



National Human Rights Commission

State of Human Rights Report

2013-2014

STATE OF HUMAN RIGHTS REPORT 2013-2014

**National Human Rights
Commission**

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Foreword

The State of Human Rights in Nigeria 2013-14 Report (SHR), produced by the National Human Rights Commission (Commission), is the 5th in the series of this comprehensive publication since its maiden edition in 2006. Each year that the report is published, there are improvements. The 2013-2014 report is a collation of human rights situations reported in 2013 and 2014. In this report, each chapter highlights reports received at the Commission, those monitored and reported by monitors in the field and reports monitored using the media.

Like the previous year report, the 2013-2014 report contains expanded coverage of economic, social and cultural rights (ESCR), and some thematic areas of focus. This is an attempt at putting greater focus on the fundamental rights violations often suffered by less privileged individuals and communities in Nigeria – which comprise a majority of the population. According to the UN report on standard of living in Nigeria, about 63% of all Nigerians live in extreme poverty. And these classes of persons are often faced with and are left to deal with compromised leadership and pervasive injustice such as forced eviction, displacement, trafficking, environmental degradation, police extortion and harassment, and other daily rights violations perpetuated against them. Most of these violations are brought to the attention of the Commission for redress.

About 16 years after the return to democracy, Nigeria is still bedeviled with acts that lead to human rights violations, especially the act of its law enforcement agencies. There is rampant illegal arrest and detentions, congested poor conditions in prisons, lack of

good governance and impunity. Accordingly, the work of the Commission is immense in the face of dwindling funding. In spite of the enormous challenges, the Commission has a responsibility to fulfill its mandate and so it puts in all its efforts to ensure that Nigeria is ranked among nations that respect, promote and enforce human rights. This publication however represents one of the efforts being made by the Commission to bring greater light to human rights violations in Nigeria, and in the end, provide redress and remedy to individuals and communities whose rights have been or is being violated.

According to Professor Jadesola Akande's (State of Human Rights Report, 2007), "the revelations in this report should hopefully, discourage officials and agencies involved in these violations, from committing further violations and create an enabling environment for accessing redress." This report, like the previous editions is hoped, will encourage the human rights community in Nigeria to remain steadfast in its quest to achieve a better narrative for the human rights situation in Nigeria.

With this, I hope that one day the Nigerian government may be looked upon as an example for its respect, protection, promotion and enforcement of human rights. The road ahead is long and tedious and so I call on all of us to put on the armor and let's work it together, as a lot needs to be done to achieve a system where justice and rule of law reigns supreme.

Thank you,

Prof. Bem Angwe
Executive Secretary
National Human Rights Commission

Acknowledgments

The National Human Rights Commission acknowledges and appreciates the input of various persons and organizations to the realization of this publication. The Commission specially acknowledges the contributions made by its staff, especially all the staff of the Monitoring Department, in drafting, reviewing, and editing this report. The commitment of the Acting Executive Secretary, Mrs Oti Ovrawah; Tony Ojukwu, Esq., Director of Human Rights Violations Monitoring Department, who led the compilation of the information contained herein, is highly appreciated. The Commission equally appreciates the contribution made by Prof Sylvester Shikyil, Professor of law, American University, Yola, for taking time out of his very busy schedule to read through and edit the report.

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Finally, the Commission recognizes the enormous efforts of the Nigerian human rights community that continues to struggle in order to ensure accountability and justice for all those whose rights have been or is being violated. It is only through these cooperation and sustained efforts that Nigeria may become a State where human rights are regularly respected, protected, promoted and enforced.

EXECUTIVE SUMMARY

The State of Human Rights in Nigeria 2013 - 2014 Report (SHR) is a compilation of human rights violations monitored in the field as well as through the media, complaints received by the Commission and other sources, organized according to the various human rights protected by international and national human rights instruments. The SHR also highlights developments in the promotion and protection of specific human rights, and makes clear recommendations to specific arm or agencies of the government, requesting them to address the violations identified. The intention is for this document to serve as reference material for anyone interested in understanding the situation of human rights protection in Nigeria as well as the steps that must be taken to curb further violations.

The Report is divided into three parts. The first part focuses on civil and political rights (CPR), such as the rights to life, dignity, liberty and freedom of religion, expression and the press, while the second part highlights economic, social and cultural rights (ESCR), such as the right to health, education, etc. The last part of this report deals with developmental rights and thematic issues that cut across several rights that the Commission deems important to be addressed. Such chapters span issues of access to justice and independence of the judiciary, Police, Prisons and other Detention Centers, human trafficking, and right of women and children, Kidnapping, Insurgency, Communal Conflicts and other related violence among others.

Each chapter focuses on individual right or related group of rights, with introduction of the right under discussion, the legal framework both international and domestic, as well as human rights norms and standards. This legal framework forms the benchmark against which compliance can be measured. In addition, each chapter sets out Nigeria's progress towards the realization of the rights, highlighting any significant legislative or policy changes, as well as any relevant major government initiatives undertaken during the reporting period. Furthermore, each of the chapters contains complaints submitted to the Commission and cases monitored from the media relevant to the specific right(s) being addressed. It also highlights commitments by the Commission to undertake certain actions, as well as specific recommendations to various agencies of government and security forces, among others, to ensure greater protection and promotion of the right(s) being considered.

Like the previous editions of the SHR, the 2013 – 2014 editions is aimed at holding the Nigerian government, its agencies, institutions, and individuals accountable for human rights violations committed during the period under review.

Table of Human Rights Instruments

1. International Instruments:

- i. Universal Declaration of Human Rights (UDHR)
- ii. International Covenant on Economic, Social and Cultural Rights (ICESCR)
- iii. International Covenant on Civil and Political Rights (ICCPR)
- iv. Convention on the Elimination of All Forms of Racial Discrimination (CERD)
- v. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
- vi. Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
- vii. Convention on the Rights of the Child (CRC)
- viii. Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
- ix. Convention on the Rights of Persons with Disabilities (CRPD)
- x. Convention for the Protection of All Persons from Enforced Disappearance

2. Regional instruments:

- i. African Charter on Human and Peoples' Rights (African Charter)
- ii. African Charter on the Rights and Welfare of the Child
- iii. Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.

3. National Laws

- i. Constitution of the Federal Republic of Nigeria, 1999
- ii. African Charter on Human and Peoples Rights, (Ratification and Enforcement) Act, Cap 10, LFN 2004
- iii. National Human Rights Commission Amendment Act, 2010
- iv. Child Rights Act, 2003
- v. Freedom of Information Act, 2011
- vi. NAPTIP Act, 2003

Table of Abbreviations

ACHPR	African Charter on Human and Peoples Rights
ACRWC	African Charter on the Rights and welfare of the Child
CAT	Convention against Torture, Cruel, Inhuman and Degrading Treatment or Punishment
CEDAW	Convention for the Elimination of all forms of Discrimination against Women
CFRN	Constitution of the Federal Republic of Nigeria, 1999
CIDT	Cruel Inhuman and Degrading Treatment
CRA	Child Rights Act
CRP	Civil and Political Rights
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
DSS	Directorate of State Services
NHRC	National Human Rights Commission
NAPTIP	National Agency for the Prohibition of Traffic in Persons
NCAT	National Committee Against Torture
NPF	Nigeria Police Force
NSP	Nigerian Prison Services
OPCAT	Optional Protocol to the Convention against Torture, Cruel, Inhuman and Degrading Treatment or Punishment
UN	United Nations
UDHR	Universal Declaration of Human Rights

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Part 1:

CIVIL AND POLITICAL RIGHTS

Introduction

Civil and Political Rights (CPR) belong to the so called first generation of rights. CPRs are those rights that are referred to as fundamental rights and seen as the most basic of all rights. These rights are provided in the UDHR, the International Covenant on Civil and Political Rights (ICCPR), African Charter on Human and People's Rights (ACHPR) and adapted under chapter 4 of the CFRN, 1999. These set of rights under the CFRN are:

- * Right to life,
- * Right to dignity of human person,
- * Right to personal liberty,
- * Right to fair hearing,
- * Right to private and family life,
- * Right to freedom of thought, conscience and religion,
- * Right to freedom of expression and the press,
- * Right to peaceful assembly and association,
- * Right to freedom of movement,
- * Right to freedom from discrimination, and

- * Right to acquire and own immovable property.

These rights are justiciable and enforceable under the CFRN, 1999 and the Fundamental Rights Enforcement Procedure Rules. Though these rights are said to be

Please note that the UDHR, ICCPR, ACHPR did not refer to these rights as fundamental as against the other rights. In human rights discuss, they are referred to as the first generation rights. Recent events have pointed to the fact that there is no distinction between the various rights, as they are inalienable and interdependent.

Section 33 of the Constitution

Section 34 of the Constitution

Section 35 of the Constitution

Section 36 of the Constitution

Section 37 of the Constitution

Section 38 of the Constitution

Section 39 of the Constitution

Section 40 of the Constitution

Section 41 of the Constitution

Section 42 of the Constitution

Section 43 of the Constitution

Section 46 of the 1999 CFRN

fundamental and inherent, each of the sections provide for exceptions and state in clear terms when a person can be deprived of these rights. Equally, Section 45 of the Constitution provides for derogation from these rights under some prescribed circumstances. Suffices to note that all the rights under chapter 4 have exceptions save for section 34, which is freedom from torture, cruel inhuman and degrading treatment or punishment.

Any individual whose civil and political rights has been, is being violated, or is likely to be violated, may apply to the High Court of the state or Federal High Court for remedy.

The 2013/2014 SHR report does not systematically address each of the above-identified civil and political rights. Rather, the rights are reported based on the violations that were monitored or reported. Part 1 therefore addresses the following human rights that were violated in the years under review:

- Right to Life (Extra-Judicial Killings, Arbitrary and Summary Executions)
- Right to Dignity of the Human Person (Freedom from Torture, Cruel, Inhuman and Degrading Treatment or Punishment)
- Right to Freedom of Expression and the Press

CHAPTER ONE

EXTRA-JUDICIAL KILLINGS, ARBITRARY AND SUMMARY EXECUTION

Introduction

The right to life is the foundation upon which other human rights are anchored. This is in recognition of the fact that without the right to life, any other human right is meaningless. Its guarantee and protection must as of necessity, be accorded priority in the design and implementation of programmes and policies by governments and persons. To ensure the protection of this human right, there are international and national laws that prescribe for means by which it can be promoted and protected.

Legal Instrument

The right to life is protected in numerous international human rights treaties, to which Nigeria is a party. For instance, Article 3 UDHR provides that "Everyone has a right to life, liberty and security of person", while Article 6(1) of the ICCPR states that "[e]very human being has the inherent right to life," and furthermore that "[t]his right shall be protected by law. No one shall be arbitrarily deprived of his life."

In addition, Article 4 ACHPR provide that

Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right.

The right to life is universal and sacrosanct. However, it has some exceptions.

This fundamental right is protected under Chapter 4 of the Constitution in Section 33, which states:

(1) Every person has a right to life, and no one shall be deprived intentionally of his life, save in execution of the sentence of a court in respect of a criminal offence of which he has been found guilty in Nigeria.

By this provision, every person has a right to life and no person shall be deprived intentionally of his/her life. It therefore goes without saying that Nigeria is committed to respecting the lives of its citizens and has pledged zero tolerance for extra-judicial killings. Extrajudicial killings is the unlawful and deliberate killing of an individual carried out by anyone using the instrument of power bestowed by his/her office, with its complicity or acquiescence. Extrajudicial killings constitute clear violations of the right to life as guaranteed by the UDHR, ICCPR, African Charter and the Constitution. In spite of the pledge for zero tolerance for extra-judicial killings, it is still being perpetuated, leading to complaints to the Commission and reports both in print and electronic media. Below are some of the cases monitored through the media as well as those reported to the Commission within the period under review.

1.1 Cases reported, monitored and documented

In 2013/2014, the Commission monitored several reports on extra-judicial killings that took place across the country, using both print and electronic media and caused investigations into them. Some of the reports are stated hereunder.

1. On March 25, 2013, *Daily Trust* newspaper reported, that the police killed four suspected armed robbers at Asaba, Delta State. This was done without recourse to the law which provides that no one shall be

deprived of his/her right to life except by judicial execution.

2. On 23rd March 2013, *Nigerian Tribune* newspaper reported that about 191 persons were killed at Baga in Borno State in a joint operation carried out by Joint Security Personnel from Nigeria, Chad, Niger and Cameroun against the Boko Haram insurgents. The military denied its involvement in the killing saying it was caused by the insurgents.
3. On May 6, 2013, *Nigerian Tribune* reported that a police man in Ekiti State killed Seyi Fasere, a 400 level student of Ekiti State University. While the family complained, an autopsy was carried out on the corpse without the knowledge of the family. When the family requested for another autopsy to be conducted, the police refused but released to the family the report of the autopsy they conducted. The family rejected it, questioning its authenticity.
4. On September 4, 2013, *Tribune newspaper* reported that a dismissed police constable named Abbati killed a 40 year old man identified as Mallam Magaji Ringim and injured three others named Anwalu Dan Dungure, Amadu Abdullahi and Hafizu Aminu in Ringim Local Government Area of Jigawa State. The dismissed police constable was arrested and the police promised to prosecute him.
5. On September 5, 2013, *Daily Champion* reported that on the 4th of September 2013, a prison warden shot and killed a taxi driver in Rivers state.
6. On September 10, 2013, *Thisday newspaper* reported that on the 6th of September 2013, four persons were killed following an attack on two villages in Langtang South Local Government Area of Plateau State by gunmen suspected to be Fulani mercenaries.

7. On January 23, 2014, *Nigerian Tribune* reported that on Tuesday 21st January 2014 a combined team of police anti-kidnapping squad and ordinary policemen in Ogwashi-uku Delta State ambushed a suspected gang of kidnappers killing three who were alleged to have abducted an octogenarian, Rangers Okafor from his house in Idumu-Aku, Azungwu Quarters, Ogwashi-uku.
8. On January 23, 2014, *Daily Trust* newspaper reported that, on the 22nd January, 2014, 2 men were killed by the police in Gwantu, headquarters of Sanga LGA in Kaduna State.
9. On January 30, 2014, *Daily Trust* newspaper reported that, on the 29th January, 2014 3 suspected cattle rustlers in Nasarawa Godel village of Bimin Magaji LGA of Zamfara State were killed by unknown gunmen.
10. On June 6, 2014, *Daily Champion* reported that, on the 5th of June 2014, gunmen suspected to be Boko Haram members armed with heavy weapons attacked Kwabula Madagali Local Government Area of Adamawa State killing unspecified number of civilians and one soldier.
11. On August 6, 2014, *Daily Trust* reported that, a 21 year old lady was on Sunday 3rd August 2014 shot dead by policemen on patrol in Ungwuwar Rimi Kaduna state.
12. August 18, 2014, the *Punch* newspaper reported that on Saturday 16th August 2014, Motorcycle riders in the Ishashi, Iba Local Government Area of Lagos, protested the killing of their members by the police. Three motorcyclists were reportedly killed in a clash between the riders and some policemen attached to the Ishashi Police Division.

13. On August 19, 2014, *Punch* newspaper reported that, on Sunday 17th August 2014, a 24 year old driver, identified as Lekan Agboola, was reportedly shot dead by Police men from SARS, Lagos State Police Command.
14. On August 27, 2014, *Daily Trust* newspaper reported that the Cameroonian army killed 27 members of Nigerian Islamist group Boko Haram near one of the Northern States in Nigeria.

Right to Life

Right to life is provided under the Constitution and other international human rights instruments. However, the human rights instruments focus on right to life as that which ought to be protected by the state and only becomes a violation where the state, using its instrumentality of power, deprive an individual or group of individuals of their right to life. That is, where life is taken using the instrument of power without a legal pronouncement as provided by the law. However, in most cases, person lost their lives at the hand of individuals and such are treated as crimes which are punishable by the criminal code or penal code as the case may be, depending on the place where the offence is committed. Even when in some circumstances non-state actors are been held responsible for the violation of right to life especially under the Rome Statute, it is still treated as crime.

Be that as it may, the Commission is of the view that through judicial law making, violation of right to life can be attributed to non-state actors. This can be achieved in the application of the horizontal principle that has been used in Ireland and South Africa. In Ireland, the horizontal application of constitutional rights has occurred as a result of judicial interpretation of constitutional provisions that make no explicit reference to horizontality. As in the Irish context, if Nigeria can accept that the courts may legitimately identify non-

vocalized or implied rights and principles, there can be no absolute objection to the courts doing so in the context of horizontal application of rights.

While the horizontal application of rights by judges certainly seems to offer broad scope for judicial law-making, the same is true where the courts are involved in vertical application of constitutional rights against the state and its actors.

Admittedly, such judicial law-making may be more likely in the context of horizontal application of constitutional rights due to the fact that constitutional guarantees have traditionally been perceived as, and formulated in terms of, determining relationships between states and citizens, rather than those between citizens. Crucially, however, the difference here is one of degree, rather than of principle. Hence, horizontality is not necessarily incompatible with the presumptions underlying liberal constitutional theory.

