

# **REPORT ON HUMAN RIGHTS VIOLATIONS FOLLOWING THE IMPLEMENTATION OF COVID-19 REGULATIONS 2020 AND DIRECTIVES ISSUED BY FEDERAL AND STATE GOVERNMENTS FROM 31<sup>ST</sup> MARCH TO 13<sup>TH</sup> APRIL 2020**

## **1.0 EXECUTIVE SUMMARY**

- 1.1 Following the outbreak of the Covid-19 pandemic, Governments across the globe embarked on measures to safeguard the lives and health of their citizens. Some of the measures adopted were to lockdown areas or states with prevalence of Covid-19 transmissions, shut down borders, close down schools, cancel or postpone sporting activities, travels, etc. to avoid community or social spread of the virus.
- 1.2 In Nigeria, the Federal and State Governments took proactive steps by declaring the Covid-19 virus as an infectious disease and issued Regulations in line with the Quarantine and Public Health Act and Laws in order to safeguard lives and public health. By the Regulations, President Muhammadu Buhari, GCFR imposed a mandatory lockdown of FCT, Abuja, Lagos and Ogun States and ordered citizens to stay at home for an initial period of 14 days to enable the Nigeria Centre for Disease Control (NCDC) to trace, contact, test, isolate and treat persons who may have been exposed or contracted the virus. These measures were also replicated by some State Governors in their respective states.
- 1.3 The Regulations also empowered the security agencies to ensure compliance and enforcement of the stay-at-home order resulting from the lockdowns. Given the enforcement mandate handed to security agencies, the National Human Rights Commission in Advisories issued to security agencies and members of the Public on 31<sup>st</sup> March and 9<sup>th</sup> April, 2020 admonished security agencies to carry out the enforcement exercise in line international and national human rights laws as well as international best practices to ensure that the rights of Nigerians are not unduly violated in the course of carrying out the enforcement mandate. The Commission also informed members of the public and its staff to monitor the public space and report any human rights infraction by security personnel or other actors during the lockdown.
- 1.4 This report therefore documents the various incidents of human rights violation allegedly perpetrated by security agencies and other actors during the initial lockdown period commencing from 30<sup>th</sup> March, 2020 to 13<sup>th</sup> April, 2020. It also

documents the various thematic areas in which the violations occurred, the nature of the violations, the disaggregated data on state reported violations, the agencies of Government responsible for the violations as well as the response/action taken to remedy the violations.

## **1.5 INCIDENTS OF VIOLATION OF HUMAN RIGHTS**

1.6 The report shows that **a total of 105 complaints were monitored/received from twenty-four States (24) out of the 36 States of the federation including the FCT**, namely: Abia, Adamawa; Akwa Ibom; Bayelsa, Benue; Cross Rivers; FCT Ebonyi State; Edo; Enugu State; Ekiti State; Delta State; Gombe State; Imo State; Kaduna; Katsina; Kogi; Kwara State; Lagos; Nasarawa; Niger State; Ogun; Osun; Plateau and Rivers States.

**1.7 Out of 105** complaints/incidents of human rights violation received and documented within the lock down period, Lagos State **has the highest recorded cases with 28 incidents**. This is followed by the FCT, Abuja which **has 10 recorded cases**.

1.8 Enugu State recorded 9 incidents followed by Abia, Delta and Nasarawa States which recorded 7, 6 and 5 incidents respectively. Rivers State also recorded 5 incidents of human rights violation while Imo recorded 4 incidents.

1.9 Ekiti, Akwa Ibom, Gombe, Kaduna and Ebonyi States recorded 3 incidents each; while Kwara, Osun, Benue and Niger States recorded 2 incidents each. Edo, Adamawa, Ogun, Cross River, Kogi, Bayelsa, Katsina and Plateau States recorded 1 incident each.

## **2.0 THEMATIC AREAS/TYPES OF VIOLATIONS**

2.1 The report shows that complaints of human rights violations were received and documented in the following thematic areas: extra-judicial killings, violation of right to freedom of movement, unlawful arrest and detention, seizure/confiscation of properties, sexual and gender based violence (SGBV), discrimination, torture, inhumane and degrading treatment and extortion.

2.2 There were **8 documented incidents of extra-judicial killing leading to 18 deaths**. **Out of this number, 12 deaths were recorded in Kaduna State**. Abia State also recorded 2 deaths arising from 2 incidents; while Delta, Niger, Ebonyi and Katsina States recorded 1 death each. **Whereas covid-19 has led to the**

death of about 10 patients to date, law enforcement agents have extrajudicially executed 18 persons to enforce the regulations. This speaks volumes of the protocols and rules of engagement for our law enforcement as well the efficiency level and capacity of law enforcement agents to deal with civil population. It smacks of impunity and reckless disregard for human life in law enforcement by security personnel.

2.3 The report further shows that out of the 18 deaths, the Nigeria Correctional Service was responsible for 8 deaths while the Nigeria Police Force was responsible for 7 deaths. The Nigeria Army on the other hand was responsible for 2 deaths while the Ebonyi State Task Force on Covid-19, Afikpo South LGA was responsible for 1 death.

