of the Niger Delta, including the states of Akwa Ibom, Bayelsa, and Cross River. On March 15, two bombs exploded at Government House in Warri during a post-amnesty dialogue. The explosion damaged buildings in the area and caused injuries to passers-by. One of the militant ethnic groups claimed responsibility.

In February 2009 six persons died as a result of ethnic fighting in Yenagoa, Bayelsa State, and in March 2009, 20 persons died in an intercommunal clash in Cross River State.

In September 2009 a communal clash in Nkerehi, in Orumba South, Anambra State, resulted in five deaths, injuries to 15 persons, and the destruction of at least seven houses; a dispute over a proposed name change for the community triggered the violence. Attacks by a vigilante group forced many Nkerehi community members to hide in a nearby church where the government reportedly failed to provide protection or food.

Conflicts over land rights continued among members of the Tiv, Kwalla, Jukun, and Azara ethnic groups living near the convergence of Nassarawa, Benue, and Taraba States.

#### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

Homosexual activity is illegal under federal law, and homosexual practices are punishable by prison sentences of up to 14 years. In the 12 northern states that have adopted Sharia law, adults convicted of engaging in homosexual activity may be subject to execution by stoning, although no such sentences have been imposed.

Because of widespread taboos against homosexual activity, very few persons openly demonstrated such conduct. There were no public gay pride marches. The NGOs Global Rights and The Independent Project provided lesbian, gay, bisexual, and transgender (LGBT) groups with legal advice and training in advocacy, media responsibility, and HIV/AIDS awareness. The government or its agents did not impede the work of these groups during the year.

No action was taken against persons who in 2008 stoned and beat members of the House of Rainbow Metropolitan Community Church, an LGBT-friendly church in Lagos. The attacks occurred after four newspapers published photographs, names, and addresses of church members.

As of year's end the trial of 18 men, originally charged in 2008 with sodomy and subsequently charged with vagrancy, had been postponed multiple times. All defendants were able to post bail, set at 20,000 naira (\$133), and were released. No resolution of the case was announced by year's end.

#### Other Societal Violence or Discrimination

There was widespread discrimination against persons with HIV/AIDS, which the public considered a disease resulting from immoral behavior. Persons with

HIV/AIDS often lost their jobs or were denied health care services. Authorities and NGOs implemented public education campaigns to reduce the stigma and change perceptions.

In 2008 the Bauchi State Agency for the Control of HIV/AIDS, Tuberculosis, Leprosy, and Malaria announced an initiative to pair HIV-positive couples for marriage in an attempt to reduce the spread of the disease. The couples were introduced during counseling sessions and had the right to accept or reject a suggested partner. As of March 2009, 94 HIV positive couples were matched and had married. The Joint UN Program on HIV/AIDS voiced concern over the plan due to the increased risk of passing the virus on to any children born, and the possibility of leaving the children orphaned.

## Section 7 Worker Rights

### a. The Right of Association

The law provides all citizens with the right to form or belong to any trade union or other association for the protection of their interests; while workers exercised this right in practice, some statutory limitations on the right of association and on trade unions restricted this right. Under the Trade Unions Act, labor unions must be registered with the government and must have a minimum of 50 members. The law's intent was to prevent a proliferation of small unions.

Workers, except members of the armed forces and employees designated under the Trade Union Act as essential public sector workers, may join trade unions. Essential workers included government employees in the police, prison service, the immigration and customs departments, the mint, and the Central Bank.

According to 2009 figures provided by the Michael Imoudu National Institute for Labor Studies, eight million persons, or approximately 60 percent of formal sector workers, belonged to unions. Officials of the Nigeria Labor Congress reported that their 39 affiliated unions had a combined membership of between 3.5 and 3.8 million, including both private and public sectors. The officials reported that union membership had declined in recent years. Many workers in the informal sector, where most workers find employment, belonged to thrift and cooperative societies, which helped with daily savings and with loans to meet business needs.

Trade union federations, called in the Trade Unions Act "central labor organizations," must be registered with the government. Each federation must

consist of 12 or more affiliated trade unions, and trade union membership in a federation must be exclusive. There were two central labor organizations, the Nigeria Labor Congress and the Trade Union Congress of Nigeria.

The law allows unions to conduct their activities without interference; however, the law narrowly defines what union activity is legal.

The law limits the right to strike to matters pertaining to breach of contract or wage and conditions of work. Strikes were prohibited over national economic policy. The International Labor Organization (ILO) ruled that this policy was contrary to ILO conventions. In 2009 the government chose not to enforce this provision of the law during a four-month public university strike over the national minimum wage, public education policy, and academic autonomy.