15. On 11th December, 2013 *Daily Champion* newspaper reported that a 65 year old man, Adebayo Akinrinlade, beat his tenant Uche Micheal to death at No 40 Church St Aboru, Iyana Ipaja on 1st of April 2013.
16. On 22nd May 2013 *Daily Trust* newspaper reported that a man died in police custody after been beaten up by palace guards for arguing with the Chief of Numana in Gwantu Sanga LGA of Kaduna State.
17. On 15th July 2014 *Daily Trust* reported that, the treasurer of Kala-Balge Local Government Area of Borno State was killed by a stray bullet shot by a police man close to the residence of former Governor of Borno State, Ali Modu Sheriff.
18. On 17th July 2014 *Daily Trust* reported that on the 14th of July 2014 a

- middle aged man was allegedly clubbed to death by his roommate in Yelwa village, Mararaba in Karu Local Government Area of Nasarawa State over what was described as a minor disagreement.¹⁸ On 19th August, 2014 *the Punch* reported that on Sunday the 17th of August 2014, a human rights activist and local leader, Musbau Agbodemu, was, allegedly stabbed by some suspected cultists. They attacked him with knives, bottles and guns at Ebute Meta area of Lagos State.
19. *Nigerian Tribune* reported that on the 27th of August 2014 in Ogbunka community, Orumba South Local Government Area, Anambra State, 29 year old Ekele Ucheagwu killed his mother, Agnes Ucheagwu and set the corpse on fire.
20. It was reported in the *Punch Newspaper* of 4th September 2014, that suspected assassins killed Mr. Sunday Adeyemo, Head of Operations, University of Lagos security unit. He was shot dead in a beer parlour on Oyenuka Street in the Akoka area of Lagos on Friday, 29th August 2014.

1.2 Cases received by the Commission

In the period under review, the Commission received several complaints on violations of the right to life in Nigeria. These include:

21. On January 28, 2013 the Commission received a petition from Ahmed Garba alleging that one Abdulmumini Abubakar, a 400-level student of the University of Maiduguri, was shot at a military check point in Gwange area of Maiduguri town by a military officer. As a result of the gun shot, the victim went into a coma and was admitted at the University of Maiduguri Teaching Hospital. While at the hospital, the

Military authority in Maiduguri visited the victim at three different occasions without offering to pay his bills or compensation. However, the victim died. Upon investigation by the Commission it was confirmed that the victim died as a result of the gunshot he sustained. The Commission wrote to the Military Joint Task Force requesting their comment on the matter but as at the time of this report, the Military was yet to respond.

22. On January 30 2013, it was brought to the notice of the Commission that some corpses were seen floating on the Ezu River in Amansea community, near Awka, a boundary area between Enugu and Anambra States. The Commission went on a fact finding mission, visited the locus and the Anambra State Police Command, requesting it to investigate the cause of the death of the persons and to establish their identities. The Police Command promised to carry out autopsy to establish the cause of death. At the time of the report, the Police Command was yet to respond.

23. On October 24, 2013 the Commission received a complaint from the law firm of Eva D. Egbebu & Co. alleging that Francis Eze and Henry Ikenna Eze were illegally arrested and detained by the Special Anti-Robbery Squad (SARS), Nigeria Police Force, Zone 7, Port Harcourt. According to the complainant, Chinedu Francis was killed by SARS while in detention and Henry Ikenna Eze was detained for 53 days without charge. The matter was referred to the IGP for investigation and possible prosecution.

24. On January 17, 2014, the Commission received a complaint from

Ahmed Isah alleging that Danjuma Isah, personnel of the Nigerian Security and Civil Defence Corps was shot and killed by a Policeman on 29th November, 2013 at about 9:30pm, at Kids Garden check point in Nasarawa Local Government Area, Kano State. According to the complainant, the victim's girlfriend reported to the Police that the victim stole her car and without conducting any investigation into the allegation, the Police on sighting the victim with the car, shot and killed him. Investigation by the Commission revealed that the victim was indeed shot and killed without investigation while the Police authority tried to cover up the matter. Instead, the informant was arrested by the Police and is been tried before the Magistrate Court, Gyadi Gyadi, Kano for disseminating false information. Meanwhile the officers responsible for the killing are yet to be brought to book. The Commission contacted the Police authority and requested it to cause investigation into the allegation with a view to prosecuting the alleged violators.

- 25 Alhaji Abubakar B. Tsav, a retired Commissioner of Police, complained to the Commission, alleging extra judicial killings, shielding and connivance with known criminals by the Police in Gboko and Makurdi. According to the complainant, the Police arrested and killed Terna A. Manager, without taking his statements or causing an investigation into an alleged crime he supposedly committed. The Complainant further stated that the Police are shielding and conniving with one Aondonngen Ansha, a "notorious criminal", who is known to have killed and maimed people and has made Gboko unlivable. In addition, the complainant stated that on several occasions, Aondonngen Ansha was arrested for culpable homicide but was

granted bail after shoddy or lack of investigation by the Police. While on bail, he committed murder and arson, yet the Police did not arrest him, rather he was declared wanted even when they knew where he was. At the receipt of the complaint, the Commission contacted the Police for information but it is yet to respond.

26. On February 3, 2014, the Commission received a complaint from Mr. Ani Chidiebere alleging that his brother, Chidiebere and friend Chinedu Nwoye were killed by Sgts. Momoh, (PC), Chidi Iboh, (SP), Sam Chukwu, Sunday Miachidi, OC SARS, and Hon. U.S.A Igwesi, police officers attached to the Anti-Robbery Squad (SARS), Enugu State Police Command after falsely accusing them of being armed robbers and hired assassins. They were allegedly killed without investigation or court trial. The Commission in conducting investigation wrote to the Inspector General Police and Commissioner of Police, Enugu State Police Command soliciting for their comments but there is no response from either of them.
27. On May 20, 2013, the Commission received a petition from concerned citizens of Mbayion Community in Gboko, Benue state, alleging the killings of some seven Mbayion (Tse Kuche) youths and injuring others by soldiers attached to Dangote Cement Company, Gboko, on March 18, 2014. The report of the investigations by the Commission revealed that the following persons were killed:
1. Timothy Terngu Mase,
 2. Dese Msughshima Ornguze,
 3. Aondoakaa Tseneke,
 4. Luper Nongo Igber,

5. Tornenge Anum, and
6. Tornenge Andaen Kyambe.

In addition, the investigation revealed that the following persons were injured:

1. Tirthile Jirbo,
2. Akpa Yaji,
3. Thomas Igber,
4. Sesugh Nongo,
5. Sonnen Ado,
6. Aondonenge Kaha, and
7. Sonen Mbakpo.

At the Commission's intervention, the matter was resolved and Dangote Cement Company paid compensation to the victims.

- 28 Global Rights, a non-governmental organization (NGO) working for the advancement of human rights in Nigeria initiated a complaint with the Commission on the 20 September 2013 challenging the legality of the killings of some persons in Apo. Similarly, on 21 September, another NGO, the Human Rights Law Service (HURI-LAWS), lodged a separate complaint with the Commission alleging that the killings referred to in the DSS release of 20 September were unlawful and that the persons killed were innocent squatters un-connected with Boko Haram.

The complainants alleged that on 20 September, 2013 a joint security operation was conducted by the DSS with the assistance of the Nigerian Army. No surveillance was done in advance of the operation. Shortly after midnight, the security agents allegedly arrived at the cemetery in Gudu to commence digging with two of their informants, but were unable to recover any weapons. The informants then led the agents to an uncompleted residential building where their alleged leader, Suleiman R'Kelly resided, where the security agents were said to have allegedly met with fire, which they returned. The

shooting lasted for over thirty minutes.

Seven men died during the operation from gunshot-related wounds; another died in hospital for bullet injuries sustained during the operation, and eleven other men were hospitalized from injuries sustained in the encounter; all males between the ages of 18 and 25 years. Additionally, four other persons were detained and others, who were released from custody, were told not to return to the Federal Capital Territory. No security agents were injured. The alleged leader of the terrorist cell, Mr. Suleiman was not apprehended and no arms were recovered from the cemetery.

According to the DSS, on 18 September, the Directorate of States Services (DSS) received intelligence that there was to be an attack on unspecified targets in Abuja. Acting on this intelligence, the DSS arrested three persons, who, under interrogation, disclosed that they had a leader in Abuja, called Suleiman (also known as "R'Kelly") as the arrowhead of the planned terror attacks under the auspices of the *Jama'atu ahlus sunnah lid da'awati wal jihad* JALISWAJ (Boko Haram) and that they could identify and lead the security services to him. One of the detainees also confessed that the group had weapons (four AK-47 rifles) that were buried in the cemetery in Apo, Abuja, FCT.

Upon receipt of the complaint, the Commission constituted a Panel of Inquiry, which sat and heard the complaint and returned a verdict, condemning the act of killing by the security operatives and ordered that the Federal Government pays:

- the sum of ten million Naira as compensation for of each of the deceased or eighty million Naira in respect of the right deceased persons; and
- for each of the injured survivors, the Commission orders the award of the sum of Five Million Naira or a total of fifty-five million Naira.

1.3. Recommendations

Over the years, the Commission has shown its displeasure over the spat of extra-judicial killings that has been perpetuated in the country. Consequently, it has made several statements and had public hearings on some. Thus, the Commission in this report makes the following recommendations to relevant parties:

Federal Government:

- Laws that allow for the use of lethal force than those permitted by international human rights law and standards should be amended, to ensure compliance with the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions.
- The Office of the Attorney General and Minister for Justice should ensure speedy and conclusive trial of persons accused of using the power of office to extra-judicially kill other persons.
- The government should equip the law enforcement agencies with non-lethal weapons in order to reduce the use of lethal weapons.

Nigerian Police Force, Army, and other Security Forces:

- The practice of shooting to kill at sight by law enforcement agents should be stopped. There is no law justifying such practices.
- Existing mechanisms for addressing the recurring cases of extra-judicial killings and summary executions should be re-evaluated, for they have largely failed to arrest the frequency of extrajudicial killings in Nigeria.
- Law enforcement officers found to have been involved in extrajudicial

killings should be promptly prosecuted in courts. In-house trials (orderly room trials) and expulsion from the security forces or professional reprimand is inadequate.

- Human rights desks located at Nigeria Police stations, Nigeria Prisons Service (NPS), Nigeria Army and other law enforcement agencies should be overhauled to ensure that officers manning such desks are found to be persons of integrity who have over a period of time, demonstrated respect for, and understanding of, human rights standards, promotion and protection. This includes expertise in the basic skills of investigation of extrajudicial killings.
- The NPF and other security forces should review their rules of engagement, particularly around the use of force in dealing with detainees and public protests.
- The law enforcement agencies should introduce human right principles into their training curricular and make it a prerequisite for promotion. It should also introduce a reward system for officers that are human rights compliant.

CHAPTER TWO

FREEDOM FROM TORTURE, CRUEL, INHUMAN AND DEGRADING TREATMENT OR PUNISHMENT

Introduction

Torture, cruel, inhuman and degrading treatment or punishment is prohibited by human rights instruments, including the CFRN, 1999. Unlike other human rights; freedom from torture, cruel, inhuman and degrading treatment or punishment has no exception, it is non-derogable. In other words, it is absolutely prohibited. The right broadly includes freedom from torture, slavery, servitude and forced labour. Unlike all other rights provided by the Bill of Rights, it has been singled out and further developed into a Convention, followed by a protocol.

Meanwhile, Torture is defined in Article 1 of the UN Convention Against Torture, Cruel, Inhuman and Degrading Treatment or Punishment (UNCAT) as:

"any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity"

States are required to take positive measures to prevent torture, such as the establishment of a National Preventive Mechanism Against Torture. Pursuant

to this, in September 2009 the Federal Government of Nigeria established the National Committee Against Torture (NCAT), located in the Federal Ministry of Justice. The Committee is mandated to visit places of detention in Nigeria and investigate any complaints of torture therein. In addition, it is also mandated to carry out educational or enlightenment programmes for law enforcement agencies and the public at large.

Legal Framework

Section 34 of the CFRN, 1999 prohibits the subjection of any person to torture, inhuman or degrading treatment, punishment, slavery, servitude or performance of forced labour as well as maltreatment. The section reads:

34. (1) Every individual is entitled to respect for the dignity of his person, and accordingly -

(a) no person shall be subject to torture or to inhuman or degrading treatment;

(b) no person shall be held in slavery or servitude; and

(c) no person shall be required to perform forced or compulsory labour...

Article 5, UDHR provides that "no one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment". Article 7, ICCPR states that "no one shall be subjected to torture, or to cruel, inhuman or degrading treatment or punishment...", while the ACHPR at article 5 provides:

"Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited".

Besides this general human rights instruments' provision on torture cruel, inhuman and degrading treatment or punishment, there is the United Nations Convention Against Torture, Cruel Inhuman and Degrading Treatment or Punishment (UNCAT) which defined torture, cruel, inhuman and degrading treatment and also urge the state parties to the Convention to adopt positive measures, both administrative and legislative, to prevent it. In compliance, the Federal Government of Nigeria set up the National Committee against Torture (NCAT).

There is also the Optional Protocol to UNCAT (OPCAT), which mandates state parties to set up, designate or maintain one or more visiting bodies for the prevention of torture and other cruel, inhuman or degrading treatment or punishment (national preventive mechanism).

It is however sad to note that Nigeria is yet to domesticate UNCAT despite having in place the NCAT. A bill to that effect has been pending before the National Assembly for over 6 years. Without the passage of this bill criminalizing torture, law enforcement agencies will continue to use torture as a means of extracting confession from suspects.

Other international human rights instruments that prohibit torture, cruel, inhuman and degrading treatment or punishment which Nigeria ratified include the United Nations Convention on the Rights of the Child, the Convention on Protection of the Rights of Migrant Workers and their Families, the Conventions on the Rights of Persons with Disability, the Convention on the Elimination of all forms of Discrimination Against Women and the Rome Statute of the International Criminal Court.

From the definition of torture and who can commit the act of torture, the responsibility of preventing it is vested on the government, which has the duty to take all measures including legislative and administrative, to protect and

prevent its citizens from torture and other forms of maltreatment. In line with this, the Commission was established by the Federal Government to promote, protect and enforce human rights in Nigeria.

Drawing from its mandate and the provision of the Constitution, the Commission has encouraged the Police and other law enforcement agencies to establish human rights desk officers to monitor rights of persons who come in conflict with the law and other members of the public. The Commission also embarks on the training and sensitization of law enforcement officers on the rights of persons not to be tortured or subjected to any form of cruel, inhuman or degrading treatment. With the assistance of the Commission, the training curricular of the Nigerian Police Force now includes human rights components and especially that dealing with non-use of torture, cruel, inhuman and degrading treatment to extract confessional statement from suspects, urging them to rather imbibe modern and scientific approach to investigations of crimes. For instance, between February and March, 2013, the Nigeria Police Force, in collaboration with the Commission, trained 20,000 police personnel in police training institutions across the country on 'Policing in a Democratic Society.' Also, in collaboration with CLEEN Foundation, the Commission trained police officers on the illegality of the use of torture in extracting confession. In most cases, such confessions, when established in court that they were extracted under torture, are not admissible in evidence to ground conviction.

To continually engage with the police, there has been established the Police/National Human Rights Commission/Civil Society Organization forum which meets quarterly to share ideas and information on human rights issues concerning the Nigeria Police Force.

Chapter two therefore chronicles some cases reported on torture, cruel,

inhuman or degrading treatment or punishments that were meted out on citizens despite the constitutional guarantee against torture.

2.1 Cases reported, monitored and documented

1. On 5th September 2013 *Daily Trust* newspaper reported that the Christian Association of Nigeria (CAN) in Gwoza Area Council of Borno State, petitioned Governor Kashim over what it described as illegal arrest, detention and torture of five of its members by the Joint Task Force (JTF), on allegation of being members of the Boko Haram.
2. On 18th September 2014 *Daily Trust Newspaper* reported that the Police in Nasarawa State were investigating a group of male students of the Nasarawa State Polytechnic, for allegedly gang raping a 200 level student. It was further reported that one of the gang members forced a hammer into the girl's private part.
3. On the 18th of September 2014, *Daily Tribune* reported that, Amnesty International accused the Nigerian Police and military personnel of torturing women, men and children while extorting money and extracting confessions from them.
4. On 13th January, 2013, the FRCN aired a report on the alleged rape and assault of some women in the Federal Capital Territory (FCT) by some unidentified soldiers. Following the report, the Commission on Monday 14th January, 2013, wrote to the Chief of Army Staff and the Commissioner of Police, FCT Command, requesting that they use their good offices to cause an investigation into the matter with a view to identifying the alleged violators and bringing them to face the law. In line with this, on the 22nd day of January, 2013, the alleged violators were identified by the Brigade of Guard as Corporal Nse Eyedip, Private Emeziem Uzoma

Ugwu Mathew and Erosa Ikhuomoreghe, Soldiers posted to guard a telecommunication mast at Wuse 2. They were subsequently tried in accordance with the Military rules, dismissed from the Army and handed over to the Police for prosecution, for the offences of rape, assault and robbery on the 23rd of January, 2013. On the 25th day of January 2013, the victims were invited to SARS to make their statements with regards to the matter, and requested to go for a medical check. They were taken to Wuse General Hospital on the 28th day of January, 2013 by the IPO, Mr. Sulieman of SARS. With the further intervention of the Commission, the alleged violators were arraigned before the FCT High Court on the 18th April, 2013, for rape, assault, robbery, extortion and ordered to be remanded in Kuja prison until 2nd May, 2013 when the case was to come up for hearing. Thereafter, the case has suffered several adjournments. At each court session, the Commission holds watching brief. At the time of the report, the matter was still pending before the court.

5. On 16th March 2014, several media reports including Channels Television and Sunday Punch newspaper reported that about 18 persons lost their lives during the recruitment exercise carried out on the 15th of March, 2014, by the Nigerian Immigration Services. In Abuja for instance, it was reported that about 7 persons died as a result of a stampede that occurred at the National Stadium, 3 died in Niger State and 5 in Rivers State, while several others were injured in the exercise. In Lagos and Niger State, it was reported that Security Agents fired tear gas into the crowd, leading to stampede. The exercise that was slated to start at about 7.00am did not commence until about 3.30pm in some centers, leaving candidates under the heat for that period of time.