2.4 Other types of violations recorded within the period include **33 incidents of torture, inhumane and degrading treatment, 27 incidents of violation of right to freedom of movement, unlawful arrest and detention, 19 incidents of seizure/confiscation of properties, 13 incidents of extortion, 4 incidents of SGBV, and 1 incident of discrimination in the distribution of food items.**

2.5 The report finds that the **Nigeria Police Force accounted for about 90% of the total cases of violations followed by the Nigeria Army and Nigeria Correctional Service and other non-state actors.** The report also finds that **31 incidents of violations representing about 29% of the complaints have been resolved by different security agencies.**

2.6 The report further finds that the various human rights violations recorded during the period arose **as a result of excessive or disproportionate use of force, abuse of power, corruption and none adherence to international and national human rights laws and best practices by law enforcement agents.**

2.7 In view of the above reasons and other considerations, the following recommendations were canvassed in the Report:

### **3.0 SPECIFIC RECOMMENDATIONS ON THEMATIC ISSUES**

#### **3.1 EXTRA-JUDICIAL KILLINGS**

- a. Allegations of extra-judicial killings, deaths in custody or violation of right to life against law enforcement agents such as the Nigeria Police Force, Nigeria Army,

Nigeria Correctional Service, Task Force Teams on Covid-19 or against private citizens or non-state actors during the Covid-19 lockdown period should be promptly and thoroughly investigated by law enforcement agencies without fear or favour and officials or persons found culpable should be duly prosecuted in accordance with the law. Such investigations should be holistic, independent, impartial and in line with human rights standards.

- b. Law enforcement agents and members of Task Force Teams on Covid-19 tasked with the responsibilities of enforcing the stay-at-home order should exercise restraint and exhibit high sense of professionalism in enforcing lockdown orders. Human rights based approach should be adopted in interacting and managing civilian population especially in relation to movement, crowd control, demonstrations and other forms of civil protest as to prevent unnecessary fatalities. To this extent, adequate training on rules of engagement, principles of proportionality in use of force or fire arms, civil relations, human rights, and anger management should be provided to law enforcement agents and members of Task Force Teams on Covid-19 charged with the responsibilities of enforcing the lockdown orders to ensure that their response is proportionate and necessary at any given time.
- c. Government of Nigeria at all levels should adequately compensate families and relatives of victims of extra-judicial killings as well as persons who died in custody as a result of disproportionate use of fire arms and impunity in law enforcement.

### **3.2 FREEDOM OF MOVEMENT, UNLAWFUL ARREST AND DETENTION**

- a. Law enforcement agents and members of Task Force Teams on Covid-19 should be sensitized to allow journalists, essential and health care workers as well as food vendors who are exempted from the lockdown orders to go about their business without any form of extortion, restriction, intimidation or harassment.
- b. Law enforcement agencies should ensure that persons who are arrested on account of flouting the lockdown orders are promptly brought before a court of competent jurisdiction and not unduly detained in flagrant disregard to constitutional provisions. In this regard, it is advised that such persons be immediately released on bail and promptly arraigned in court. Detention or incarceration should not be an option during covid-19 law enforcement no matter the circumstance. Admission of any new inmates to any correctional service or

police detention facility could introduce covid-19 into such facility and complicate the already precarious situation of our detention facilities

- c. The Government of Nigeria at all levels should categorize pregnant women and persons in need of medical care as essential persons to facilitate their unrestricted movements to hospitals and health care centres.

### **3.3 SEXUAL AND GENDER BASED VIOLENCE (SGBV)**

- a. The lockdown orders imposed across the federation in response to the Covid-19 pandemic are likely to increase incidents of violence against women and girls as well as make it harder for survivors and victims of SGBV to report abuse and for service providers to respond efficiently. Consequently, Government should ensure that appropriate measures are put in place to raise public awareness on the risk of SGBV during the pandemic and make available information on how survivors can access protective and health care services despite the lockdown.
- b. Government of Nigeria at all levels should treat services for women and girls who experience sexual and gender based violence as essential and ensure that there are adequate stop-gap measures such as temporary accommodation to safeguard the lives, health and well being of survivors and victims.
- c. Law enforcement agencies should thoroughly investigate incidents or reported cases of SGBV with a view to holding perpetrators accountable for their actions. Cases of SGBV need prompt medical attention in the hospitals and by law enforcement agents. Covid-19 implementation should not result in cases of SGBV being swept under the carpet by Law Enforcement Agents.

### **3.4 SEIZURE/CONFISCATION OF PROPERTIES**

- a. Law enforcement agencies and members of Task Force Teams on Covid-19 should prioritize prosecution of persons who flout lockdown orders over seizure/confiscation of their properties or vehicles especially where such properties/vehicles are their only means of livelihood. Where this is not feasible, all confiscation/seizure of properties during the lockdown period must be done in line with the provisions of extant laws in Nigeria.
- b. Law enforcement agents should desist from demanding monetary gratifications from helpless Nigerians as a condition for the release of confiscated properties/vehicles.

- c. Government of Nigeria at all levels should ensure that persons whose properties and food stuffs were destroyed by law enforcement agents and the various Task Force Teams on Covid-19 are duly compensated to help them restore their livelihoods and mitigate the hardship that they may have suffered during this period.