Workers not defined as "essential" had the right to strike, although they had to provide advance notice. Workers under collective bargaining agreements cannot participate in strikes unless their unions complied with legal requirements, including provisions for mandatory mediation and referral of disputes to the government. Workers can bring labor grievances to the judicial system for review; however, courts do not ensure due process in protecting workers' rights. Laws prohibit workers from forcing persons to join strikes, closing airports, or obstructing public by-ways, with violations subject to stiff fines and possible prison sentences. There were no known arrests during the year.

No laws prohibit retribution against strikers and strike leaders, but strikers who believed they were victims of unfair retribution could submit their cases to the Industrial Arbitration Panel with the approval of the Ministry of Labor. The panel's decisions were binding on the parties but could be appealed to the National Industrial Court. Labor representatives described the arbitration process as cumbersome, time-consuming, and ineffective in deterring retribution against strikers.

#### b. The Right to Organize and Bargain Collectively

The law provides for the right of workers to both organize and bargain collectively with employers. Collective bargaining occurred throughout the public sector and the organized private sector but remained restricted in the private sector.

The Ministry of Labor is responsible for monitoring and addressing reported cases of antiunion discrimination. According to labor representatives, in many cases

workers' fears of negative repercussions inhibited their reporting of antiunion activities.

A local NGO reported that workers were required to sign, as a condition of employment, contracts that explicitly prohibited employees from attempting to join a union. Some employers dismissed workers involved in organizing unions. In September the management of an Abuja hotel dismissed workers involved in organization efforts. The fired workers initiated a complaint. At year's end the government did not take action on the complaint. In December a bank withdrew recognition of an employees' union.

Chinese employers reportedly failed to comply with labor laws pertaining to the protection of union organizing, especially in the construction and textile sectors.

In December, police broke up groups of unionized electrical workers protesting government efforts to privatize the Power Holding Company of Nigeria. These protests were held in Lagos, Ondo, and Delta States. According to media reports, police arrested up to twenty members of the National Union of Electricity Workers in Ondo State.

Workers and employers in export processing zones (EPZs) were subject to provisions of labor laws and the Nigeria Export Processing Zones Act. The law allows workers in the EPZs to organize and engage in collective bargaining; however, workers are not allowed to strike for ten years. In addition, the law allows the Nigerian Export Processing Zones Authority, which the federal government created to manage the EPZ program, to handle the resolution of disputes between employers and employees. Three additional zones were planned, but no new zones were designated during the year.

#### c. Prohibition of Forced or Compulsory Labor

Although the law prohibits forced or compulsory labor, including by children, it was widespread, particularly bonded labor and domestic servitude. The law provides for fines and imprisonment for individuals convicted of engaging in the practice, but enforcement of the law was not effective in many parts of the country. The government did take steps to identify or eliminate forced labor, but efforts were under-resourced and complicated by jurisdictional issues between state and federal governments. Children were involved in agriculture, building stone and gravel mining, and domestic labor.

d. Prohibition of Child Labor and Minimum Age for Employment

The law, which sets a general minimum age for employment of 14 years, did not protect children from exploitation in the workplace and was not effectively enforced by the government. Child labor was widespread, and the Ministry of Labor and the National Agency for the Prevention of Trafficking in Persons (NAPTIP) estimated that more than 15 million children were involved in child labor.

Young persons under age 15 may only be employed on a daily basis, must receive the day's wages at the end of each workday, and must be able to return each night to their parents' or guardian's residence; however, under the Labor Act these regulations do not apply to domestic service. The law also provides exceptions for light work in agriculture and horticulture if the employer is a family member. No young person under the age of 16 may work underground, in machine work, or on a public holiday. No young person may be employed in any job that is injurious to health, dangerous, or immoral.

For industrial work and work on vessels where a family member is not employed, the minimum work age is 15 years, which is consistent with the age for completing educational requirements; however, child labor remained a problem. The law states that children may not be employed in agricultural or domestic work for more than eight hours per day. Apprenticeship of youths above the age of 12 is allowed under specific conditions.

The worst forms of child labor identified in the country included commercial agriculture and hazardous farm work; street hawking; exploitative cottage industries and hazardous mechanical workshops; exploitative and hazardous domestic work; commercial fishing; exploitative and hazardous pastoral and herding activities; construction; transportation; mining and quarrying; prostitution and pornography; forced and compulsory labor and debt bondage; participation in ethnic, religious, political conflicts, and violence; and involvement in drug peddling.

Many children worked as beggars, street peddlers, bus conductors, and domestic servants in urban areas. Children also worked in the agricultural sector and in mines. Boys worked as bondage laborers on farms, in restaurants, small businesses, and granite mines, as street peddlers, and beggars. Girls were forced to work as domestic servants, street peddlers, and commercial sex workers. See further information in the Trafficking in Persons Report [www.state.gov/g/tip](http://www.state.gov/g/tip).