2.2 Complaints received by Commission

Besides the cases monitored using the media, the Commission received some complaints on torture, cruel, inhuman and degrading treatments or punishments in the year under review. They include the following:

6. On 29th January 2013 the Commission received a complaint from Stephen Yakubu, who alleged that on January 21, 2013, the Federal Housing Lugbe Police Station, Airport road Abuja arrested and seized the properties of Mr. Olushola Sunday, based on a petition written against him by his landlord, alleging that all his properties both the ones in his shop and house were stolen goods. Even after the victim produced evidence of ownership, in the form of receipts, the police refused to release the goods. At the Commission's intervention, the properties were released.⁷ On 14th January 2013 the Commission received a petition from the People's Rights Organization, through Mr. Abubakar Idris stating that Hussaina Wakili has being constantly harassed and intimidated by one ASP Richard Oguiche, the Personal Assistant to the Commissioner of Police, Niger State Police Command. The complaint was forwarded to the Niger Office of the Commission for investigation and feedback.⁸ On 1st February, 2013, the Commission received a petition from Mr. Christopher Samuel Ukpere on behalf of Mr. Sunday Ukpere, a security officer at a private residence in Jabi, stating that he was arrested and detained on the 30th January 2013, by Policemen from the Life Camp Divisional Police station on a report by one of the tenants in the property he was guarding, that he kidnapped her house help. Meanwhile it was reported that the house help left her madam's house due to the cruel treatment meted to her and went back to her family without the knowledge and consent of the madam. The matter was

resolved by the Commission.

9. On the 12th February, 2013 Mr. Saleh Samaila complained to the Commission, on behalf of himself and three others, (Samaila Yusuf, Babaji Jingudo and Bello Yusuf), alleging that they were unlawfully detained by the Police at Itas Gadau L.G.A in Bauchi State for two days and thereafter, transfer to Kuje prison in Abuja after being accused of constituting threat to National Security in September 2011. The Commission's investigation revealed that the victims were released. 10. On 15th March, 2013, the Commission received a complaint from Mr. Kanayo Mgbemere alleging that on March 14, 2013, an officer from the Kubwa Police Station; FCT Command beat him and seized his car at Dutse Alhaji a suburb of the FCT, Abuja. According to the complainant, the policemen forcefully entered his car alleging that he failed to stop when he was asked to stop and so committed a traffic offence. Meanwhile the complainant stated that he failed to stop because the traffic at that point was heavy and he did not want to obstruct traffic. At the intervention of the Commission the matter was resolved and his car returned to him.
11. On 22nd May, 2013, the Commission received a petition from Mr. Clifford Thomas alleging that Mr. Daniel Clifford was arrested on 26th April 2013 and was unlawfully detained by a Police Officer at Maitama Police Station for allegedly being in possession of a stolen blackberry phone. Despite the victim stating that he bought the phone from a dealer in Wuse Market, he was transferred to special Anti-Robbery Squad Office in Garki on the 1st of May 2013. The Commission intervened and Daniel Clifford was released from detention. 12. On 21st May 2013 the Commission received a petition from Mr. Enoch Zarmai Kuta stating that on 7th March 2013, Mr. Samuel Zarmai and 2 others were taken away from their home at Aleyita,

FCT by unidentified persons and taken to an unknown destination. It was later discovered that the assailants were men of the Nigerian Navy. On receipt of the complaint, the Commission investigated and found that the victims were released sometime in April 2013. 13. On 5th August, 2013, Mr. Godswill Okorie complained to the Commission, alleging that on 22nd September 2010, he and his brother, John Chukwu were shot at by Police patrol team led by Inspector Patience Ndubisi in Aba. According to the complainant, as a result of the shooting, his brother sustained injury and was left un-attended. The case was forwarded to the Commission's Imo State office for further investigation and follow up. 15. On 17th December 2013, the Commission received a complaint from Alhaji Abubakar B Tsav, NPM, a retired Commissioner of Police, alleging that Aondonengen Ansha led a team of anti-robbery squad from SARS to arrest Terna A Manager. When the team got to Terna's house, he willingly gave himself up for arrest but was shot on the leg by the Police and taken into detention.

Commitment by the Commission

- The Commission will work closely with the National Committee Against Torture and other stakeholders in order to bring greater resources and capacity to the fight against the use of torture and CIDT in Nigeria.
- The Commission will monitor closely all detention centres to ensure that torture and CIDT are not practiced in the centres.
- The Commission will ensure that it pushes for the passage of the Anti-Torture Bill pending before the National Assembly for so long.
- The Commission will consistently collaborate with law enforcement agencies towards introducing human rights principles as a core courses in

their training colleges.

Recommendations

For the Police and other Law Enforcement Agencies

1. There is need to acquire polygraph (lie detector) equipment for police formations across the country to reduce the urge to use force in extracting statements from suspects.
2. There is need for forensic laboratories to be established across police and other law enforcement formations. This will identify persons responsible for any crime and minimize the use of torture to obtain statements.
3. The use of torture as a means of obtaining statements should be dissuaded by the law enforcement agencies. Statements obtained through this process often get thrown out by the court after subjecting them to trial within trial.
4. Human rights standards should be introduced into the training curricular of all law enforcement agencies.

Federal Government:

- Domesticcate UNCAT and implement the OPCAT.
- Strengthen the existing independent bodies to conduct unrestricted visits to all places of detention to monitor the conditions of detention and treatment of detainees.
- Push for the passage of the Anti-torture bill that aims at criminalizing torture, cruel, inhuman and degrading treatment or punishments.
- Empower the National Committee Against Torture to carry out its duties without hindrance. Judiciary
- Where it is found that confessions were extracted from the suspects by the use of force or torture, the court should not only throw out the

confession, it should further sanction the investigating Officer.

National Assembly

The National Assembly should intensify efforts to ensure that the Anti-Torture Bill pending in the National Assembly is passed into law

CHAPTER THREE

RIGHT TO FREEDOM OF EXPRESSION AND THE PRESS

Introduction

Freedom of expression is one of the fundamental principles of a democratic society. In this era, where it is impossible for every person to take part in the affairs of government, freedom of expression enables an individual to air his/her opinion, in order to influence the act of governance. Freedom of expression and the press essentially connotes, the right of every person to own a printing press, to publish information or ideas, to decide the editorial policy of the publication to enforce it upon the staff and to distribute or circulate the publication without having to obtain license from the authorities or to face suppression.

Furthermore, every citizen has the right to own, establish and operate any medium for the purpose of disseminating information, ideas and opinions. This includes the right to own and operate any school or institution for imparting ideas, information and opinion. The right also encompasses the right to seek and receive information. The United Nations at its first session through Resolution 59 noted that freedom of expression and the press is the cornerstone of all the freedoms to which the United Nations is consecrated. The scope and content of the right to freedom of expression and the press includes:

- I. *The right to seek information,*
- II. *The right receive information,*
- III. *The right to impart information,*

- IV. *The right to impart ideas,*
- V. *The right to own any medium for the purpose of disseminating information and ideas, and*
- VI. *The right to establish and operate any medium for imparting ideas.*

Legal framework

Section 39(1) of the Constitution of the Federal Republic of Nigeria, 1999 provides for the freedom of expression and the press as follows:

"Every person shall be entitled to freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference".

However, the right to freedom of expression and the press like other fundamental rights is not absolute. Its exercise may be restricted by law in the interest of public peace and tranquility. For instance, section 39 (2) of the Constitution provides that:

"Nothing in this section shall invalidate any law that is reasonably justifiable in a democratic society-

(a) For the purpose of preventing the disclosure of information received in confidence, maintaining the authority and independence of courts or regulating telephone, wireless broadcasting, television or the exhibition of cinematography films, or

(b) Imposing restrictions upon persons holding office under the government of the federation or of a state, members of the armed forces of the federation or members of the police force"

In addition to section 39, section 22 confers on the press the responsibility to hold government accountable in respect of governance issues. It states that:

"The press, radio, television and other agencies of the mass media

shall at all times be free to uphold the fundamental objectives contained in this Chapter and uphold the responsibility and accountability of the Government to the people".

Besides the provision of the Constitution, there are international and regional human rights instruments that provides for freedom of expression and the press.

Article 9, ACHPR provides

1. Every individual shall have the right to receive information,
2. Every individual shall have the right to express and disseminate his opinions within the law

In the year under review, some cases were monitored and reported to the Commission on freedom of expression and the press. These include:

3.1 Cases reported, monitored and documented

1. On the 13th of February, 2013, the Tribune newspaper reported that, the Military Joint Task Force Operation, urged journalists to avoid interfering in strategic, tactical or operational matters as well as the military justice system.
2. On the 17th of April, 2013, the Daily Trust Newspaper reported that, a staff of the NTA, Bauchi State, was battered by men of the Nigerian Security and Civil Defence Corps, Bauchi State Command, at the turbaning ceremony of new Kilishin Bauchi, while covering the ceremony.
3. On the 3rd of May 2013, the Leadership Newspaper reported that the Federal Government withdrew the criminal charge brought against two journalists working for Leadership Newspaper and their employer, Leadership Group Ltd. The withdrawal was sequel to a notice of preliminary objection filed by the journalists challenging the competence

of the charge and the jurisdiction of the Federal High Court to entertain the matter.

4. On 17th April, 2013, the Leadership Newspaper, reported that, the Federal High Court sitting in Abuja, granted two staff of the Leadership Newspaper - the group news editor Mr. Tony Amekeodo and the political reporter Mr. Chibuzo Ukaibe - conditional release after being detained for over 24 hours by the Nigeria Police. According to the report, the Journalists were brought before the Court on a 10 count criminal charges bordering on conspiracy and forgery.
5. On 12th February, 2013, the Daily Trust Newspaper, reported that, men of the Nigerian Police from the Kano State Police Command, detained three staff of Wazobia FM, over the contents of a program that was aired by the Radio Station. According to the Head of the Station, Sanusi Bello Kankarofi, the three journalists - Mohammend Suleiman Gama [Head of Programs], Yakubu Musa Fagge [Presenter] and Mubarak Mohammad Sani [Reporter] - were invited to the Bompai Police Command at about 9.30am on Sunday for questioning but were detained by the Police. Also detained was Abubakar Rabo, the former Director of Kano Films and Censorship Board.
6. On 16th April, 2013, the Leadership Newspaper, reported that on April 15, 2013, the Nigeria Police, re-arrested and detained the Leadership Newspaper Group Editor, Mr. Tony Amokeodo and political correspondent Mr. Chibuzo Ukaibe. They were taken to the Special Anti-Robbery Squad head-quarters detention center.
7. On 13th February, 2013, the Guardian Newspaper reported that, two journalists and one other person were remanded in police custody over a seven count charge bordering on criminal conspiracy, abatement, inciting

disturbance, insult, defamation of character, and obstruction of public servant in the course of his duties.

8. On 15th May, 2013, the Punch Newspaper, reported that, a Punch correspondent, Samson Folarin, was on the 14th of May, 2013, battered by some policemen attached to the Sabo Police Division in Yaba, Lagos State.
9. On the 7th of July, 2014, the Daily Trust Newspaper reported that, the Bring Back Our Girls campaign groups were on 6th of July, 2014, barred by armed soldiers, deployed from brigade of guards from taking their protests to the presidential Villa.
10. On the 13th of June, 2014, the Daily Trust Newspaper reported that, following the ban on rallies pronounced by the FCT Police Command, the "Bring Back Our Girls" group approached the High Court of the FCT, seeking its intervention. The court after hearing the parties, fixed the 14th of July, 2014, for judgment. A follow up on the report revealed that the court declared the ban illegal.
11. On 6th of June, 2014, the Daily Trust Newspaper reported that, the embargo placed on the distribution and circulation of its Newspapers by soldiers was lifted. According to the report, the Soldiers had earlier deployed 4 truckloads of soldiers to the Newspaper premises, intimidating and harassing persons going in and out of the Newspaper house.
12. On 10th of June, 2014, the Daily Trust Newspaper reported that, Soldiers in two pickup trucks carried out a stop and search operation on the 8th of June 2014, on the road leading to the Daily Trust Newspaper head office in Abuja with the intention of preventing the circulation of the Newspapers. The same incident was reported to have

- happened in Minna, Niger State, where Soldiers also impeded the circulation of the Daily Trust Newspapers for the fourth time in a week.
13. On 3rd of July, 2014, Daily Trust Newspaper reported that, on 1st July 2014, teachers under the aegis of Basic Education Staff Association of Nigeria, Kogi State branch, embarked on a peaceful protest in Lokoja, Kogi State over the non-payment of salaries and leave allowances.
 14. On 16th September, 2014, the Daily Trust Newspaper reported that, on the 15th of September, 2014, the Association of Community Pharmacists launched an Ebola Information Center to entertain cases relating to Ebola, with a view to breaking the circle of silence and denial, fear and panic.

Commitments by the Commission

Owing to the importance of this right to democracy,

- The Commission will put in place structures to ensure the promotion and protection of the right to freedom of expression and the press.
- The Commission will sensitize the public and government agencies on the Freedom of Information (FOI) Act.
- The Commission will collaborate with government agencies to strengthen their capacity to respond to request for information under the FOI Act.

Recommendations

Federal and State Governments:

- Governments at all levels must build awareness and capacity within Ministries, agencies, and institutions to respond to the FOI Act.
- Government should respect the provision of the FOI Act and ensure information sought from them is made available to the public.

Government and its agencies should stop gagging the press.

Security Agencies:

The security agencies should at all-time exercise their powers within the context of the rule of law so as not to trample on the right to freedom of expression and the press.

The exercise of the right to freedom of expression through peaceful protest should not be interfered with by the security agencies on the pretext of national security.

Where the law enforcement agencies are notified of any peaceful protest/procession, such agencies must provide security to enable the citizens enjoy the fundamental right to freedom of expression and peaceful assembly.

The security agencies should obtain court order before invading any media house or interfering with their activities.

Part 2:

Economic, Social and Cultural Rights

INTRODUCTION

Contemporary discussions on international human rights law draws distinction between civil and political rights on one hand and economic, social and cultural rights on the other hand. To avoid constant repetition of the phrase economic, social and cultural rights, the expression used by Trubek to describe these rights collectively as social welfare rights will be used for the purpose of this report whenever the need arises. The social welfare rights are contained in chapter 2, (Fundamental Objectives and Directive Principles of State Policy), of the Constitution of the Federal Republic of Nigeria, 1999 while under international human rights instruments to which Nigeria is Party these rights are contained in the, International Covenant on Economic, Social and Cultural Rights and the African Charter on Human and Peoples' Rights.

The African Charter on Human and Peoples' Rights which has become part of Nigerian laws guarantees the right to work under equitable and satisfactory conditions and to equal pay for equal work. Section 16 of the Constitution requires the Government to promote a planned and balanced economy to serve the common good and avoid the concentration of wealth or the means of production and exchange in the hands of few individual or groups.

Government is obligated to ensure adequate shelter, suitable and adequate food, reasonable national minimum wage, old age care and pension, unemployment and sick benefits for all citizens. Equally, Government under the social welfare objective is to ensure humane conditions of work; facilities for social, religious and cultural life; adequate health care and medical

facilities for all and equal pay for equal work.

The educational objective include the provision of adequate and equal opportunities at all levels of education where practicable, the provision of free primary, secondary and university education. However, it should be noted that the Fundamental Objectives and Directive Principles of State Policy are non-justiciable. In *Agoro Jin Okogie v Akande*, the court held that the fundamental objectives are:

Ideals towards which the nation is expected to strive while directive principles lay down the policies which are expected to be pursued in the efforts of the nation to realize the national ideals....

Legal framework for ESC rights

The legal frameworks that guarantee the social welfare rights are the Constitution, International Covenant on Economic, Social and Cultural Rights and the African Charter on Human and Peoples' Rights, CRC, CRA, CEDAW etc. These legal frameworks provide for the following rights:

1. The right to work,
2. The right to just and favourable condition of work,
3. The right to form and join labour unions,
4. The right to social security and social insurance,
5. The state's responsibility to provide protection and assistance to the family and recognize only marriages into with consent of the intending spouses.
6. The right to adequate standard of living such as adequate food, clothing and housing, and the state's obligation to ensure the right to be free from hunger,
7. The right to the highest attainable standards of physical and mental

health,

8. The right to education.
9. The state's obligation to ensure free and compulsory primary education for all, and
10. The right to take part in cultural life of one's community and the state's obligation to promote and protect a community's traditional values,
11. The state's obligation to protect the family and the rights of women, the child, the aged and persons with disabilities,
12. The right of the people to freely dispose of their wealth and natural resources,
13. The right of the people to economic, social and cultural development, and
14. The rights of the people to a generally satisfactory environment.

Nigeria is a state party to the International Covenant, on Economic, Social and Cultural Rights as well as the African Charter on Human and Peoples' Rights. Consequently, Nigeria is bound to respect its obligations under these international human rights treaties. All rights, whether civil and political, economic, social and cultural rights, impose four levels of duties on the State. These are: the duties to respect, protect, promote and fulfill the rights. The challenge for the realization of these rights in Nigeria is their justiciability as provided in section 6(6) (c) of the Constitution.

(6) The judicial powers vested in accordance with the foregoing provisions of this section -

(c) shall not except as otherwise provided by this Constitution, extend to any issue or question as to whether any act of omission by any authority or person or as to

whether any law or any judicial decision is in conformity with the Fundamental Objectives and Directive Principles of State Policy set out in Chapter II of this Constitution

Despite this provision, reliance can be had to the provision of the ACHPR which is part of Nigerian law. The rights under this sub-head are reviewed hereunder.