### **3.5 TORTURE, INHUMANE AND DEGRADING TREATMENT**

- a. The Government of Nigeria at all levels should collaborate with the media, traditional and religious rulers, Faith Based Organizations (FBOs), Civil Society Organizations (CSOs) and other relevant stakeholders to ensure that Nigerians are adequately sensitized on the provisions of the Violence Against Persons Prohibition (VAPP) Act and Anti-Torture Acts in order to take advantage of the provisions and remedies contained therein. In this regard, talk shows, radio jingles and other educative programmes against any form of torture or violence by security agents, Task Force Teams or individuals should be intensified in the public space to drive knowledge and awareness, particularly at the grass root level.
- b. The Government of Nigeria at all levels and relevant stakeholders should put in place appropriate mechanisms that would encourage victims and survivors of violence and torture in whatever form to report such incidents without fear of stigmatization or intimidation during the lockdown period. In this regard, the Government is urged to adopt measures that would safeguard and protect the identity and life of survivors, victims of violence and their witnesses from harm.
- c. The Government, Law Enforcement Agencies (LEAs), the judiciary, CSOs and other stakeholders should ensure that there is accountability for acts of torture and other forms of violence by documenting, investigating, prosecuting and punishing law enforcement agents, members of Covid- 19 Task Force Teams and other perpetrators of torture and violence in accordance with extant laws to serve as deterrence. In this regard, all complaints of torture and other forms of violence reported during the lockdown period should be expeditiously investigated and culprits prosecuted.

### **3.6 EXTORTION**

- c. All reported incidents of corruption through extortion of money from Nigerians by law enforcement agents in order to secure the bail of arrested persons or to allow passage of unauthorized persons during covid-19 regulations enforcement should be investigated and culprits made to face the wrath of the law. Law enforcement agencies and Task Force Teams should ensure that such monies are returned or refunded and appropriate measures should be put in place to avoid a re-occurrence.

## **4.0 GENERAL RECOMMENDATIONS**

### **4.1. GOVERNMENT**

- a) **The Government** of Nigeria at all levels should ensure that Security Agencies, Covid-19 Taskforce Teams, Civilian JTF, Vigilante Groups and other Non-State Actors do not use the Covid-19 Regulations and 'Stay-at-home Orders' of Government as a basis to flagrantly violate the rights of Nigerians. In this regard, it is pertinent to include a human rights segment to the frequent national briefings of the Presidential Task Force on Covid- 19 and its counterpart at the State level to give regular update to the nation on the state of human rights report regarding the Covid-19 Regulation enforcement.
- b) **Government** of Nigeria at all levels including relevant MDAs should ensure that all responses to the pandemic are human rights friendly and are proportionate, necessary and non-discriminatory with legitimate public health goals.
- c) **Government** of Nigeria across all levels should collaborate with the Nigeria Correctional Service to ensure that the Presidential pardon of 2600 prisoners as announced by President Muhammadu Buhari is implemented expeditiously so as to decongest Custodial Centres and safeguard the health and wellbeing of persons in detention.
- d) Furthermore, it is recommended that situation of awaiting trial inmates and admission of such new inmates should be temporarily discontinued to avoid spreading covid-19 to correctional service centers. The Governments at the state and federal level should further consider as a matter of urgency the decongestion awaiting trial population that constitutes more than 60% of inmate population.
- e) In implementing the Presidential Order announced by President Muhammadu Buhari for the expansion of the social register, the interest of persons living with disabilities, IDPs, women and children, the elderly persons and other vulnerable groups should be given paramount consideration.

### **4.2 LAW ENFORCEMENT AGENCIES/TASK FORCE TEAMS ON COVID 19**

- a) Law enforcement agencies and covid-19 Task Force Teams in Nigeria should ensure that in carrying out their statutory and administrative duties during the lockdown, they comply with the international, regional and national human rights obligations of Nigeria through the promotion and protection the rights of all Nigerians.
- b) Law enforcement agencies and covid-19 Task Force Teams in Nigeria should ensure that there is a transparent accountability mechanism for erring personnel who while carrying out their duties use excessive force or violate the rights of Nigerians.
- c) Law enforcement agencies and covid-19 Task Force Teams in Nigeria should ensure that they build the capacity of their personnel to understand and apply human rights principles and tenets in the discharge of their duties.

#### **4.3 CIVIL SOCIETY ORGANIZATIONS (CSOs)**

- a) Nigeria CSOs should continue to monitor, document and report to relevant authorities such as the National Human Rights Commission (NHRC) any incident of violation of fundamental human rights during the lockdown period
- b) Nigeria CSOs should strengthen advocacy and collaborative initiatives for the fulfillment, respect and protection of the socio-economic rights of Nigerians during this pandemic particularly as it affects women, children, IDPs and other vulnerable groups.

#### **5.0 INTRODUCTION**

5.1 The World Health Organization (WHO), on March 11, 2020, declared Coronavirus 'COVID 19' a pandemic. COVID-19 was first identified in December 2019 in Wuhan, China and reached the level of a global pandemic because of the alarming level of its spread and severity. This pandemic has posed serious public health challenge all over the world including Nigeria leading to government taking urgent steps to aggressively contain this highly contagious disease.