In addition to citizen children, there were reports of thousands of trafficked Beninese children forced to work in granite mines in Abeokuta, Ogun State. An international NGO worked with state government officials to eliminate the number of child workers under age 14, and acts as ombudsman to advocate for 14 to 16-year-old workers. In Abakaliki, Ebonyi State, children could be seen hammering down large pieces of rocks, stacking them into piles, and carrying them on their heads, but there were no official statistics on their state or country of origin.

In an effort to withdraw children from the worst forms of child labor, the Ministry of Labor has established and upgraded skills acquisition and vocational training centers in Kaduna, Ibadan, Enugu, and Lagos; four other centers were being developed. New centers in Calabar, Bauchi, and Warri were completed. Hundreds of smaller NGO-run or state-run vocational training centers also were in operation.

The Ministry of Labor dealt specifically with child labor problems and operated an inspections department to enforce legal provisions on conditions of work and protection of workers. From January to November the Ministry reported 12,040 labor inspections with 441 officers. Although the inspectorate employed nearly 400 inspectors for all business sectors, there were fewer than 50 factory inspectors for the entire country. Victims or their guardians rarely made complaints due to intimidation and fear of losing their jobs. Labor inspections were mostly random but occasionally occurred when there was suspicion, rather than actual complaints of, illegal activity. The ministry conducted inspections mostly in the formal business sector, where the incidence of child labor was not reported to be a significant problem. The NAPTIP bears some responsibility for enforcing child labor laws, although it primarily rehabilitates trafficking and child labor victims.

The government's child labor policy focused on intervention, advocacy, sensitization, legislation, withdrawal of children from potentially harmful labor situations, and rehabilitation and education of children following withdrawal. The Labor Ministry is responsible for enforcing labor laws. The ministry reported that no training programs were held in 2010 due to budget constraints.

The federal government passed the Child Rights Act in 2003, but it required state-level ratification for full implementation. A total of 24 states, plus the FCT, have passed the Act. The remaining states are in the north, where Sharia law is in effect. UNICEF continued to advocate passage and enforcement in all other states.

Private and government initiatives to eliminate child labor continued but remained mostly ineffective. The government gradually implemented the ILO/International Program for the Elimination of Child Labor Sustainable Tree Crop Program in the cocoa and other agricultural subsectors, a component of which sensitized farmers to issues relating to hazardous child labor and child trafficking for labor exploitation. Akwa Ibom, Ondo, Cross River, and Abia states participated in the program during the year.

e. Acceptable Conditions of Work

The national monthly minimum wage is 5,500 naira (\$36). The national minimum wage did not provide a decent standard of living for a worker and family.

In August the minimum wage for federal public sector workers increased to 17,000 naira (\$115) per month. The government, labor and private business negotiated amendments to the National Minimum Wage Act, covering private employers, state and local government workers. These amendments raise the monthly minimum wage for all but federal workers to 18,000 naira (\$120). In November labor unions led by the Nigeria Labor Congress staged a one-day "warning strike" to protest the lack of progress by the executive branch in sending the bill to the National Assembly for passage. The unions suspended the strike after the Minister of Labor made assurances that the government would forward the draft legislation to the National Assembly. However, at year's end the National Assembly did not take action on the bill. The Labor Ministry has responsibility for monitoring compliance with the minimum wage, which it strictly enforced for companies with over 50 employees. When a company with fewer than 50 employees was found to pay less than the minimum wage, the ministry reviewed the company's records to determine whether it could pay the minimum wage and then issued a ruling.

The Labor Act mandates a 40-hour work week, two to four weeks of annual leave, and overtime and holiday pay, except for agricultural and domestic workers. The law prohibits excessive compulsory overtime for civilian government employees.

The law establishes general health and safety provisions, some of which were aimed specifically at young or female workers: however, the Ministry of Labor did not properly monitor and enforce health and safety conditions due to insufficient inspectors. The inspectorate division of the Ministry of Labor inspects factories for compliance with health and safety standards. However, this division was underfunded, lacked basic resources and training, and consequently did not



sufficiently enforce safety regulations at most enterprises, particularly construction sites and other nonfactory work locations.

In 2010 the National Assembly passed an Employees Compensation Act which raised amounts paid to workers experiencing job-related injuries. The act also extended coverage to women involved in work not previously covered. The act was ready for the president's signature at year's end.

The law requires employers to compensate injured workers and dependent survivors of those killed in industrial accidents; however, it was not strictly enforced. The Factories Act provides for the protection of factory employees in hazardous situations, including the right of employees to remove themselves from such situations. The law did not provide other, nonfactory workers with similar protections.

The labor laws apply to legal foreign workers, but not all companies respected these laws in practice.