CHAPTER FOUR

RIGHT TO HEALTH

Introduction

In Nigeria, the Government articulated policies, guidelines and interventions which are harmonized within the National Strategic Health Development Plan 2010-2015. Within the National Strategic Health Development Plan, a number of interventions have been enunciated and are being implemented to scale up the attainment of MDGs 4 and 5. These interventions were the following: Campaign on Accelerated Reduction on Maternal Mortality (CARMMA) to create awareness on promoting maternal and child health, Institutionalization of Bi-annual Maternal Newborn and Child Health Week for improving MNCH services, establishment of the IMNCH-MDG Budget line, Global London Summit on Family Planning during which the Government of Nigeria increased its commitments by 300% on funding family planning programme and Child survival programme under which government has resolved to develop a National Roadmap that will guide actions for reducing child mortality to at most 20/1000 live births by the year 2035. Government has also made concerted efforts through various health related projects and programmes such as National Health Insurance Scheme (NHIS), the SURE-P MCH which is a conditional cash transfer programme designed to assist women to receive adequate health care services during pregnancy, child birth and delivery, procurement and distribution of Emergency Obstetrics drugs namely Magnesium Sulphate and Misoprostol.

while capacity building initiatives are ongoing for skilled birth attendants on life saving skills on MNCH interventions.

Government revised the following policies and guidelines in line with emerging Global Maternal Newborn and Child Health issues to bolster national health system. The policies and guidelines include: Revised National Reproductive Health Policy; Reproductive Health Commodity Security Strategic Plan, 2011-2015; Strategic Framework on Obstetric Fistula, 2011-2015; Modified Life Saving Skills (MLSS), Life Saving Skills (LSS), Expanded Life Saving Skills (ELSS); National Family Planning/Reproductive Health Services Protocols and Policy guidelines and Standards of Practice in line with WHO 2008 MEC; Training Manual on the use of Magnesium Sulphate in the management of eclampsia and the use of Misoprostol for the management of postpartum hemorrhage; Family Planning training manual for physicians and Nurse Midwives; Child health Policy under review; Integrated Management of Childhood Illness; Community Integrated Management of Childhood Illness; Guidelines and Training Manual for Community Management of Acute Malnutrition; Infant and Young Child Feeding Policy and guideline; Integrated Community Case Management; Essential Newborn Care Manual and Programme management Modules for MNCH programmes etc.

In addition, government has continued to pursue the passage of the National Health Bill into law. In consultation with the National Assembly, the bill was further revised before and after the senate hearing in February 2013. Also, through the National Health Research Ethics Committee, the Federal Ministry of Health has continued to foster the conduct of scientifically sound and

ethically compliant health research in Nigeria. In this regard, the 2nd Forum of the Chairman of Health Research Ethics Committees of Nigeria was held in February 2013 to deliberate on how to better improve protection of human research participation.

Despite these laudable efforts and interventions by governments at both federal and state levels to ensure enjoyment of the highest attainable standard of health, the health sector still continues to face some challenges as can be seen from the cases reported in the print and electronic media.

Legal Instruments

Section 17 (3) (d) of the Constitution imposes a duty on the government to ensure adequate medical and health facilities for all persons. Thus, the Constitution mandates government to direct its policies towards ensuring that there are adequate medical and health facilities for its citizens. Article 12 of the International Covenant on Economic, Social and Cultural Rights which Nigeria signed and ratified also states that everyone has a right to enjoy the highest attainable standard of health.

Other human rights instruments that guarantee the right to health include the African Charter on Human and Peoples' Rights, the Convention on the Elimination of Discrimination Against Women, Convention on the Elimination of Racial Discrimination, Convention on the Right of the Child, International Covenant on Civil and Political Rights and the International Labour Organization.

4.1 Cases monitored, reported and documented

1. The Nigerian Tribune of 30th May 2013 reported that, in 2012 there was a flood across the country and there was a spread of polio virus due to lack of proper sanitation.
2. The Daily Trust Newspaper of 14th January 2014, reported that, Chie Yerima Ibrahim, the community head in Gnami village, a neighbour

- Kaduna State resolved to join the strike action proposed by the Nigeria Medical Association that was scheduled to begin on the 1st of July 2014. The strike, it was reported, was due to the failure of government to properly fund the health sector as well as pay doctors' salaries.
10. On the 30th July 2014, Nigerian Tribune Newspaper reported that, a Liberian, Patrick Sawyer knowing that he was affected with the dreaded Ebola disease entered the country. His entry brought the disease to Nigeria, killing several people.
 11. On 16th Sept 2014, the Nigerian Tribune Newspaper reported that, the Federal Government on the 15th of September 2014 stated that it was able to contain the spread of Ebola virus in the country through proactive steps.
 12. On 30th July 2014 Nigerian Tribune Newspaper reported that there was an outbreak of cholera at two IDP camps in Biu, killing three persons while several others were affected.
 13. On 15th September 2014, Daily Champion Newspaper reported that residents of Abakaliki, Ebonyi State expressed worries over heaps of refuse in different parts of the town which could lead to an outbreak of disease.
 14. On 15th September 2014, Daily Trust Newspaper reported that, a suspected epidemic of cholera broke out, killing over 20 people at the Internally Displaced Persons camps in Adamawa and Borno States.
 15. The Nigerian Tribune reported on Monday the 24th of February 2014, that the National Insurance Health Scheme stated that the sum of 48 billion Naira was required to include all public primary school pupils in the national insurance health scheme.

4.2 Recommendations

Commitments by the Commission

- The Commission will advocate for the speedy passage of pending health related bills pending before the National Assembly.
- The Commission will engage governments at all levels on improving health infrastructures.
- The Commission commits to promote advocacy on the right to health as a major component of human rights.

Federal and State Governments

- The budgetary allocation to the health sector should be increased to provide the sector with adequate resource to enable the health sector render good services to the citizens.
- Relevant agencies in the health sector should be empowered to respond swiftly to exigencies such as communicable diseases.
- The primary health care facilities should be properly funded to provide the emergency aid at any point in time before referrals.
- Government should prioritize its policies on maternal and child care to reduce the number of maternal casualties.
- Health personnel entitlements should be paid as and when due to forestall incessant industrial actions that leave the populace in danger of death as a result of striking health attendants.

CHAPTER FIVE

RIGHT TO EDUCATION

Introduction

At the 2000 World Education Forum held in Dakar, the international community reaffirmed its commitment to education for all and adopted the Dakar Framework for Action by identifying six specific goals as follows:

1. Expand early child care and education,
2. Provide free and compulsory primary education for all,
3. Promote learning and life skills for young people and adults,
4. Increase adult literacy by 50 per cent, especially for women,
5. Achieve gender parity by 2005 and gender equality by 2015, and
6. Improve the quality of education.

Underlying each of these goals is the recognition of and respect for the right to quality education. Accordingly, full realization of the right to education is not just a question of access. Efforts should be made to adopt a right-based approach to education which will encompass access to education, educational quality which must be based on human rights values and principles, and the environment in which education is provided.

The aims of education must be the development of a person's personality and full potential, preparing people to participate in society, to do work that is

rewarding and reasonably remunerative and to continue learning throughout life.

Legal Framework

The right to education ensures access to quality schools and to an education that is directed towards the full development of human personality. In recognition of this, section 18 (1) of the Constitution provides that Government shall direct its policies towards ensuring that there are equal and adequate educational opportunities at all levels. In addition, section 18 (3) of the Constitution mandates Governments to strive to eradicate illiteracy by means of the provision of free, compulsory and universal basic education, free university education and free adult literacy programme.

Further than the Constitutional provisions, the right to education is protected by some international human rights instruments. The instruments are the Universal Declaration of Human Rights, International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, Convention on the Eliminations of All forms of Racial Discrimination, Convention on the Elimination of All forms of Discrimination Against Women and the African Charter on Human and Peoples' Rights.

In compliance with its obligations under the Constitution and the international human rights treaties, which it signed and ratified, Nigeria has initiated human rights-based approach within the education sector. Government has adopted measures, legislative and administrative; to eradicate illiteracy through the provisions of qualitative education for Nigerians at all levels. The measures include: institutionalization of the Early Childhood Care Development and Education programme, introduction of the Tsangaya Schools in order to integrate formal educational programme into the Quranic School system, launching of the National Campaign on Access to Basic Education to reduce

the number of out of school children, establishment of 12 new universities to enhance access to a Federal University in each State of the Federation, construction of special girls' schools in 13 States of the Federation to improve Girls' Education Programme, establishment of Special Education Intervention Fund and continued funding of tertiary institutions through the Tertiary Education Trust Fund for the provisions of infrastructure and related facilities.

Government is implementing a programme known as the Girl's Education Project (GEP) designed to enhance girl's enrolment and retention in school using strategies such as the Students' Tutoring, Mentoring and Counseling (STUMEC), School Based Management Committee (SBMC), School Based Teacher Development (SBTD) and the Pedagogy Module and Core Subjects Modules. Through the Girls' Education Project, Government embarked on advocacy, sensitization and mobilization programmes which have led to significant increase in the enrolment of girls into public primary schools and junior secondary schools in the educationally disadvantaged States in the country. Governments increased the budget for education within the period under review.

Within the period under review, the following cases were reported concerning the right to education in Nigeria

5.1 Cases reported, monitored and documented

1. Daily Trust of 5th September 2013 reported that the Federal Government stated that it was impossible to meet all the demands of the striking university lecturers, as doing so will ground the country's economy.
2. The Tribune newspaper of 9th September 2013 reported that the Borno State Government threatened to demolish 20 schools within the State.
3. Daily Champion of 2nd Dec 2013 reported that Federal Government

issued ultimatum to the Academic Staff Union of Universities [ASUU] to call off the five months strike on the 4th of December 2013 or face massive sack. On December 2, 2013, ASUU convened an emergency meeting to deliberate on the ultimatum I.

4. Daily Trust Newspaper of 24th January 2014 reported that Students of the Bauchi State Federal Polytechnic on 23rd January 2014 staged a protest over the continued closure of polytechnics across the country, urging the Federal Government to fulfill the agreement it reached with Academic staff Union of Polytechnics in 2009.
5. The Daily Trust of 8th July 2014 reported that academic activities at Rufus Giwa Polytechnic, Owo, Ondo State were on the 7th of July disrupted following hike in school fees.
6. Following the frequent attack on schools by the Boko Haram sect, the government of Borno State proposed the closure of schools but parents on the 19th of March 2014, kicked against the decision.
7. On 13th April 2014, about 219 students of Government Girls Secondary School, Chibok, Borno State were abducted from the school and the school burnt down by the Boko Haram sect.
8. On 9th May 2013, Daily Trust reported that the Chief Executive of the African Human Development Centre [AHDC], Professor Gabriel Umoh, stated that about 132 million children of primary and secondary school age lack access to education globally. He stated this while presenting a paper titled 'The Teacher, Quantity Quality, the Child and National Development' at the 2013 global campaign for education in Etinan Local Government Area of Akwa Ibom State. According to the

- report, 127 million people between the ages of 15 and 24 cannot read and write. This situation he said is worst in Nigeria, 'where there is a ratio of one teacher to 101 children. The country ranks among the worst in teacher/student ratio, performing poorly among other developing countries including Liberia, Morocco, Kenya and Liberia'.
9. On the 16th of September 2014, Daily Trust reported that Edo State Governor, Adams Oshiomole, upgraded the College of Education Ekiadolor to University of Education on the 15th of September 2014.
 10. On 11th September 2014, Thisday Newspaper reported that following the outbreak of the Ebola virus, the Nigerian Union of Teachers (NUT) issued a directive to all its members to stay away from schools until they were convinced beyond doubts that the government has provided all preventive gadgets, and that the teachers are adequately trained to avert or contain the Ebola virus.
 11. On the 17th of September 2014, Thisday Newspaper reported that a total of 40 indigent students from various institutions across the country were awarded scholarships by Gani Fawehinmi Scholarships Board. According to the Chairman of the Board, Dr Dipo Fashina, the late activist, Chief Gani Fawehinmi instituted the scholarship to ensure that every Nigerian child gets free and quality education.
 12. On 17th September 2014, Thisday Newspaper reported that the Association of Private Educators of Nigeria held a sensitization and enlightenment seminar on the Ebola virus for teachers with the aim of preventing the spread of the disease in schools.
 13. On 17th September 2014, Daily Trust reported that the Borno State

Agency for Mass Literacy as at 2014, registered 1000 nomads for adult education and skills acquisition program.

5.2 Recommendations

Federal and State governments to:

- Enforce the Universal Basic Education Act (2004) and other state laws which mandate access to free basic education.
- Creating accessible complaints/reporting mechanism on education as well as taking swift action to censure violators of the laws on education.
- Make greater efforts to ensure accessibility of quality education to all persons, particularly the poor, by creating curriculums and other education materials in minority languages
- Ensure children of minority groups have equal access to education and introduce curricula recognizing their right to use and receive education in their mother tongues.
- Enforce laws that provide for free access to education and skills acquisition to vulnerable populations, including prison inmates, persons living with disabilities etc

CHAPTER SIX

RIGHT TO CLEAN AND HEALTHY ENVIRONMENT

Introduction

The exploitation of natural resources and the desire to carry out developmental projects have brought with it, positive and negative impact, necessitating the need to exercise restraint in terms of activities of man. The developmental effort in all spheres which includes, manufacturing, processing, industrialization, construction, agriculture, rural and urban growth and development have subjected the environment to changes that are being witnessed today.

Environment connotes, the totality of the places and surroundings in which we live, work, and interact with other people in our cultural, religious, political and socio-economic activities for self-fulfilment and the advancement of our communities and societies. It is within this environment that both natural and man-made things are found. In a broader and more elaborate sense, section 38 of the Federal Environmental Protection Agency Act, define the environment as including water, air, land, plants, humans and animals, as they co-exist. The term environment includes:

- (a) Water, air and land,
- (b) Forest and wild life,
- (c) All layers of the atmosphere,

- (d) All organic and in-organic matter and living organisms, and
- (e) The interacting natural systems that include components referred to in (a) to (d).

The environment is a global common heritage. It has no political, cultural or social boundary. The environment has been in existence before the creation of man and will be there for generations yet unborn. So, it is to be protected for the present and future generations. In realization that environment is the virtual infrastructure for present and future generations, the Environmental Governance Principle, with the principle, thinking global but acting local was created. This principle calls for collectivity and synchronization of environmental management at both global and national levels. Following this principle, the first international meeting on environment was held in 1972, to bring environmental issues to the front burner of Global Governance and Development Agenda. At the meeting it was agreed that many of the environmental problems (greenhouse warming, ozone depletion, soil erosion, chemical management, acidic rain and water pollution, among other things) are directly or indirectly caused by the creation, operation, or disposal of the built environment undertaken by man. Man therefore, is largely responsible for many of the environmental disasters which threaten humankind. To mitigate the negative consequences of man's activities on the environment, nations under the auspices of United Nations came together to fashion out legal agreements to moderate these activities and save the environment.

Important as the environment is to human existence, the first formal recognition of the right to healthy environment was provided under the Stockholm Declaration, 1972, Principle 1, which states:

Man has the fundamental right to freedom, equality and

adequate conditions of life, in an environment of a quality that permits a life of dignity and well being, and he bears a solemn responsibility to protect and improve the environment for the present and future generations

Similarly, Rio Declaration, Principle 1 provides that "human beings are the centre of concerns about sustainable development. They are entitled to a healthy and productive life in harmony with nature". Equally, the United Nations General Assembly stressed the need to ensure a healthy environment for the well-being of individuals, with its operative paragraph stating that "all individuals are entitled to live in an environment adequate for their health and well-being". Section 20 of the Constitution guarantees the right to sustainable environment and provides for clean and healthy environment. Besides the constitutional provision, it is also mainstreamed into the socio-economic development of Nigeria within the framework of the National Transformation Agenda as a tool for human development based on social equity. Some of the initiatives designed to support these objectives in the 2014 National Transformation Agenda include:

1. Promotion of afforestation and reforestation to correct adverse practices such as land clearing, nutrient mining, excessive irrigation and inappropriate use of agrochemicals. The initiative is targeted at increasing the forest cover from 6% in 2008 to 12% in 2015 and 18% in 2020.
2. Inventorize and remediate past oil pollution-impacted areas in the Niger Delta region. The capacities of the institutions responsible for the surveillance and control of oil spill, and pipeline vandalism, as well as other relevant agencies, such as the National Oil Spill Detection and Response Agency (NOSDRA), National Security and Civil Defence

Corps (NSCDC), National Environmental Standards Regulatory and Enforcement Agency (NESREA) and the National Emergency Management Agency (NEMA) are currently being strengthened for effective and prompt response to environmental emergencies.

Despite these provisions and policies, the issue of environmental management, has remained a night mare over the years and the problem has become so huge that it is near impossible to deal with in spite of all efforts from all arms of government. Consequently, the environment continues to deteriorate while environmental related diseases aggravate and poverty increases.

Also, the population has risen rapidly without commensurate provision of infrastructure and supporting services to cope with the rising population. The implication is poor environmental sanitation which is visible in form of increased waste generation, over utilization of limited existing facilities, inadequate supply of potable water, poor land use, out dated planning and development laws and inadequate enforcement regimes. Increase in urban slums and shanties on the edge of the city as a result of acute rural-urban migration and a general decline in the quality of human life. Goal 7 of the Millennium Development Goals was to ensure environmental sustainability to check future declines in human wellbeing, while Sustainable Development Goals (SDG) 6, 11, 13, 14 and 15 are related to sustainable environment.

Legal Instruments

Section 20 of the Constitution of the Federal Republic of Nigeria provides that "the state shall safe guard the water, air and land, forest and wild life of Nigeria". This is to the extent that the Nigerian state has committed itself to protect the environment for the benefit of all persons within its territory. In line with this therefore, it has enacted laws on various aspects of the environment and

environmental polluting substances, from protection of the water ways to oil spills, mining, exploration and exploitation, to desertification and wild life as well as fauna and flora and is either signatory to or has ratified most international environmental treaties.