5.2 Consequently, on 30<sup>th</sup> March 2020, President Muhammadu Buhari, in the exercise of the powers conferred on him by Sections 2, 3 and 4 of the Quarantine Act CAP Q2 LFN 2004, as well as other powers enabling him on that behalf issued and signed the COVID-19 Regulations, 2020, which declared COVID-19 a dangerous infectious disease.



5.3 The President in the Regulation directed the restriction/cessation of movements in Federal Capital Territory (FCT), Lagos and Ogun States by the citizenry for an initial period of 14 days with effect from 11 p.m on Monday 30<sup>th</sup> March 2020 in order to address the spread of the disease. Citizens were directed to stay in their homes and all businesses and offices ordered to be closed. Movements within states and travel restrictions to other states were also imposed, while essential service providers such as hospitals, food sellers/distribution outfits, petroleum distribution/retail companies, power generation/transmission companies, security companies, financial system/money markets and workers in the electronic and print media were exempted.

5.4 To ensure compliance with the COVID-19 Regulations, heads of security and intelligence agencies were briefed to ensure compliance. Following the presidential directive, different states of the federation started devising measures to ensure that the people of the state are protected which is basically hinged on restriction of movement. Each of the state charged its Task Force Teams on COVID -19 in the state to ensure compliance with the regulations and the directives.

5.5 Given the likelihood of the negative impact the implementation and enforcement of the COVID 19 Regulations will have on the enjoyment of human rights by everyone in Nigeria if carried out in a non-proactive manner; NHRC in the exercise of its statutory mandate to promote the respect of human rights of everyone in Nigeria; decided to put in place Human Rights Monitoring Programme for COVID 19 Regulation 2020. This is to ensure that the Regulations are enforced in accordance with international best practices and human rights framework.

5.6 It is instructive to state that international, regional and domestic human rights instruments recognize that in the face of threat to public health, restrictions on some rights can be justified. This is evident in the provisions of Section 45 (1) of the Constitution of the Federal Republic of Nigeria 1999 (as amended) which provides:

**Nothing in sections 37, 38, 39, 40 and 41 of this Constitution shall invalidate any law that is reasonably justifiable in a democratic society**

**(a) in the interest of defence, public safety, public order, public morality or public health; or**

**(b) for the purpose of protecting the rights and freedom of other persons.**

5.7 Accordingly, Human Rights may be curtailed under permissible circumstances. Thus, COVID 19 having been declared a dangerous infectious disease which adversely affects Public Safety and Health provides justification for derogation on some human rights and fundamental freedoms, such as right to freedom of movement, worship and association. This has been done globally. However, in the enforcement of these measures, Law Enforcement Officers (LEOs) are under obligation to do so within the law and in compliance with human rights standards or best practices.

5.8 As a consequence of the foregoing, the Commission monitored the activities of LEOs across the country in the course of enforcement of COVID 19 Regulation 2020 and the Directives by State Governments on the restriction and cessation of movements.

5.9 This report deals with the human rights concerns; that is, the alleged violations of the human rights of persons in Nigeria by security agencies in the course of the enforcement of COVID 19 Regulations 2020 and similar directives by different states in Nigeria in regard to restriction/cessation of movements by everyone in Nigeria for the containment of COVID 19 disease.

## **6.0 METHODOLOGY**

- a. To ensure that the rights of Nigerians are protected during the implementation of the COVID 19 Regulations, the Commission leveraged on its mandate and the Executive Secretary issued the following Advisories:
  1. Directives to Law enforcement agencies to respect human rights especially rights to freedom from torture inhuman and degrading treatment during enforcement of covid-19 Regulations on 30<sup>th</sup> March, 2020.
  2. Directives to staff of the Commission, CSOs and other members of the public to document and report human rights violations by law enforcement agents against citizens on 1<sup>st</sup> April, 2020.
- b. The Commission has offices in the 36 states of the Federation including the FCT and also a Metropolitan Office in Abuja. Staff of the Commission in the states monitored, documented and Intervened on complaints from members of the public

pertaining to violations in the course of the lockdown restrictions and cessation of movements and other measures adopted by Federal and State Governments.

- c. This monitoring exercise leveraged on the existing structure of the Commission to cover all states of the federation during this reporting period.
- d. Posters on covid-19 awareness and guide to report violations were also distributed through the social media displaying the following Commission's hotlines for the general public to report human rights violation during this period; 08037875427, 08179371339, 08034354537 and 07033398657.
- e. Other numbers publicized for effective reporting and interventions are the Commissioner of Police (COP) FCT( 08033438900), COP Lagos State ( 08033438179, COP Ogun State ( 08033438900) and the Director Civil Military Affairs ( 08057750691).
- f. The reports were collated through phone calls from all over the federation, eye witnesses account, print and electronic media reports, walk in reports in Commission's offices where there are partial lockdown and some on behalf of the victims.
- g. The data and information collated pertains to violations allegedly perpetrated by the Nigeria Police Force (NPF), Nigeria Security and Civil Defense Corps(NSCDC), Nigeria Custodial Service and the Nigerian Army. The report indicates pattern and nature of the violations as well as actions taken so far by NHRC Monitors.