The African Charter on Human and Peoples Right (ACHPR), proclaim environmental rights in qualitative terms. Article 16 provides for the right to best attainable standard of physical and mental health, while Article 24 provides for a general satisfactory environment favourable to development. Upholding this provision and relating it to the right to healthy environment, the African Commission on Human and Peoples Right, in *SERAC v Nigeria* held that Article 24 imposes an obligation on the state to take reasonable action "to prevent pollution and ecological degradation, to promote conservation and secure ecologically sustainable development and the use of natural resources" as well as protect the right of citizens to clean and healthy environment.

Article 24 of the Convention on the Right of the Child, 1989 (CRC), which has been domesticated in Nigeria as Child's Right Act 2003 (CRA), provides that a child has the right to attain the highest attainable standard of health and these has to be achieved by ensuring that states combat diseases and malnutrition through the provision of adequate nutritious foods, clean drinking water and reduction of the dangers of environmental pollution. Despite this laudable provision of the CRA, only 24 out of the 36 states in Nigeria have passed the law. Upholding the rights of man to a clean and healthy environment, the Stockholm Declaration stated that

Man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being and he bears a solemn responsibility to protect and improve the environment for

present and future generations...

It also conferred on man the responsibility towards ensuring the safeguarding and wisely managing the heritage of wildlife and its habitats, the employment of non-renewable resources of the earth in such a way that it guards against the danger of their being exhausted in the future and to ensure that benefits of such employments are shared by all mankind (Principles 4 and 5). At Principle 6, it forbids the discharge of toxic substance or other substances and the release of heat, in such quantity as to exceed the capacity of the environment to render them harmful. However, the quantity of the toxic waste and heat which is considered harmful to the human being is not defined by the Declaration, thus leaving it to the conjecture of the polluters.

Furthermore, at Principle 7, the Declaration task nations to take steps to prevent the pollution of seas by substances that are liable to create hazards to human health and to marine lives as well as interfering with the use of the sea. That the stability of prices and adequate earnings for primary commodities and raw materials are essential to environmental management and that environmental policy of states should enhance and not adversely affect the present or future development potentials of developing countries, nor should it hamper the better condition of living of all, while states are enjoined to adopt an integrated and coordinated approach to development planning so as to ensure it is compatible with the need to protect and improve the environment (Principles 10, 11, 13). In Principle 26, the Declaration provides that man and his environment must be spared the effect of nuclear weapon and other means of mass destruction and urge states to reach agreements on the elimination and complete destruction of such weapons. With these laudable provisions, sadly the Declaration is not a binding document but only serve as soft law.

In as much as the Stockholm Declaration is seen as the first legal instrument to explicitly mention the right to healthy environment, Article 12(2) of the ICESCR

provide for the right to health, by urging state parties to the Convention to achieve the full realisation of the improvement of all aspects of environmental and industrial hygiene. This also is limited by the fact that the Convention enjoins the state parties to progressively realise the provisions of the Convention within the limit of their resources.

Similarly, Article 1 of the 1998 UNECE Aarhus Convention on Access to Information, Public Participation in Decision Making and Access to Justice in Environmental Matters has as its main objective the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being.

Nigeria is signatory to above Instruments and many more as they relate to the environment, yet its outlook on environmental issues leaves much to be desired.

Within the period under review therefore, there were few cases of environmental degradation reported in the media.

10.1 Cases reported, monitored and documented

1. The Nigerian Tribune Newspaper of 27th May, 2014, reported that, Edwin Clark, an Ijaw leader and a delegate to the National Conference raised an alarm over the possible extinction of the Niger Delta region if urgent measures are not taken to address the environmental degradation occurring in the region as a result of the activities of mineral exploration and exploitation.
2. The Nigerian Tribune Newspaper of 10th October, 2014, reported that, no fewer than 12 houses and some speed boats were destroyed, following erosion that occurred in Isampou community in Koiokuma/Opokuma Local Government Area of Bayelsa State.

3. The Nigerian Tribune Newspaper of October 8, 2014, reported that, following a torrential rainfall which affected some parts of Makurdi, Benue State, many persons were displaced and over 2000 houses submerged.
4. The Daily Trust Newspaper of 14th October, 2014, reported that the government of Germany earmarked the sum of 50 million Euros to be expended in 10 West African countries for training and research on climate change and land use management.
5. The Nigerian Tribune Newspaper of 14th October, 2014, reported that unless the Federal Government concludes the channelization and dredging of the Asa River which started in 2007, the perennial flooding in Ilorin, Kwara State will continue.

The number of environmental issues reported by the media or to the Commission is not unconnected with the fact that most often than not, environmental issues are not given the prominence of place it deserves. The awareness on the right to clean and healthy environment has not taken the front burner of the political discuss in Nigeria. The right is still seen and viewed as second class right. This is not far from the fact that it is not one of the enforceable rights provided in the Constitution.

Recommendations

The Commission commits to

- Popularise the right to environment as part of the major right that needs to be promoted and protected.
- Collaborate with relevant MDAs towards ensuring strict compliance with environmental legislation and policies.
- Advocate for the passage of the Climate Change Bill pending in the National Assembly for well over 7 years.

The Federal and State Governments

- Government should ensure that developments brought on the environment takes into consideration environmental rights of the host communities.
- Government should ensure that in all developments, there must be environmental impact assessment as provided in the Environmental Impact Assessment Act and such assessment reports should be made public.
- Government should mainstream human rights to clean and healthy environment into all development plans.
- Government should ensure that planning approvals are issued before any development takes place.
- Environmental protection and clean up should be accorded the priority it requires, where pollution occurs.
- Alternative source of energy especially for domestic use should be encouraged and made affordable to discourage felling of trees
- The Ecological Fund should be used strictly for ecological issues such as erosions.
- The Climate Change Bill pending in the National Assembly should be passed without further delay.

PART 3: Other Thematic Areas of Focus

CHAPTER SEVEN

ACCESS TO JUSTICE AND INDEPENDENCE OF THE JUDICIARY

Introduction

In all countries, the judiciary plays an important role in stabilizing the balance of power within government. Its performance goes a long way to enhancing public confidence in the integrity of government. The freedom of the judiciary promotes the rule of law and opens up the system for investments. Historically, common law and civil law systems differed in their conceptualization of the institution of the judiciary but in recent years, these systems have evolved and are influenced toward increased commonality. In Nigeria, the Constitution provides the broad legal framework and the structure of the judiciary. Section 17(2) (e) of the Constitution, states that, "the independence, impartiality and integrity of courts of law and easy accessibility shall be secured and maintained".

The right to a competent, independent and impartial judiciary is also articulated in the Universal Declaration of Human Rights, International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights".

For human rights and democracy to thrive in any society, the independence of the judiciary must be guaranteed. The independence of the judiciary is the backbone of the rule of law. The rule of law as a pillar for sustainable access to justice is anchored on certain conditions and principles. These conditions and principles are separation of powers - a principle which must be defended not only in relation between the legislature, the executive and the judiciary, but also

in areas in which the complete concentration of power may occur; the independence of judges, the legality of administrative action and the control of legislation and administration by independent judges. Finally, a strong and dynamic Bar Association which maintains its independence from the authorities and which is devoted to defending the rule of law. The notion of the rule of law is intended to force the government to respect the law.

Legislation passed by parliament, which represents the electorate, is the instrument through which peoples' sovereignty is imposed on the government thereby preventing it from becoming autocratic. As an abstract principle of general application, the law guarantees freedom, equality and security to individual by imposing respect for stable norms on state bodies and reduces the risk of arbitrary initiatives. Strict observance of rule of law can ensure access to justice and the independence of the judiciary.

Recognizing the essential role played by a competent, independent and impartial judiciary in the protection of human rights and fundamental freedoms, the seventh United Nations Congress on the Prevention of Crime and Treatment of Offenders, adopted and the General Assembly endorsed, the Basic Principles on the Independence of the Judiciary, which are to be taken into account and respected by governments within the framework of their national legislation and practice, and should be brought to the attention of judges, lawyers, the executive, the legislature and the public.

Independence of the judiciary entails, safeguards relating to the manner of appointment of judges, the duration of their office and the provisions of guarantees against external pressure. Impartiality means that in hearing cases, judges must not be bias or guided by their whims and caprices or political motives. The prerequisites for legal provisions ensuring the independence and impartiality of the judiciary are that:

1. The independence of the judiciary should be enshrined in the

constitution or the national law.

2. The method of selection of judicial officers should be characterized by balance between the executive and an impartial body, some of whose members should be appointed by professional organizations such as the Nigerian Bar Association.
3. The tenure of judges should be guaranteed up to a mandatory retirement age or the expiration of their tenure in office, and
4. Decision on disciplinary action, suspension or removal of judges should be subject to an independent review.

In the search for justice, the judiciary holds the ace in playing its role as the watchdog of the society against oppression and arbitrariness of government as well as in the adjudication involving the civil rights and obligations of the citizens. The judiciary is the institution established by the Constitution to administer justice according to law. Lending credence to this critical role of the judiciary, retired Phillip Nnaemeka (JSC) stated that:

"The courts are in fact the arm of government mostly designed and expected to do justice according to law. On the abandonment of the concept of justice as the interest of the stronger, humanity has no alternative but to turn to the courts so as to fill up what would have been a vacuum. Men have to turn to the courts as the fora for public administration of justice. Courts try and punish criminals; the enemies of peace and tranquility in society. They adjudicate on civil disputes between citizens or between citizens and the state. They are constituted and intended to be the last hope of the weaker in society".

In Nigeria, the judiciary is saddled with the responsibility of interpreting the laws through the courts whose jurisdiction is to examine and scrutinize the

meaning, rationality, morality, civility, humanity and ultimately, the constitutionality of laws. It ensures the advancement of the cause of justice, uphold and do justice to all manner of persons without fear, favour or ill-will. It settles disputes, determines the legality of legislative and executive actions as well as, ensures the protection and enjoyment of fundamental rights. It serves as a guarantor of hope and confidence for the weak in the attainment of justice. In the administration of criminal justice system, the Constitution and the international human rights laws which Nigeria ratified provide for a number of specific rights that persons charged with criminal offence should enjoy in order to guarantee access to justice. These rights are:

1. The right to be presumed innocent in which case, the prosecution has a burden of proving the guilt of the accused beyond reasonable doubt, failing which the accused, will be discharged and acquitted,
2. The right not to be compelled to testify or confess. The prohibition is in line with the presumption of innocence, which places the burden of proof on the prosecution, and prohibition of torture and ill-treatment. Evidence elicited by torture or ill-treatment will not be admitted in court,
3. The right to defend oneself in person or by counsel of one's choice and the right to be provided with free legal assistance,
4. The right to have adequate time and facilities for one's defence and right to communicate with one's counsel,
5. The right to be tried without undue delay as justice delayed is justice denied. In principle, criminal proceedings must be conducted more speedily, than other proceedings, particularly

where the accused is in detention,

6. The right to be present at one's trial,
7. The right to call and examine witnesses,
8. The right to be provided with an interpreter in the event where the accused does not understand the language of the court,
9. The right to appeal to a higher court,
10. The right not to be tried and sentenced twice for the same offence (prohibition against double jeopardy, *ne bis in idem*),
11. The right to receive compensation in the case of miscarriage of justice, and
12. The principle of *nullum crimen sine lege* and *nulla poena sine lege* prohibit the enactment of retroactive criminal law.

The judiciary has a fundamental duty of ensuring objectivity and impartiality in the adjudicatory process. Therefore, in the appointment of judicial officers, government has put in place measures that would ensure the emergence of men and women of courageous character, independent thinking and judgment, wisdom and conscience, honesty and morality, learning, prudence, transparency, piety and maturity, humility, politeness and courtesy, superior alertness and attentiveness are appointed into judicial offices.

To enhance access to justice as well as improve the judicial system, Government has adopted policies to ensure an independent judicial system that guarantees respect for rule of law, speedy disposal of cases, zero tolerance for judicial corruption and the promotion of access to justice. Furthermore, Government through the National Judicial Council has continued to embark on series of reforms in the judiciary to fast-track the administration of justice through frameworks in the form of practice directions that provide timelines for determination of criminal cases and election petitions. The

practice directions also direct judges to encourage parties to use alternative dispute resolution options in appropriate cases.

Given the importance of access to justice to the promotion, protection and enforcement of human rights, the commission pays particular attention to this thematic area of focus.

6.1 Cases Reported, monitored and documented

Within the period under review, the following cases were reported in the media.

1. On 30th May, 2014, Thisday Newspaper reported that, the Chief Justice of Nigeria, Justice Aloma Mukatar, issued a practice direction limiting the trial period for criminal cases from the Lower Court to the Supreme Court.
2. The Nigerian Tribune Newspaper of 23rd January, 2014, reported that, on the 22nd of January, 2014, some suspected homosexuals were allegedly attacked by a mob, while they were being arraigned before the Bauchi Upper Sharia Court, Anguwan Jaki, Bauchi Metropolis Bauchi State.
3. The Daily Trust Newspaper of 13th January, 2014, reported that, the Department of State Service (DSS) detained 16 Nigerians, upon their return to the Country from the crisis ridden Central African Republic, on the suspicion that they were linked to Boko Haram insurgents.
4. The Nigerian Tribune of 5th February, 2014 reported that, the ECOWAS Community Court of Justice, on the 31st of January, 2014, ordered the Federal Government of Nigeria and Edo State Government to suspend the death sentence passed on Thankgod Eghos, pending the hearing and determination of the petition before it.
5. The Daily Trust Newspaper of 25th February, 2014, reported that, on

24th February, 2014, the Comptroller of Prisons, Sokoto State, Hajiya Hawwa Shetima, stated that over 70% of prison inmates were awaiting trial, and therefore called for speedy trials and the reform of the nation's criminal justice administration system.

6. The Daily Trust Newspaper of 13th June, 2014, reported that, the Sultan of Sokoto and President of the Nigerian Supreme Council for Islamic Affairs (NSCIA), Alhaji Muhammad Saad Abubakar, at the Annual National Conference of the Muslim Lawyers Association of Nigeria (MULAN), themed: Rule of Law and Social Justice: A panacea for Unity and National Development called for speedy trial of detained suspected Boko Haram members and other detainees.
11. The Punch Newspaper of 28th July, 2014, reported that a civil group, the Environmental Rights Actions/Friends of the Earth Nigeria, requested the National Assembly to expedite action in the passage of the PIB bill into law, stating that its passage will have positive bearing on the nation in general and ensure the rights of people living and conducting business in the Niger Delta region.
14. The Nigerian Tribune Newspaper of October 8, 2014, reported that, the Chairman, Governing Board of the Legal Aid Council of Nigeria, Chief Bolaji Ayorinde, on 7 of October, 2014, in Abuja, expressed grief over the inability of some Nigerians to have access justice because they cannot afford legal representation.
15. The Nigerian Tribune Newspaper of October 13, 2014, reported that, HURILAWS, a non-governmental organization, stated on the 10th of October, 2014, that Nigeria has in the past 50 years carried out the

death penalty without putting into consideration the mental health of the inmate.

16. The Daily Champion Newspaper of October 17, 2014, reported that the House of Representatives, on the 16th of October, 2014, voted unanimously to adopt the harmonized conference report on a Bill for Act to further alter the Constitution, and reject the amendment of section 9 to allow for a referendum in determining the fate of the National Conference recommendations.
17. The Daily Champion Newspaper of October 17, 2014, reported that, the Senate on the 16th of October 2014, passed a resolution against Nigeria's response to violence, and approving new sanctions for a range of offences including rape which should be punished with life imprisonment.
18. The Nigerian Tribune Newspaper of October 24, 2014, reported that, the Kaduna State Government freed 547 prisoners from various prisons within the state in a bid to decongest the prison. The prisoners released, included a HIV positive inmate and nine men above the age of 60.
19. The Nigerian Tribune Newspaper of October 28, 2014, reported that, an Ado-Ekiti High Court, on the 20th October, 2014, sentenced a 55-years old man, Jimoh Ayeni and his son, Haruna, to death by hanging, over the murder of a farmer.
20. On October 9, 2014 *Nigerian Tribune* reported that, human rights lawyer, Olisa Agbakoba (SAN) challenged the verdict of the Court Martial that convicted and sentenced 12 Soldiers to death by firing squad for mutiny and other offences. In a suit filed at the Federal High Court, Abuja Division, on behalf of the 12 condemned soldiers, Olisa Agbakoba (SAN) challenged the decision of the Court Martial on the ground that the composition of the Court Martial was unconstitutional and contrary to

section 36(1) of the Constitution which guarantees fair trial to any one accused and is standing trial before any Court or Tribunal.

Complaints to the Commission

On 17th December 2013, the Commission received a complaint from Alhaji Abubakar B Tsav, NPM, a retired Commissioner of Police, alleging the following:

- That on the 22nd day of November, 2013, one Aondonengen Ansha, standing trial for culpable homicide before Magistrate Court 2, Makurdi was released on bail under questionable circumstances. Meanwhile the same Aondonengen Ansha was declared wanted by the Police in Makurdi for another crime of culpable homicide and injury to persons.
- That Aondonengen Ansha is standing trial for the murder of Terwase Terkura and injuring two other persons. A crime he was arrested for and charged before Magistrate Court 2 in Markudi and remanded in Prison custody on the 30th of March, 2012 and subsequently released on bail on the 20th of April, 2013
- While on bail, Aondonengen Ansha and his gang attacked and killed Tersoo Peter Aper on the 28th of August, 2013 and injured five persons including an aged woman as well as burnt two houses. Despite the report to the Police, the Police failed to arrest Aondonengen Ansha.