## **7.0 GENERAL OVERVIEW OF THE REPORTS**

5.1 The report deals with complaints disaggregated according to Thematic Areas of human rights as delineated by the Commission. These complaints were received from twenty two States (24) States of the federation including the (FCT), namely:

- Abia State
- Adamawa State;
- Akwa Ibom State;
- Bayelsa
- Benue State;
- Cross Rivers State;
- FCT

- Ebonyi State;
- Edo State;
- Enugu State;
- Ekiti State;
- Delta State
- Gombe State;
- Imo State;
- Kaduna State;
- Katsina
- Kogi State;
- Kwara State;
- Lagos State;
- Nasarawa State;
- Niger State;
- Ogun State;
- Osun State;
- Plateau
- Rivers State

## **8.0 PREVALENCE OF HUMAN RIGHTS VIOLATIONS IN THE THEMATIC AREAS AND STATES OF THE FEDERATION**

8.1 The prevalence of violations in seven (7) thematic areas are namely:

- Extra Judicial Killing;
- Unlawful Arrest and Restriction of Movement
- Torture, Cruel, Inhuman ad Degrading Treatment
- Extortion;
- Sexual and Gender Based Violence
- Illegal Seizure/ Confiscation of assets
- Discrimination

## **9.0 ANALYSIS OF THE VIOLATIONS**

### **9.1 Total Number of Violations**

9.2 The report shows that a total of 105 incidents of human rights violations were reported/received by the Commission during the Covid-19 lockdown period. Of this

number, Lagos State has the highest recorded cases with 28 incidents. This is followed by the FCT, Abuja which has 10 recorded cases.

9.3 Enugu State recorded 9 incidents followed by Abia, Delta and Nasarawa States which recorded 7, 6 and 5 incidents respectively. Rivers State also recorded 5 incidents of human rights violation while Imo recorded 4 incidents.

9.4 Ekiti, Akwa Ibom, Gombe, Kaduna and Ebonyi States recorded 3 incidents each; while Kwara, Osun, Benue and Niger States recorded 2 incidents each. Edo, Adamawa, Ogun, Cross River, Kogi, Bayelsa, Katsina and Plateau States recorded 1 incident each.

## **10.0 Thematic/Types of Violations**

### **a. Extra-Judicial Killing**

The report shows that there were 8 incidents of extra-judicial killing leading to 18 deaths. Out of this number, 12 deaths were recorded in Kaduna State arising from 2 incidents. Abia State also recorded 2 deaths arising from 2 incidents; while Delta, Niger, Ebonyi and Katsina States recorded 1 death each.

The report further shows that out of the 18 deaths, the Nigeria Correctional Service was responsible for 8 deaths while the Nigeria Police Force was responsible for 7 deaths. The Nigeria Army on the other hand was responsible for 2 deaths while the Ebonyi State Task Force on Covid – 19, Afikpo South LGA was responsible for 1 death.

### **b. Violation of Right to Freedom of Movement, Unlawful Arrest and Detention**

The report shows that 27 incidents of violation of right to movement, unlawful arrest and detention were recorded within the period. Lagos State recorded the highest number of cases with 8 incidents followed by FCT, Abuja with 6 incidents and Enugu State with 5 incidents. Gombe recorded 3 incidents; Imo and Rivers State recorded 2 incidents each, while Benue recorded 1.

The report shows that out of the 27 incidents, 90 -95% were allegedly perpetrated by officials of the Nigeria Police Force, while about 3% were perpetrated by Nigeria Army. The report further shows that Non-State Actors such as vigilante groups and private persons also violated the right to freedom of movement and indulged in unlawful detention. This is evident in the Enugu incident where construction workers allegedly locked up policemen who came to arrest them thereby preventing the policemen from leaving the premises.

### **c. Torture, Inhumane and Degrading Treatment**

The report shows that 33 incidents of torture, inhumane and degrading treatment involving 450 victims were recorded within the period. Five (5) incidents were both recorded in Nasarawa and Lagos State making it the States that recorded the highest number of incidents of torture, inhumane and degrading treatment. This is followed by Delta States which recorded 3 incidents. FCT, Ebony, Ekiti and Osun States recorded 2 each. Other states such as Adamawa, Ogun, Kaduna, Rivers, Kwara, Niger, Imo, Cross River, Akwa Ibom, Abia, Plateau and Benue recorded 1 incident each.

Although, Ogun State recorded only one (1) incident of torture, inhumane and degrading treatment, the number of victims involved were 400. Majority of the acts of torture were allegedly perpetrated by officials of the Nigeria Police Force, followed by the Ebonyi State Task Force Team on Covid-19, Ebonyi LGA.

### **d. Sexual and Gender Based Violence (SGBV)**

The report shows that 4 incidents of SGBV were recorded within the period. Lagos State recorded 2 incidents; while Akwa Ibom and Kogi States recorded 1 incident respectively.

The report shows that the incidents of SGBV were allegedly perpetrated by private individuals and some government officials including Abdulmumuni Danga, the Commissioner of Water Resources in Kogi State

### **e. Extortion**

Thirteen (13) incidents of extortion by security officials were recorded within the period. The acts of extortion involved demand for payment of various sums of money ranging from 3,000 to N5,000 by security officials to secure the release of persons arrested and properties seized as a result of violation of the stay-at-home order of Government.