6.2 Recommendations

Federal and State Governments:

- There is need to strengthen the use of ADR mechanism as alternative to litigation.
- There is need for the establishment of free legal aid clinics to provide free legal services/advice to individuals.
- The Legal Aid Council should be strengthened to carry out its

mandate,

- The Executive should respect and uphold the independence of the judiciary.
- The process of appointing judicial officers should be made more transparent.
- The government should respect and uphold the rule of law starting from respect for court orders and decisions.
- The financial allocation to the judiciary should be increased.
- Relevant laws relating to alternative sentencing such as: parole, community service, suspended sentence, diversion, plea bargaining etc should be enforced.

CHAPTER EIGHT

RIGHT OF WOMEN AND CHILDREN

Introduction

Women and Children are classified among the vulnerable groups in Nigeria. The position of women in Nigeria can be attributed to the injustice occasioned by the traditional and cultural practices that perceive women and children as dependents, whose participation in decision making is either neglected or not taken seriously, though their contribution to socio-economic development is necessary. The rate at which the violation of the rights of women and Children is growing in our society is pathetic. It is increasing in a geometrical progression. It is therefore necessary that an urgent intervention be provided by all stakeholders saddled with the mandate to protect the rights of women and children to address this menace.

Legal Instruments

There are national and international legal frameworks designed to protect the rights of women and Children in Nigeria. The Constitution of the Federal Republic of Nigeria 1999, the Child's Rights Act, the African Charter on Human and Peoples' (Ratification and Enforcement) Act, Cap. A10, Law of the Federation of Nigeria, 2004 and the Child Rights Laws of the various States, form the major domestic legal instruments designed to protect the rights of women and children.

Under the fundamental rights principles of the state, section 42 of the Constitution guarantees and protects the rights of women and the minority to freedom from discrimination. Under this provision, a citizen of Nigeria shall

not be subjected to discrimination on the basis of sex. Section 46 (1) of the Constitution guarantees women who are victims of violence and discrimination to apply to a High Court for redress by way of fundamental rights enforcement proceedings in the event of the application of any law that allows violence and discrimination against them. Nigerian courts have on several occasions declared null and void all laws and customs that are not in conformity with the spirit of the Constitution. For example, the Supreme Court in *Onyibor Anekwe & Chinweze v Mrs. Maria Nweke* held that the custom and practice which accepts that a married woman without a male child cannot contest title on the land of her late husband with the male member (s) of her late husband's family is barbaric. Condemning the practice, per Ogunbiyi J.S.C held that:

I hasten to add at this point that the custom and practices of Awka people upon which the appellants have relied for their counter claim is hereby outrightly condemned in very strong terms. In other words, a custom of this nature in the 21st century societal setting will only tend to depict the absence of the realities of human civilization. It is punitive, uncivilized and only intended to protect the selfish perpetration of male dominance which is aimed at suppressing the right of the womenfolk in the given society. One would expect that the days of such obvious differential discrimination are over. Any culture that disinherits a daughter from her father's estate or wife from her husband's property by reason of God's instituted gender differential should be punitively and decisively dealt with. The punishment should serve as a deterrent measure and ought to be meted out against the perpetrators of the culture and custom. For a widow of a man to be thrown out of her matrimonial home, where she had lived all her life with her late husband and children, by her late husband's brothers on the ground that she had no male child, is indeed very

barbaric, worrying and flesh skinning....The impropriety of such a custom which militates against women particularly, widows, who are denied their inheritance, deserves to be condemned as being repugnant to natural justice, equity and good conscience. The repulsive nature of the challenged custom is heightened further in the case at hand where the widow of the deceased is sought to be deprived of the very building where her late husband was buried. The condemnation of the appellants' act is in the circumstances without any hesitation or apology.

Besides the domestic laws, there are international instruments that protect the rights of women and children which Nigeria ratified. These includes, the Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, African Charter on Human and Peoples' Rights, International Convention on the Elimination of All forms of Racial Discrimination, and the Convention on the Rights of the Child (which has been domesticated in the CRA). These international human rights instruments guarantee human rights to all persons without distinction as to race, sex, religion or language. The instruments also prohibit discrimination against women in politics, healthcare, employment, citizenship and nationality, law and matters relating to marriage, inheritance and the protection of the girl-child. Article 18 (3) of the African Charter on Human and Peoples' Rights enjoins the State to ensure the elimination of violence against women and also the protection of the right of women and children as stipulated in international declarations and conventions. By ratifying these instruments, Nigeria is under obligation to ensure the protection of the rights of women and children, condemn all forms of violence

against women and children and sanction any institution, community or group of person or persons who rely on any custom, tradition or religion to abnegate its obligation with respect to its elimination. Additionally being a state party to these instruments that protect women and children, Nigeria is under obligation to exercise due diligence to prevent, investigate and to prosecute where necessary, in accordance with the relevant extant laws, punish acts of violence against women and children, whether the acts are perpetrated by the state or individuals.

Most of the violations against women and children in the society today are rape, sexual exploitation, assault, denial of inheritances and other domestic violence. Both Federal and States Governments in recent times have intensified efforts at improving the conditions of women and children in the country. For example, the National Orientation Agency organized sensitization programmes for the public on the harmful effects of traditional practices against women, especially widows. In addition, the governments have raised awareness as well as disseminate information on the value of human rights among traditional and religious leaders in order to curb negative traditional practices. In this light, some States of the federation have passed laws eradicating some of these practices, including Female Genital Mutilation and harmful widowhood practices. Various actions are being taken, including strengthening of laws and policies as well as their implementation, strengthening of human resources and police institutional reforms to eradicate negative cultural practices at the Federal and State levels. Other interventions include the establishment of the Women Fund for Economic Empowerment (WOFEE) in collaboration between Federal, States and the Bank of Agriculture. The Fund targets grassroots women cooperatives. The Federal Ministry of Women Affairs and Social Development and some

advocacy groups are engaged in continuous advocacy to legislators, policy makers and other stakeholders on the imperative to pass the CEDAW bill pending in the National Assembly.

In order to ensure the survival and development of the child, the government of Nigeria has domesticated the Convention on the Right of the Child and about 24 States have passed it as their respective state laws. Government has put in place adequate laws and policies to protect children against all forms of violence and ill treatment. The Child Rights Act (CRA) is the fundamental legal instrument for the protection of the right of the child against all forms of discrimination and ill-treatment. Through advocacy and sensitization seven States of the Federation and the Federal Capital Territory (FCT) formulated the Family Court Rules which serve as one of the structural requirements for the implementation of the Child Rights Act. Efforts are also on-going to rehabilitate street children. Other initiatives embarked upon by the governments to improve the security and welfare of the child include Situation Analysis of Child Protection Issues designed to obtain information for the analysis of child protection as well as effective coordination of child protection issues in Nigeria. The strategies adopted for the implementation of the programme include national meetings of State Directors of Child Development to gather information on reported cases of child abuse nationwide and the creation of network/linkage with the 36 States of the Federation and the Federal Capital Territory, Abuja. In addition, CSOs working in the area of children's right have formed a Child Protection Network to further protect children and advocating for Child-friendly Desks to be established at all Police Stations.

The Government supports the Nigerian Children's Parliament to provide an appropriate platform for children to express their concerns on issues affecting

their wellbeing. The Government of Nigeria has commenced a pilot scheme of one nutritious meal a day in schools to combat persistent hunger, stunted growth and promote mental and physical development of the Child and to encourage school enrolment. Some States are already implementing the provisions of the Child Rights Law by setting up Child Rights Implementation Committees (CRIC), Family Courts etc.

7.2 Complaints received by the Commission

1. On 6th March, 2013, Patience Yakubu complained to the Commission, stating that her father's relatives have deprived her and her siblings of their father's gratuity. However, efforts to reach her on the telephone number she provided to investigate the case its logical conclusion proved abortive.
2. On 5th March, 2013, Anna Odo complained to the Commission, that her husband, Oliver Okoye, abandoned her and the unborn child in September 2012 when he was transferred from Abuja to Calabar. She stated that the alleged violator never bothered to inquire about their welfare or provide for them. The Commission contacted the alleged violator, who stated that he was not married to the complainant who had had 2 other children from different fathers and he is not responsible for the pregnancy. At the time of the report, investigation was still ongoing as attempts to reach an amicable settlement proved futile.
3. On 19th March, 2013, Nonso Madubuike complained to the Commission that Stanley Obuji, whom she was in a relationship with and had 2 children took the children, to his village in Orlu, Imo state

without her knowledge and consent. The Commission contacted the alleged violator and he agreed that he was in Orlu with the children. When requested to come to the Commission with the children for mediation, he said that upon his return from Orlu, he would visit the Commission. At the time of the report, the alleged violator had not visited the Commission and so, the matter is still pending.

4. On 15th March, 2013, Habibat Bashar, a citizen of Lebanon married to a Nigerian and blessed with 4 children, alleged that her husband Ibrahim Bashar beats her and the children and subjected them to inhuman and degrading treatment. She further alleged that the violator took all her money, passport and documents. The complainant and the alleged violator were invited to come to the Commission for further discussion and possible mediation, but they failed to honour the invitation.
5. On 18th March 2013, Ezekwu Concepta Ukamaka complained to the Commission that Ezekwu Lawrence Uchenna her husband of 9 years was always beating her and refused to provide food and upkeep for their 3 children whenever they had a disagreement. She also alleged that he went to her office and caused problems for her. When requested to come to the Commission for further clarification she failed to honour the appointment which was fixed.
6. On the 29th of March 2013, Ngozi Okafor complained to the Commission that her husband, Paul Okafor, filed a suit for divorce

but was asked by the court to settle out of court. She also stated that their children, who were in his custody, were suffering neglect and their daughter was subjected to sexual abuse by a neighbour. She alleged that her husband intended to take the children away to Lagos. The Commission investigated and found that the matter was before a court of competent jurisdiction and by its rules, the matter is sub-judice.

7. On 10th April 2013, Loretta Iquo Arikpo complained to the Commission that her husband Col. Fidelis Sarki Attahiru (Rtd) asked her to pack out of the house and leave the children due to constant marital problems. She claimed he intended to take the children from her. She however stated that she had pleaded with him to allow her stay till October, 2013. The complainant requested the Commission to put on hold investigation into the matter to allow her seeks other possible ways of settling the problem. The request was granted by the Commission. As at the time of the report, she was yet to report back to the Commission.
8. On 3rd April 2013, Alaba Ronke alleged that, Ogunleye Ayodeji the father of her son, Ogunleye Michael (10) denied her access to him. She stated that Michael has been living with his father since 2010 and she had not seen him since then. The complainant was contacted for follow up but she stated that she was no longer interested in the Commission getting into the matter. Thus, the complaint was closed.

9. On 10th January 2013, Indatu Sani brought a case of domestic violence and maltreatment against Sani Sandu her husband. She alleged that the alleged violator beat and maltreated her even when she was pregnant. She further stated that her husband has a habit of keeping late nights and when she complains, he beat her. At the intervention of the Commission, the couple settled their differences and signed MOU stating that the violence would cease henceforth.
10. On 11th January 2013, Rekietu Idris complained to the Commission, that her husband Sule Idris persistently beat her and neglected to take responsibilities for her and the family.
11. On 14th January 2013, Norash Ohida complained to the Commission, that her husband, Pastor John Heaven Okorie abandoned her and their 3 children. The Commission investigated the matter and mediated between parties. It was resolved.
12. On 14th January 2013, Esther Abara alleged persistent domestic violence and failure to take paternal responsibilities by the alleged violator, Kenneth Abara. The Commission facilitated the resolution of the matter through mediation.
13. The Commission on the 16th January 2013 received a complaint from Uzoma Nwadigo, that her husband, Samuel Nwadigo, subjected her to incessant harassment, assault, battery and lack of parental responsibilities to their children. She sought the intervention of the Commission to ensure that the violence against her person stopped. After several invitations for mediations, the Complainant stopped honouring invitations and so the matter was closed.

14. The Commission on the 16th January 2013 received a complaint from Amina Chadwick, that her husband, Mr. Chadwick Awara was in the habit of beating and maltreating her. When contacted for further investigation and follow up, the complainant failed to show up. Consequently, the matter was closed.
15. The Commission on 18th January 2013 received a complaint from Habibab Abdulkareem, that her husband Abdulkareem Abdullahi subjected her to domestic violence such as beating and the neglect of their children. When contacted for further investigation and follow up, the Complainant failed to show up so the matter was closed.
16. On 21st January 2013, Mercy John complained to the Commission that her husband, Mr. John Ali Zongo abandoned her and their child, failing to provide child welfare and care. The Commission mediated between the parties and the matter was amicably resolved.
17. Lilian Kelechukwu on 22nd January 2013 complained to the Commission, alleging assault, threat to life and neglect by Mr. Ekene Kelechukwu her husband. She further stated that due to the misunderstanding between them, her husband took away their children and refused her access to them. She requested for assistance in gaining custody of her children from the alleged violator. The Commission intervened and while the process of reconciliation was ongoing, the Complainant reported that through the intervention of the family, the matter was resolved and they were reconciled.
18. On 23rd January, 2013, one Christiana Ige complained to the Commission alleging abandonment during pregnancy. She alleged that she got pregnant for one Mr. Innocent Godwin who thereafter abandoned her despite the intervention of friends and family

members he has refused to take responsibility. At the intervention of the Commission, the alleged violator accepted to take responsibility for the child.

19. On 23rd January 2013, Mrs. Florence Momoh complained to the Commission that her husband Mr. Oboh Lawrence Momoh threatened her and abandoned his fatherly responsibilities towards the children. The Commission intervened, mediated between the parties and the matter was resolved.
20. On 21st January 2013, Esther Tonasen complained to the Commission that her husband, Francis Tonasen subjected her to domestic violence, beating and neglect over the years. The Commission intervened, mediated between the parties and the matter was resolved.
21. On 25th January 2013, Ngozi Omeke reported to the Commission that the alleged violator Francis Fidelis Eze with whom she has been living together subjected her to domestic violence, beating, assault and harassment. When contacted for further follow up and investigation, the complainant failed to provide answers and would not take calls put to her phone. The matter was closed for lack of interest on the part of the Complainant.
22. Ifeoma Chinedu complained to the Commission on the 1st February 2013, that the father of her child, Mr. Moses abdicated his responsibility for the welfare of the child. When contacted, she failed to provide further information as requested and would not take calls put through to her and so, the matter was closed.
23. Mrs. Love Kanu Utaa on the 1st of February 2013, Complained to the

Commission alleging persistent domestic violence and child abuse against her husband, Chief Kalu Kalu Utaa. When contacted, she failed to provide further information as requested and would not take calls put to her so the matter was closed.

24. On January 21, 2013, the Commission received a complaint from Mrs. Obi Ogbonna stating that she was married to her husband, Simon Ogbonna for eleven years and the marriage is blessed with five children. She alleged that her husband beat and maltreated her and has neglected his fatherly responsibilities towards her and their five children. The Commission mediated and the matter was settled.
25. On January 3, 2013, a complaint was brought to the Commission by Mrs. Grace Agah against her husband Mr. Dominic Ushie Agah. The complainant alleged domestic violence and neglect of parental responsibilities towards their children by her husband. She stated that her husband always beat her at the slightest misunderstanding, culminating in him throwing her out of their matrimonial home on the 24th of December, 2013. The Commission mediated between the parties and they signed an MOU with the alleged violator undertaking not to beat the Complainant again.
27. On February 20, 2013, the Commission received a complaint from Jennifer Oraneli against her former husband Mr. Bright Ihesiaba of Karimo Police Division. She stated that due to persistent domestic violence and abuse, they were divorced in February 2012, but he was still harassing her. According to the complainant, Mr. Bright has been making her life miserable with threat which he vowed to keep at until is dead.
28. On 20th March, 2013, Mr. Emmanuel Agodi complained to the

Commission that his wife Mrs. Chidinma Agodi was threatening his life. According to the Complainant, the alleged violator threatened his life on 10th March, 2013 with a machete. He stated that her intention was to kill him, their children and his cousin. The Commission intervened and the matter was resolved.

29. On March 30, 2013, Mrs. Saina Jerry Waja lodged a complaint with the Commission alleging domestic violence, threat to life and lack of child welfare against her husband of seven (7) years, Mr. Jerry Waja who is a staff of the Federal Road Safety Corps. The matter was resolved by the Commission.
30. Miss Adaeze Ugoji on May 9, 2013, complained to the Commission against her boyfriend, Mr Chukwuka Oyoke. She claimed that she and the alleged violator co-habited for over three (3) years and in the process they had a two year old son. She further alleged that her boyfriend came to her shop to beat and publicly harassed her. When the Commission contacted her for further investigation, she stated that they travelled home with a view to settling the issues and promised to inform the Commission of its outcome. The Complainant is yet to get back to the Commission on the outcome of the family intervention as at the time of this report.
31. On 17th May, 2013, Mrs. Elizabeth Ojo complained to the Commission alleging domestic violence, threat to life and seizure of her personal property by her husband Mr. Kingsley Chukwu Kere whom according to her has another wife that he is legally married to. While still trying to resolve the matter, the Complainant informed the Commission that she is no longer interested in pursuing the matter, thereby withdrawing it.

32. Mrs. Mercy Alabi lodged a complaint with the Commission against her husband Mr. Kingsley Alabi, that her husband with whom she had two children derives joy from inflicting pain and injury on her. She alleged that it started when she conceived their first child. She also said that he has moved her things out of the house on the excuse that he is no longer interested in the marriage, and has also threatened to kidnap their children. The Commission intervened and the threat ceased.
33. Priscilia James complained to the Commission that Mr. Wilson Ebigbe with whom she co-habited for four years and had a child regularly beat her. She further stated that the beating and maltreatment resulted in her losing a pregnancy and been hospitalized. She further alleged that he took away their daughter because she threatened to leave him. The Commission held series of mediation meetings with the parties wherein the alleged violator agreed to visit the parents of the Complainant to formalize the marriage rite. They promised to report back to the Commission on 13th of April, 2015. They are however yet to report back.
34. On January 25, 2013, Sarah Oge Okoro complained to the Commission against one David Iyaumu Olumekun. She alleged that David impregnated her at the age of sixteen (16) while she was in Senior Secondary class one, a situation which forced her to drop out of school. She accused him and his family members of beating her up and planning to take her baby away from her. At the intervention of the Commission, the issue was resolved.

7.3 Recommendations

The Commission Commits

- To create more awareness and advocate for the domestication and implementation of laws protecting women and children.

The Federal and State Government

- There is need for proper sensitization and education of children on human rights issues. This can be done by encouraging the Children Parliament to be more proactive and by making the school feeding a permanent policy, thereby encouraging children of school age to be in school.
- Child abuse should be outlawed by government at all levels.
- States that are yet to pass the Child Right Law should do so without much ado. This will enable advocacy around the right of children to be grounded in law.
- Women should be sensitized and encouraged to seek redress against any form of abuse and the need to speak out when abused.

The Security Agencies

- The police and other law enforcement agencies should be educated on the fact that abuse on women and children such as rape, assaults and other offences are crimes that need to be prosecuted and not treated as family matters.

CHAPTER NINE

INSURGENCY, COMMUNAL CONFLICT AND OTHER RELATED VIOLENCE

Introduction

Security is the condition of being protected physically, emotionally, psychologically as well as from other harm, attack, terror which could be considered as non-desirable. Security is the assurance of the future wellbeing and freedom from threat. Guaranteeing security for the lives and properties of the citizens within a sovereign state is a vital social contract between the state and the citizens. The state is legally bound to offer protection against possible loss, harm or total destruction of human and material resources that promote human rights.

Legal Instruments

Section 14 (2) (b) of the Constitution states that, the security and welfare of the people, shall be the primary purpose of the Government. Nigeria has constitutional guarantee for the security and welfare of its people as the primary purpose of government in the Fundamental Objectives and Directive Principles of State Policy as stipulated in Section 14 (2) of the Constitution. This positions Nigeria as one of the few countries promoting the responsibility to protect the citizenry. However, Nigeria is experiencing security challenges manifesting in the activities of militant in the South and insurgency in the North. This is besides some organized crime which has led to the violation of the human rights of many Nigerians. The faceless nature of the insurgents has protracted these security challenges, particularly those linked with *Jama'atul Alalil Sunna Lidda'awati Wal*

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Jihad, known as "Boko Haram".

To check the activities of the insurgent group, the government has adopted constitutional measures including the "declaration of a state of emergency" in the states of Adamawa, Borno and Yobe of the Northeast Nigeria where the insurgents have a strong base. As a result, the Joint Task Force (JTF) and the Special Task Force (STF) as well as the Civilian Joint Task Force (CJTF), a vigilante group legalized to help in the fight against the insurgent group, have been deployed with the required legislative authorization to utilize rights-based "Rules of Engagement" and "Operational Plans" in combating the insurgency. However, Government has kept open communication towards working out a peaceful resolution of the crisis. Government had proscribed Boko Haram and stipulated a 20-year jail term for anybody who aids or sponsors them in any manner whatsoever.

Government through the office of the National Security Adviser (ONSA) took the following initiatives to improve security in the country:

- a) Enactment of the Terrorism Prevention Act 2011 and its subsequent amendment in 2013 to broaden the scope of its application,
- b) Development of counter terrorism strategy for all matters relating to counter terrorism, and
- c) Coordination of enhanced capacity building for all security and intelligence outfits at both the strategic and tactical levels.

Human capital development has been the strongest and most powerful driver of national development in all parts of the globe. However, the Nigerian State has been weighed-down by many security threats that have direct impact on the state of human rights in the country. Among the security threats facing Nigeria are Islamist extremism, kidnaping, cultism, inter-communal conflicts, political violence and food insecurity. These security threats militate against the

realization of human rights.

8.1. Cases Reported, Monitored and Documented

1. Daily Trust of January 31, 2014 reported that the National Emergency Management Agency (NEMA) on the 30th of January, 2014 reported that suspected Boko Haram members on the 26th of January 2014 attacked Kawuri in Konduga LGA of Borno State leading to the displacement of about 4000 people.
2. On 27th February, 2013, People's Daily Newspaper reported that the Military Joint Task Force (JTF) stormed Boko Haram hide outs in Taraba, Yobe and Borno killing a top commander of the sect and about 20 other persons. The incident was reported to have occurred on the 26th of February, 2013.
3. On 10th January, 2013, Sun Newspaper reported that two Fulani herdsmen were killed in a reprisal attack in Ugehlli North Local Government Area of Delta State by members of the community. The incident was said to have occurred on 9th January, 2013.
4. On 24th February, 2013, Saturday Sun reported that on the 23rd day of February, 2013, 10 persons were killed by suspected Boko Haram members in an attack in Atakar village in Riyom LGA of Plateau State.
5. On 16th February, 2013, Vanguard Newspaper reported that one person was reportedly injured in a communal conflict between Ngwo people of Ebonyi State and the Agilas in Ado local government area of Benue State.
6. On 25th February, 2013, Vanguard Newspaper reported that a 52 year old man named Zilly Joseph was killed on the 24th of February, 2013 at his farm by Fulani herdsmen in Ughelli, Delta State

7. On 13th February, 2013, Nation Newspaper reported that on the 12th of February, 2013, six persons were killed in crossfire between military forces and suspected members of Boko Haram at Mayo Lope in Lau Local Government Area of Taraba State.
8. On 12th February, 2013 Punch Newspaper reported that on the 11th of February 2013, gunmen killed three farmers and 21 cows in Barkin Ladi, Plateau State.
9. On the 11th of February, 2013, Leadership Newspaper reported that three Korean doctors were killed by gunmen in Potiskum, Yobe State on the 10th of February, 2013.
10. On 2nd February, 2013, Leadership Newspaper reported that on the 1st of February, 2013, in Borno and Yobe States, series of raids were launched by the JTF code named Operation Restore Order in suspected camps of the Boko Haram sect, leaving 17 members of the sect and a Soldier dead.
11. On 11th February, 2013, Vanguard Newspaper reported that on the 10th of February, 2013, the District Head of Damboa LGA of Borno State, Alhaji Abba Ahmed, while on his way back to his palace after performing his Magrib prayers was shot dead by unknown gunmen.
12. On 14th April, 2013, Sunday Tribune Newspaper reported that many students of Monguno Secondary School, Borno state were on April 13, 2013, murdered by some gunmen suspected to be Boko Haram, after writing WAEC Examination.
13. Daily Trust Newspaper of 18th April, 2013, reported that unknown gunmen killed two policemen and eight others in Tundun Wada area Kaduna metropolis on the 16th of April, 2013.
14. Daily Trust Newspaper of 27th April, 2013, reported that on the 25th

April, 2013, three people were killed including one police officer and a policewoman when unknown gunmen attacked Mayo Belwa, the home town of Adamawa State Governor Murtala Nyako.

15. Leadership Newspaper of 6th May, 2013, reported that on 5th May, 2013, unknown gunmen struck at Eklisiyar Yanuwa (EYN) church in Jilan village of Maiha LGA of Adamawa State, killing 10 persons while 12 others were injured.
16. On 2nd May, 2013 Guardian Newspaper reported that on the 1st of May, 2013, gunmen suspected to be Boko Haram members ambushed an official Hilux pick up Van conveying two officials of the West African Examination Council (WAEC), a policeman and candidates' examination scripts from Biu to Maiduguri and shot dead Mr. Peter Boni, one of the occupants of the vehicle as well as a Policeman attached to the vehicle.
17. On 8th May, 2013 Tribune Newspaper reported that at least 55 persons were killed when gunmen suspected to be Boko Haram militants attacked separate security formations (200 Tank Battallion and Bama Police Station) in Bama, Borno State.
18. This day Newspaper of 15th May, 2013, reported that some gunmen believed to be Fulani herdsmen on 14th May, 2013, attacked Zangang village of Atakar Chiefdom, Kaura LGA of Kaduna State killing 11 people.
19. On 19th May, 2013, the Sun Newspaper reported that three policemen attached to the Police Mobile Force (PMF) 55 Squadron, Aba were killed by the Boko Haram in different attacks in Yobe State in April and May, 2013.
20. On 10th June, 2013, Independent Newspaper reported that 29 persons

comprising suspected Boko Haram insurgents and some civilians were killed when operatives of the JTF had an encounter with different groups of gunmen in two areas of Maiduguri and Biu Borno State.

21. On 17th June, 2013, Tribune Newspaper reported that gunmen suspected to be members of the Boko Haram sect attacked four communities of Hwa'a, Kunde, Gathahure and Gijiga of Gwoza Hills settlements. It was reported that a pastor of Church of Christ in Nigeria (COCIN) was killed during the attack which occurred on the 16th of June, 2013.
22. On 27th June, 2013, Tribune Newspaper reported that a member of the Boko Haram sect who was arrested on the 26th of June, 2013, by the Civilian Joint Task Force in Maiduguri, Borno State capital, confessed killing 23 people in two days.
23. On 30th June, 2013, Nigerian Tribune reported that on 29th June, 2013, gunmen suspected to be Boko Haram members killed a soldier and abducted three others during an attack on the military in Potiskum, Yobe State. It was also reported that in another attack in Damaturu Town, Yobe State, three Soldiers and some secondary school students were feared dead while two other Soldiers were reported injured. Furthermore, the report had it that the Soldiers killed one of the terrorist and arrested one.
24. On 29th July, 2013 Daily Trust Newspaper reported that suspected Boko Haram members killed not less than 43 people in separate incidents in Kaga and Kukawa LGAs of Borno State. 23 were said to have been killed in Mainok and 20 in Dawashi during a reprisal attack on members of the local vigilante group (popularly called civilian JTF) which had been on the hunt for 23 members of the insurgent group. The incident

- occurred on the 28th of July, 2013.
25. On 30th July, 2013, The Punch Newspaper reported that 20 persons were killed on the 29th of July, 2013 in the Sabon Gari area of Kano State as gunmen suspected to be Boko Haram members detonated about four bombs in the neighbourhood. The blast was reported to have taken place on Igbo, along Enugu and New roads in Sabon Gari.
 26. On 6th day of August, 2013, Tribune Newspaper reported that Military officials in Maiduguri stated that on the 5th of August, 2013, 35 persons were killed and several others injured in a gun battle between the Borno security formations (CJTF) and the Boko Haram sect.
 27. Tribune Newspaper of 13th of August, 2013, reported that a total of 63 persons were killed by gunmen suspected to be members of the Boko Haram sect in Ngom and Konduga Local Government Areas of Borno State. According to the report, members of the sect attacked Ngom town killing 12 persons and another 50 persons in Konduga, while several others were wounded. The incident was reported to have occurred on the 12th of August, 2013.
 28. Daily Champion Newspaper of the 21st of August, 2013 reported that Members of the extremist Islamist group, Boko Haram, in Maiduguri, Borno State, killed a Lieutenant Haggai Bitrus of the Nigerian Army when the Islamist group launched a surprise attack on the JTF operatives on the 20th of August, 2013.
 29. Tribune Newspaper of 22nd August, 2013, reported that on 21st August 2013, gunmen suspected to be Boko Haram members attacked a Police Station in Gwoza Local Government Area of Borno State, leaving two police officers, seven insurgents and four other unidentified persons dead with eight others wounded.

30. On 27th August, 2013, Tribune Newspaper reported that suspected Boko Haram members raided some houses in Bama Local Government Area of Borno State on the 26th of August, 2013 attacking the residents with knives and cutlasses. Fourteen people were killed in the attack while nine others were wounded.
31. Tribune Newspaper of 28th August 2013, reported that four gunmen suspected to be members of Boko Haram shot six members of the vigilante group (Civillan JTF) in Damasa Mobar Local Government Area of Borno State. The victims' names were given as Ismail Alhaji Bunu (36), Malam Goni (27), Buzu Mohammed Modu (20), Jibrin (30) and Bukar Bako (20).
32. On 3rd September, 2013, Daily Champion reported that on the 1st of September, 2013, a group of assailants suspected to be Boko Haram members killed 22 persons in some parts of Borno and Plateau States.
33. On 6th September, 2013, Tribune Newspaper reported that gunmen suspected Boko Haram members set ablaze Nganzai Local Government Secretariat building in Borno State, two primary schools, a clinic and some residential houses killing 20 persons. The incident was said to have occurred on 5th September, 2013.
34. On 9th September, 2013, Tribune Newspaper reported that suspected members of the Boko Haram sect reportedly shot and killed 13 'Civillan JTF' in Benesheikh, Kaga Local Government Area, Borno State on the 8th of August, 2013.
35. On 17th September, 2013, Daily Trust Newspaper reported that 16 Soldiers and 150 suspected insurgents were killed during a military operation targeted at a Boko Haram camp in Borno State on 12th September, 2013.

36. On 20th September, 2013, Daily Trust Newspaper reported that 50 persons including military operatives, locals and travelers were reportedly killed on the 17th of September, 2013 at about 6pm in Benisheik town in Borno State by suspected Boko Haram insurgents dressed in military uniforms. Several other persons who travelled to Damaturu to make phone calls were kidnapped.
37. On 30th September, 2013, Daily Trust Newspaper reported that on 29th of September, 2013, gunmen suspected to be members of the insurgent group launched an attack on the College of Agriculture in Yobe State, killing at least 50 students and injuring five others. The incident occurred at Gujba, located about 50 Kilometers south of the State capital Damaturu.
38. On 21st October, 2013, People's Daily Newspaper reported that on 20th of October, 2013, suspected members of Boko Haram allegedly killed 8 persons when they raided a trailer terminus at Logomani village in Dakiwa LGA of Borno State.
39. On 3rd November, 2013, Sunday Trust Newspaper reported that on 2nd November, 2013, unknown assailants laid ambush along Bama-Banki Road in Borno State and killed over 30 people, including a groom, his family members and friends who were on their way back to Maiduguri after a wedding in Michika, Adamawa State.
40. On 6th November, 2013, Sun Newspaper reported that a police officer attached to the Kano State Police Command was killed when suspected Boko Haram Sect attacked the Dakata area of the State on the 4th of November, 2013.
41. On 10th November, 2013, Sunday Trust Newspaper reported that 7 persons including 2 soldiers were killed in Kano State when the Joint

Task Force (JTF) raided the hideout of suspected Boko Haram members in kano State. The incident occurred on the 9th of November, 2013.

42. On 12th November, 2013, Vanguard Newspaper reported that 3 Police officers were killed when gunmen in Lokoja bombed the Area Command Police Station in Osara, Adavi LGA of Kogi State on the 11th day of November, 2013.
43. On 21st November, 2013, Nigerian Tribune Newspaper reported that on the 20th of November, 2013, persons suspected to be members of the Boko Haram sect, attacked farmers, killing 9 people and setting ablaze over 20 farm lands with Agricultural products that were ready for harvest in Konduga LGA of Borno State.
44. On 30th December 2013, Daily Trust Newspaper reported that on the 29th day of December, 2013, suspected Boko Haram members stormed a venue of a wedding reception in Hawul LGA of Borno State where they killed 8 persons and injured 12 others
45. Daily Trust Newspaper of 7th January, 2014, reported that about 30 people were killed while 20 others were injured when unknown gunmen attacked Shonong village in Bachit district of Riyom LGA of Plateau State on 6th January, 2014.
46. Daily Trust Newspaper of 15th January, 2014 reported that at least 30 people were killed while over 50 others sustained injuries when a car bomb exploded after ramming into other vehicles in Maiduguri, the Borno State Capital on January 14, 2014.
47. On 20th January, 2014, Daily Trust Newspaper reported that gunmen believed to be Boko Haram insurgents attacked villages close to Nigeria border with Niger Republic, killing 15 people. The report also

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stated that 7 people were killed and 3 others drowned in a river while trying to flee from a night raid launched by the insurgents in Gashigar village in Borno State.

48. On 21st January, 2014, Daily Trust Newspaper reported that on 19th January, 2014, 12 people, including 5 Soldiers attached to the 72 Army Battalion in Makurdi, Benue State were killed by suspected herdsmen in Agatu LGA of the State.
49. On 28th January, 2014, Daily Trust Newspaper reported that between 26th and 27th January 2014, 40 persons were killed by suspected members of Boko Haram insurgents who invaded Kawuri village in Konduga LGA of Borno State.
50. Also on 28th of January, 2014, Daily Trust Newspaper reported that gunmen suspected to be Boko Haram members attacked Chakawa village in Madagali LGA of Adamawa State, killing 2 policemen and an unspecified number of civilians
51. On 10th February, 2014 Daily Trust Newspaper reported that on the 9th of February, 2014, 4 people including 3 cattle breeders were killed in a fresh clash between herdsmen and natives at Apir in Makurdi, Benue State.
52. On 13th February, 2014, Daily Trust Newspaper reported that gunmen suspected to be Boko Haram stormed Konduga village, 35 kilometers from Maiduguri and killed 39 people on the 11th of February, 2014.
53. On 14th February, 2014, Daily Trust Newspaper reported that 9 Soldiers on their way to repel an attack at Izge, Adamawa State, were killed by suspected Boko Haram insurgents on the 13th February, 2014.
54. On 17th February, 2014 Daily Trust Newspaper reported that 106 people were killed by insurgents in an attack on Izge village in Borno

- state, near the border with Adamawa State. The incident took place on the 15th February, 2014.
55. On 17th February, 2014, Daily Trust Newspaper reported that on the 16th February 2014, 5 persons were killed by unidentified gunmen suspected to be Fulani herdsmen who invaded Gidan Sule, a small village near Kadarko town of Nasarawa State at the boundary with Benue State.
56. Daily Trust Newspaper of 19th of February, 2014 reported that 8 farmers were killed in an attack by suspected herdsmen on two communities in Guma LGA of Benue State when the suspected herdsmen invaded Angyom and Tse- Usenda villages at about 2 am on 18th February 2014, started shooting and burning houses.
57. On 24th February, 2014, Daily Trust Newspaper reported that on the 22nd February, 2014, gunmen suspected to be members of Boko Haram killed 3 women and a 75 year old man in Izge village of Gwoza LGA of Borno State.
58. On 24th February, 2014, Vanguard online reported that gunmen suspected to be members of Boko Haram attacked Izge village, and razed down the entire village.
59. On 26th February, 2014, Daily Trust Newspaper reported that on 14th February 2014, dozens of students were killed and 11 wounded when suspected insurgents attacked Federal Government College Buni Yadi, in Gujba LGA, Yobe State. According to the report, all the victims were teenagers.
59. On 4th March 2014, Daily Trust Newspaper reported that 12 Soldiers were missing following an attack by suspected Boko Haram insurgents in Mafa, Borno State on the 2nd of March 2014. It was further reported

that not less than 33 civilians and 2 policemen were killed in the violence.