Abia State recorded the highest incidents of extortion with 4 cases while Delta and Enugu recorded 2 incidents each. Other states such as Ekiti, Lagos, FCT, Rivers and Imo states recorded 1 incident each.

### **f. Seizure/Confiscation of Properties**

The report shows that 19 incidents of seizure/confiscation of properties were recorded within the period. Lagos State recorded 12 incidents. This is followed by Enugu State which recorded 2 incidents; while Akwa Ibom, Edo, Kwara, FCT and Rivers States recorded 1 incident respectively.

### **g. Discrimination**

Report shows that only one incident of discrimination was recorded by Bayelsa within the period. This involved non- inclusion of persons with disabilities in the distribution of food items by SEMA

## **9.0 Analysis of Violating Agencies, Resolved and Unresolved Cases**

### **Extra-Judicial Killing**

<b>State</b>	<b>Reported Cases</b>	<b>Violating Agencies/Others</b>	<b>Resolved</b>	<b>Un-Resolved</b>
Abia	2	Nigeria Police Force	0	2
Kaduna	2	Nigeria Police Force and Joint Task Force	0	1
		Kaduna Correctional Centre	0	1
Ebonyi	1	Nigeria Police Force	0	1
Niger	1	Nigeria Police Force (SARS)	0	1
Delta	1	Nigerian Army	0	1
Katsina	1	Nigeria Police Force	0	1
<b>Total</b>	<b>8</b>		<b>0</b>	<b>8</b>

The table above shows that none of the eight cases on extra-judicial killings have been resolved.

### **Violation of Right to Freedom of Movement, Unlawful Arrest and Detention**

<b>State</b>	<b>Reported Cases</b>	<b>Violating Agencies/Others</b>	<b>Resolved</b>	<b>Un-Resolved</b>
Lagos	8	Nigeria Police Force	3	4
		Nigerian Army	0	1
FCT	6	Nigerian Army	1	2
		Joint Task Force	0	1
		Nigeria Police Force	0	2
Enugu	5	Nigeria Police Force	3	2
Gombe	3	Vigilante Group	3	0
		Private Security Outfit (Executive Guard)		
Imo	2	Nigeria Police Group	2	0
Rivers	2	Nigerian Police Force	1	1
Benue	1	State Government	1	0
<b>Total</b>	<b>27</b>		<b>14</b>	<b>13</b>

The above table shows that out of 27 cases on unlawful arrest and detention, 14 have been resolved while 13 are yet to be resolved.

## Torture, Inhumane and Degrading Treatment

State	Reported Cases	Violating Agencies/Others	Resolved	Un-Resolved
Nasarawa	5	Nigeria Police Force	0	1
		Joint Task Force	0	4
Lagos	5	Nigeria Police Force	0	4
		Nigerian Army	0	1
Delta	3	Nigeria Police Force	0	2
		Delta Joint Task Force	0	1
Osun	02	Vigilante (CJTF)	0	1
		Nigeria Police Force	0	1
Ebonyi	2	Ebonyi Task Force	0	2
Ekiti	2	Nigeria Peace Corp	1	0
		Nigeria Police Force	1	0
FCT	2	Nigerian Army	0	2
Adamawa	1	Nigeria Police Force	1	0
Niger	1	Nigeria Security and Civil Defence Corps NSCDC)	1	0
Imo	1	Nigeria Police Force	1	0
Rivers	1	Nigeria Police Force	0	1
Ogun	1	Nigeria Police Force	0	1
Benue	1	Nigerian Army	0	1
Akwa Ibom	1	Nigeria Police Force	1	0
Abia	1	Nigerian Army	0	1
Kaduna	1	Nigeria Police Force	1	0
Kwara	1	Nigeria Police Force	1	0
Cross River	1	Nigerian Army	0	1
Plateau	1	Nigeria Police Force	0	1
<b>Total</b>	<b>33</b>		<b>8</b>	<b>25</b>

The table shows that out of the 33 cases on torture, 8 have been resolved while 25 are unresolved.

## Sexual and Gender Based Violence (SGBV)

State	Reported Cases	Violating Agencies/Others	Resolved	Un-Resolved
Lagos	02	Non State Actor	01	1
Akwa Ibom	01	Non-State Actor	0	1
Kogi	01	"	0	1
<b>Total:</b>	<b>04</b>		<b>01</b>	<b>3</b>

The table shows that out of the 4 cases on SGBV, only 1 case has been resolved while 3 cases remain unresolved.



## Extortion

State	Reported Cases	Violating Agencies/Others	Resolved	Un-Resolved
Abia	4	Nigeria Police	2	0
		BTU/Abia Task Force	1	0
		Nigerian Army	1	0
Delta	2	Joint Task Force	2	0
Enugu	2	Nigeria Police Force (SARS)	2	0
Ekiti	1	Nigeria Police Force	1	0
Imo	1	Nigeria Police Force Anti-Cult	1	0
Rivers	1	Nigeria Police Force and Joint Task Force	1	0
Lagos	1	Nigeria Police Force	1	0
FCT	1	Nigeria Police Force	1	0
<b>Total</b>	<b>13</b>		<b>13</b>	<b>0</b>

The table shows that none of the cases of extortion were resolved

## Seizure/Confiscation of Properties

State	Reported Cases	Violating Agencies/Others	Resolved	Un-Resolved
Lagos	12	Nigeria Police Force	1	11
Enugu	02	Nigeria Police Force	1	0
		State Government	0	1
Edo	01	State Task Force	0	1
Kwara	01	Nigeria Police Force	1	0
Akwa Ibom	01	Non-State Actor	1	0
FCT	01	Nigeria Police Force	1	0
Rivers	01	Nigeria Police Force	0	01
<b>Total:</b>	<b>19</b>		<b>05</b>	<b>14</b>

The table shows that out of the 19 cases on confiscation of properties, 5 have been resolved while 14 remain unresolved.

## Discrimination

State	Reported Cases	Violating Agencies/Others	Resolved	Un-Resolved
Bayelsa	1	SEMA	1	0
Total	1		1	

## 10.0 CONCLUSION

This Report revealed various complaints received by the Commission as well as media reports on alleged cases of human rights violations perpetrated by law enforcement officials and other non-state actors during the Covid-19 lockdown period across the federation. The violations were recorded in different thematic areas such as extra-judicial killings, SGBV, violation of right to health, freedom of movement, unlawful arrest and detention, seizure/confiscation of properties, extortion, torture, inhumane and degrading treatment, etc.

The alleged cases of human rights violations recorded during the period arose as a result of excessive or disproportionate use of force, abuse of power, corruption and non-adherence to international and national human rights laws and best practices by law enforcement agents. It is therefore pertinent to reiterate that although restrictions on movement and socio-economic activities during this Covid-19 pandemic are necessary to preserve and protect lives, public safety and health, it is however not a subterfuge or an avenue for law enforcement agents, other non-state actors or individuals to unduly or flagrantly violate the rights of Nigerians. Doing otherwise would have serious consequences on the enjoyment of human rights.

Therefore, the Government, law enforcement agencies and other stakeholders have a duty to show respect to Nigerians during this trying period by ensuring that they adopt human rights based approach in dealing with the civil populace and in carrying out their mandate of enforcing the lock down order of the Government across all levels.

## **11.0 SPECIFIC RECOMMENDATIONS ON THEMATIC AREAS**

### **11.1 EXTRA-JUDICIAL KILLINGS**

- a. Allegations of extra-judicial killings, deaths in custody or violation of right to life against law enforcement agents such as the Nigeria Police, Nigeria Army, Correctional Service, Task Force Teams on Covid 19 or against private citizens or non-state actors during the Covid-19 lockdown period should be promptly and thoroughly investigated by law enforcement agencies without fear or favour and officials or persons found culpable should be duly prosecuted in accordance with the law. Such investigations should be holistic, independent, impartial and in line with human rights standards.
- b. Law enforcement agents and members of Task Force Teams on Covid 19 tasked with the responsibilities of enforcing the stay-at-home order should exercise

restraint and exhibit high sense of professionalism in enforcing lockdown orders. Human rights based approach should be adopted in interacting and managing civilian population especially in relation to crowd control, demonstrations and other forms of civil protest as to prevent unnecessary fatalities. To this extent, adequate training on the use of fire arms, civil relations, human rights, and anger management should be provided to law enforcement agents and members of Task Force Teams on Covid 19 charged with the responsibilities of enforcing the lockdown orders to ensure that their response is proportionate and necessary at any given time.

- c. Government of Nigeria at all levels should adequately compensate families and relatives of victims of extra-judicial killings as well as persons who died in custody as a result of disproportionate use of fire arms.

## **11.2 FREEDOM OF MOVEMENT, UNLAWFUL ARREST AND DETENTION**

- a. Law enforcement agents and members of Task Force Teams on Covid 19 should be sensitized to allow journalists, essential and health care workers as well as food vendors who are exempted from the lockdown orders to go about their business without any form of restriction, intimidation or harassment.
- b. Law enforcement agencies should ensure that persons who are arrested on account of flouting the lockdown orders are promptly brought before a court of competent jurisdiction and not unduly detained in flagrant disregard to constitutional provisions. In this regard, it is advised that such persons be immediately released on bail if prompt arraignment in court is impracticable in the circumstance.
- c. The Government of Nigeria at all levels should categorize pregnant women and persons in need of medical care as essential persons to facilitate their unrestricted movements to hospitals and health care centres.

## **11.3 SEXUAL AND GENDER BASED VIOLENCE (SGBV)**

- a. The lockdown orders imposed across the federation in response to the Covid-19 pandemic are likely to increase incidents of violence against women and girls as well as make it harder for survivors and victims of SGBV to report abuse and for service providers to respond efficiently. Consequently, Government should ensure that appropriate measures are put in place to raise public awareness on

the risk of SGBV during the pandemic and make available information on how survivors can access protective and health care services despite the lockdown.

- b. Government of Nigeria at all levels should treat services for women and girls who experience sexual and gender based violence as essential and ensure that there are adequate stop-gap measures such as temporary accommodation to safeguard the lives, health and well being of survivors and victims.
- c. Law enforcement agencies should thoroughly investigate incidents or reported cases of SGBV with a view to holding perpetrators accountable for their actions.

#### **11.4 SEIZURE/CONFISCATION OF PROPERTIES**

- a. Law enforcement agencies and members of Task Force Teams on Covid 19 should prioritize prosecution of persons who flout lockdown orders over seizure/confiscation of their properties or vehicles especially where such properties/vehicles are their only means of livelihood. Where this is not feasible, all confiscation/seizure of properties during the lockdown period must be done in line with the provisions of extant laws in Nigeria.
- b. Law enforcement agents should desist from demanding monetary gratifications from hapless Nigerians as a condition for the release of confiscated properties/vehicles.
- c. Government of Nigeria at all levels should ensure that persons whose properties and food stuffs were destroyed by law enforcement agents and the various Task Force Teams on Covid 19 are duly compensated to
- d. mitigate the hardship that they may have suffered during this period.

#### **11.5 TORTURE, INHUMANE AND DEGRADING TREATMENT**

- a. The Governments of Nigeria at all levels should collaborate with the media, traditional and religious rulers, Faith Based Organizations (FBOs), Civil Society Organizations (CSOs) and other relevant stakeholders to ensure that Nigerians are adequately sensitized on the provisions of the Violence Against Persons Prohibition (VAPP) Act and Anti-Torture Acts in order to take advantage of the provisions and remedies contained therein. In this regard, talk shows, radio jingles and other educative programmes against any form of torture or violence by security agents, Task Force Teams or individuals should be intensified in the public space to drive knowledge and awareness, particularly at the grass root level.

- b. The Government of Nigeria at all levels and relevant stakeholders should put in place appropriate mechanisms that would encourage victims and survivors of violence and torture in whatever form to report such incidents without fear of stigmatization or intimidation during the lockdown period. In this regard, the Government is urged to adopt measures that would safeguard and protect the identity and life of survivors, victims of violence and their witnesses from harm.
- c. The Government, Law Enforcement agencies (LEAs), the judiciary, CSOs and other stakeholders should ensure that there is accountability for acts of torture and other forms of violence by documenting, investigating, prosecuting and punishing law enforcement agents, members of Covid 19 Task Force Teams and other perpetrators of torture and violence in accordance with extant laws to serve as deterrence. In this regard, all complaints of torture and other forms of violence reported during the lockdown period should be expeditiously investigated and culprits prosecuted.

#### **11.6 EXTORTION**

- a. All reported incidents of corruption through extortion of money from Nigerians by law enforcement agents in order to secure the bail of arrested persons should be investigated and culprits made to face the wrath of the law. Law enforcement agencies and Task Force Teams should ensure that such monies are returned or refunded and appropriate measures should be put in place to avoid a re-occurrence.

### **12.0 GENERAL RECOMMENDATIONS**

#### **12.1 GOVERNMENT**

- a) **The Government** of Nigeria at all levels should ensure that Security Agencies, Covid -19 Taskforce Teams, Civilian JTF, Vigilante Groups and other Non-State Actors do not use the Covid-19 Regulations and 'Stay-at-home Orders' of Government as a basis to flagrantly violate the rights of Nigerians. In this regard, it is pertinent to include a human rights segment to the frequent national briefings of the Presidential Task Force on Covid 19 and its counterpart at the State level to give regular update to the nation on the state of human rights report regarding the Covid 19 pandemic.
- b) **Government of** Nigeria at all levels including law enforcement agencies should ensure that all responses to the pandemic are human rights friendly and are

proportionate, necessary and non-discriminatory with legitimate public health goals.

- c) Government of Nigeria across all levels should collaborate with the Nigeria Correctional Service to ensure that the Presidential pardon of 2600 prisoners as announced by President Muhammadu Buhari is implemented expeditiously as to decongest Custodial Centres and safeguard the health and well being of persons in detention.
- d) In implementing the Presidential Order announced by President Muhammadu Buhari for the expansion of the social register, the interest of persons living with disabilities, IDPs, women and children, the elderly persons and other vulnerable groups should be given paramount consideration.

## **12.2 LAW ENFORCEMENT AGENCIES/TASK FORCE TEAMS ON COVID 19**

- a) Law enforcement agencies and Task Force Teams in Nigeria should ensure that in carrying out their statutory and administrative duties during the lockdown, they comply with the international, regional and national human rights obligations of Nigeria through the promotion and protection the rights of all Nigerians.
- b) Law enforcement agencies and Task Force Teams in Nigeria should ensure that there is a transparent accountability mechanism for erring personnel who while carrying out their duties use excessive force or violate the rights of Nigerians.
- c) Law enforcement agencies and Task Force Teams in Nigeria should ensure that they build the capacity of their personnel to understand and apply human rights principles and tenets in the discharge of their duties.

## **12.3 CIVIL SOCIETY ORGANIZATIONS (CSOs)**

- a) Nigeria CSOs should continue to monitor, document and report to relevant authorities such as the National Human Rights Commission (NHRC) any incident of violation of fundamental human rights during the lockdown period
- b) Nigeria CSOs should strengthen advocacy and collaborative initiatives for the fulfillment, respect and protection of the socio-economic rights of Nigerians during this pandemic particularly as it affects women, children, IDPs and other vulnerable groups.