60. On 5th March, 2014, Daily Trust Newspaper reported that not less than 11 civilians were killed on the 3rd of March, 2014 when suspected Boko Haram insurgents launched an attack in Borno State. According to the report, during the attack, the insurgents raided Jakana, 33 kilometers west of the State capital Maiduguri.
61. On 6th March, 2014, Daily Trust Newspaper reported that 11 persons were killed on the 5th of March, 2014, in Riyom and Shendam LGAs of Plateau State by the Special Task Force (STF). The report also stated that 9 persons were attacked and killed in 3 villages of Rim district of Riyom by unknown attackers while another person was killed when a group of armed bandits attempted to rustle cattle around Yelwa in Shendam.
62. On 10th March, 2014, Daily Trust Newspaper reported that on the 9th of March 2014, gunmen attacked Fota village in Gombi LGA of Adamawa State killing 3 civilians and 7 policemen. The attackers entered the town with several Hilux Vans and motor bikes burning several buildings including a Police Station, a Church, and a Primary School. The gunmen attacked people in a wedding party.
63. On 10th March, 2014, Daily Trust Newspaper reported that, on the 7th of March, 2014, 2 herdsmen were killed by gunmen around Mararaban Foron Community in Barkin Ladi LGA of Plateau State.
64. On 14th March, 2014, Daily Trust Newspaper reported that, gunmen attacked some villages in Katsina State killing 96 persons. Meanwhile the residents reported that 40 people were killed in Mararabar Maigoro, 28 in Maigoro, 21 in Sabon Layin Galadima and 8 in Unguwar Doka.

65. On 14th of March, 2014, Daily Trust Newspaper reported that gunmen suspected to be cattle breeders killed 23 people and sacked 29 communities in Anyili and Ayilamo villages in Benue State on 13th March 2014.
66. Nigerian Tribune Newspaper of 15th March, 2014 reported that about 350 people were killed on the 14th of March 2014 in a clash between Boko Haram insurgents and special forces in Maimalari, Borno State during an attack on the 21 Armored Brigade of the Nigerian Army.
67. Daily Trust Newspaper of 15th April, 2014 reported that on 14th April 2014 at about 6:45am, two bombs exploded at a crowded bus station in Nyanya, 8km southwest of the FCT Abuja (Nyanya bus stop), killing not less than 88 people and injuring 200 others. Boko Haram claimed responsibility for the bombing six days after it occurred.
68. On the 15th of April, 2014, Daily Trust Newspaper reported that 276 female students were kidnapped from the Government Girls Secondary School, Chibok in Borno State by members of Boko Haram. The incident occurred in the late hours of the 14 of April, 2014.
69. On the 2nd day of May, 2014, Nigeria Tribune Newspaper reported that the National Emergency Management Authority (NEMA) confirmed the death of 10 people from the blast that took place in Nyanya Park on the 1st of May, 2014 at about 8:20pm.
70. On 7th May, 2014, Punch Newspaper reported that some members of Boko Haram killed about 300 people in Gamboru Ngala, Borno State. The incident occurred on the 4th of May, 2014 when the insurgents shot at traders at a local market before proceeding into the town to wreak more havoc.
71. On 17th May, 2014, Vanguard Newspaper reported that a Chin

national was killed and 10 others kidnapped after an overnight attack in northern Cameroon. The attack was carried out by Boko Haram insurgents from Nigeria.

72. Vanguard Newspaper of 20th May, 2014 reported that at least 48 persons were killed in two separate bomb blasts in the central area of Jos, the Plateau State capital. The explosions were believed to have been caused by Improvised Explosive Device (IED), around the busy Jos Main Market between railway terminus and temporary site of the Jos University Teaching Hospital on 20th May, 2014.
73. Daily Trust Newspaper of 21st May, 2014 reported that about 17 people were killed in an attack allegedly staged by the Boko Haram sect on the 21st of May, 2014, in Alagamo village, near Chibok, Borno State.
74. On 25th day May, 2014, Punch Newspaper reported that on the 24th of May, 2014, about 3 people were killed when a bomb blast rocked the city of Jos the Plateau State Capital. It was reported that the incident happened when a vehicle loaded with explosives device was detonated near a football viewing center.
75. On 26th May, 2014, Nigerian Tribune Newspaper reported that at least 20 people were killed in an attack carried out by suspected Boko Haram Insurgents in Kamuyya village, Biu LGA in Borno State on the 25th of May, 2014.
76. On 27th May, 2014, Daily Trust Newspaper reported that suspected Boko Haram members attacked a Military Base and a nearby Police Barracks in Buni Yadi, the Headquarters of Gujba LGA of Yobe State, killing 33 security personnel. The incident occurred on the 26th of May, 2014 at about 5.07pm, when the attackers stormed the town and unleashed terror on civilians.

77. On 26th May, 2014, Daily Trust Newspaper reported that Suspected Boko Haram members attacked several villages in Gwoza LGA of Borno State on the 3rd of June, 2014 killing hundreds of people. According to the report, about 400 people were killed in the attacks.
78. On 24th June, 2014, Daily Trust Newspaper reported that 8 people were killed and 25 others wounded in a bomb explosion at Kano State School of Hygiene. The blast was reported to have taken place while students were registering for a new session.
79. Daily Trust Newspaper of 24th June, 2014 reported that on the 11th of June, 2014, over 60 girls between the ages of 3 and 12 were abducted and 30 men were killed by the Boko Haram sect in Kummabza village of Damboa LGA of Borno State.
80. On 25th day of June, 2014, Daily Trust Newspaper reported that over 38 people were killed in an attack in some villages (Kabamu Karshi and Nandu) in Sanga LGA in southern Kaduna State by suspected Boko Haram members. The incident occurred on the 23rd of June, 2014 when the insurgents group attacked the area and started shooting and setting houses ablaze.
81. On 26th June, 2014, Daily Trust Newspaper reported that on 25th of June, 2014, at about 3.50 pm, not less than 21 people were killed in a bomb blast that targeted Emab Plaza in Wuse 2, Abuja. 17 others were wounded and 16 vehicles were destroyed.
82. On 30th day of June, 2014, Daily Trust Newspaper reported that on the 29th June, 2014, Boko Haram insurgents killed 50 people in four villages near Chibok in Borno State. According to the report, the four villages include Kwada kautikari farming communities.
83. Daily Trust Newspaper of 2nd July, 2014 reported that on the 1st July,

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2014, 56 people were killed in Maiduguri when a vehicle loaded with bombs exploded in front of the popular Maiduguri Monday Market.

84. On 7th July, 2014, Daily trust Newspaper reported that 60 women from Kummabza village and two other settlements in Damboa Local Government Area of Borno State were kidnapped by suspected Boko Haram members on 18th June 2014.

85. On 8th July, 2014, Daily Trust Newspaper reported that Taraba State Police Command confirmed that gunmen attacked a Tiv settlement at Sabon-gida Zaga of Bali LGA of Taraba State killing a village head and burning 50 houses on the 7th of July 2014.

86. On 15th July, 2014, Daily Trust Newspaper reported that on the 13th of July 2014, not less than 38 people were killed by suspected Boko Haram members at Dillie village in Askira Uba LGA of Borno state.

87. Equally, on 15th July, 2014 Daily Trust Newspaper reported that 10 people were killed at Zamadade, a community in Pil-Gani District of Langtang North LGA of Plateau State on the 14th July 2014 following an attack by unknown gunmen.

88. On 16th July, 2014, Daily Trust Newspaper reported that 5 people were killed in an attack on Rakun village of Barkin Ladi Local Government Area of Plateau State, following clashes between Fulani herders and Berom youths on Monday 14th July 2014.

89. Daily Trust Newspaper of 17th July, 2014 reported that gunmen suspected to be members of Boko Haram on Tuesday 15th July 2014 killed 9 people in Huyim village of Askira-Uba Local of Borno State.

90. Daily Trust Newspaper of 24th July, 2014 reported that not less than 85 people were killed in two separate bombings in Kaduna, one of which was targeted at Muhammadu Buhari (Rtd) and an Islamic Cleric.

- Sheikh Dahiru Bauchi. The attacks occurred along Alkali road in Unguwar Sarki and the Kawo motor park on 23rd July, 2014.
91. Daily Trust Newspaper of 25th July, 2014 reported that on the 24th of July, 2014, scores of people were killed when an explosive device packaged in a water dispenser exploded at the New Road Motor Park, Sabon Gari area of Fagge, Kano Pstate.
 92. On 30th July, 2014, Daily Trust Newspaper reported that on the 28th of July, 2014, gunmen suspected to be Boko Haram members attacked Katarko and Gujba towns in Yobe State; killed 8 people, abducted a cleric, his wife and two others.
 93. On 31st July, 2014, Daily Trust Newspaper reported that a teenage female suicide bomber detonated a bomb at the entrance of the Kano State Polytechnic killing 3 persons including her and leaving 21 others injured. The incident occurred on 30th July, 2014.
 94. Daily Trust Newspaper of the 4th August, 2014 reported that on 3rd August 2014, gunmen shot worshippers in Kachia Local Government Area of Kaduna State, killing one and leaving several others injured.
 95. On 7th August, 2014, Daily Trust Newspaper reported that Boko Haram insurgents attacked Gwoza town in Borno State forcing hundreds of residents to flee to the mountains along the Cameroon border. According to the reports, residents in Gwoza said they have not seen the emir, Alhaji Mohammad Idrissa Timta following the attack on the town at 4:00am on the 6th of August, 2014.
 96. On 12th day August, 2014, Daily Trust Newspaper reported that on the 7th of August 2014, five Soldiers were killed by Boko Haram members in an ambush at Limankara Village, Borno State.
 97. On 12th August, 2014, Nigerian Tribune Newspaper reported that Yelwa

town in Shendam and Jos East Local Government Areas of Plateau State were invaded by gunmen and not less than fourteen (14) people were killed while two hundred and thirty (230) cattle were rustled in the two Area Councils.

98. On 15th August, 2014, Daily Trust Newspaper reported that on the 14th August 2014, gunmen suspected to be Boko Haram insurgents abducted seventy five youths and killed others in Hadaija and some neighboring communities in Doron Baga, Kukawa LGA of Borno state.
99. Daily Trust Newspaper of 19th August, 2014, reported that on the 15th of August 2014, Boko Haram insurgents killed scores of people and destroyed many hamlets between Dikwa and Marte towns in Borno State.
100. Daily Trust newspaper of 21st August, 2014 reported that on the 20th August 2014, Boko Haram Insurgents seized Buni Yadi town which is the headquarters of Gujba Local Government Area of Yobe State and hoisted their flag at the Palace of the District Head.
101. Daily Trust Newspaper of 22nd August, 2014 reported that on 20th August 2014, Boko Haram insurgents seized the Mobile Police Training College in Limankara, near Gwoza, Borno State. Confirming the incident, the Police Superintendent Gideon Jibrin, stated that a team of Police officers were sent to Gwoza to ascertain the facts and the number of casualty involved.
102. On 25th August, 2014, Daily Trust Newspaper reported that on 24th August 2014, gunmen killed 13 people and destroyed more than 50 houses in attack on Wukari village in Taraba State.
103. On 26th August, 2014 Daily Trust Newspaper reported that on 25th August 2014, due to fierce fighting between the Nigerian troop and

Boko Haram at the border town of Gamburu in Borno State, about 480 Nigerian troops allegedly fled to Cameroon.

104. On 26th August, 2014 Daily Trust Newspaper reported that on 25th August 2014, gunmen launched attacks in Dapye and Nwuka villages in Taraba State, destroying farm land and crops, while forcing the inhabitants to flee the area.
105. On 27th August, 2014, Daily Trust Newspaper reported that on the 25th August 2014, thousands of people were dislodged from various communities in Lafia and Obi LGAs of Nasarawa State, as a result of a violent clash between Fulani herdsmen and the Eggon people.
106. Nigerian Tribune of 1st September, 2014 reported that fourteen people were killed in Jibwhiwhui village of Hawul Local Government Area of Borno State when gunmen suspected to be Boko Haram members invaded the area.
107. On 3rd September, 2014, Daily Trust newspaper reported that on 2nd September 2014, not less than 18 people were killed and dozens injured in a communal clash in Wukari, Taraba State.
108. On 3rd September, 2014, Nigerian Tribune reported that 45 persons were killed when some Fulani mercenaries invaded three Eggon communities in Nasarawa Eggon Local Government Area of Nasarawa State.
109. On 8th September, 2014, Daily Trust reported that on 7th September 2014, six people were killed while six others were injured by unknown gunmen in an attack on Lamba Gyambar Community in Wase Local Government Area of Plateau State.
110. On 9th September, 2014, Daily Trust reported that on September 8th 2014, 21 members of Boko Haram sect were killed while three Soldiers

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111. Daily Trust Newspaper of 10th September, 2014 reported that as at the 9th of September 2014, about 20 policemen were missing weeks after Boko Haram attacked their Police Training Center and abducted them.
112. Daily Trust newspaper of 10th September, 2014 reported that on 9th September 2014, two officers of the Nigeria Navy were injured in a confrontation between the officers and youths of Ode-Ugborodo community in Warri South-West Area of Delta State.
113. On 12th September, 2014, Daily Trust Newspaper reported that on the 11th of September 2014, armed bandits killed 36 people and forced residents out of 10 villages in Mada and Wonaka districts of Gusau LGA of Zamfara state.
114. On 15th September, 2014, Daily Trust Newspaper reported that insurgents' attacked Gwoza and Madagali in Borno State and Michika LGA of Adamawa State on 13th September 2014. The attack led to the death of some persons while some others were displaced.
115. On 15th September, 2014, Daily Trust Newspaper reported that on 14th September 2014, Boko Haram insurgents abducted not less than 50 women from a preaching ground in Gulak Local Government Area in Adamawa State.
116. Also on 15th September, 2014, the Punch Newspaper reported that no fewer than 20 persons were killed and many others injured in Tunari village, Wukari local government area of Taraba State on Sunday 14th September 2014. It was reported that the incident took place when some gunmen suspected to be Fulani herdsmen, invaded the village from the neighboring Plateau State.
117. On 16th September, 2014, Daily Trust Newspaper reported that on 15th

September 2014, five persons were killed in an early morning attack by unknown gunmen in Mbar Bokkos Local Government Area of Plateau State.

118. On 17th September, 2014, Daily Trust Newspaper reported that on 16th September 2014, Boko Haram insurgents invaded Konduga town in Borno State in what seemed like a revenge mission over the heavy casualty inflicted on their members by Nigeria Security Forces.
119. On 18th September, 2014, Nigerian Tribune reported that two suicide bombers invaded the premises of Federal College of Education Kano, killing 15 people including themselves. The incident occurred at the new site of the institution, at about 2.00pm.
120. On 18th September, 2014, Daily Trust reported that an unconfirmed number of people including a pastor, four pregnant women, children and a Soldier were killed on 17th September 2014 in an attack on Fadan karshi village in Sanga, Local Government Area of Kaduna State. The attackers invaded Fadan Karshedaji and some nearby communities, burning properties including a churches and cars. Twelve people were killed in Fadan Karshi, 30 in Fadan Karshidaji, seven others in another community. A pastor and an unidentified person were also killed in Ungwar Ganye. According to the Vice Chairman of the Local Government Area, Pastor Bulus Mandeyanzah, pregnant women, the elderly and children were killed while hundreds of residents fled their homes.
121. On 18th September, 2014, Daily Trust reported that on 17th September 2014, four people were killed and 89 others were arrested following violence in Kamba, Kebbi State. According to the report, a group of villagers in Kamba were about to lynch a Niger Republic national.

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Adamugaya, on the suspicion of his involvement in an alleged murder of a young girl and a clash ensued leading to the death of some people.

122. On 19th September, 2014, Nigerian Tribune Newspaper reported that troops of the Nigerian Army conducted offensive operations in Konduga area of Borno State, killing over 60 terrorists.
123. On 22nd September, 2014, Daily Champion Newspaper reported that a week after soldiers stopped the Boko Haram insurgents from taking over Konduga, the military on the 21st of September 2014 reported that five (5) members of the insurgent group surrendered because they could not endure the onslaught by the Nigerian troops.
124. On 23rd September, 2014, Daily Trust Newspaper reported that on the 22nd of September 2014, the Defence Headquarters refuted media reports that Cameroonian troops killed Boko Haram leader Abubakar Shekau in a cross border raid into Nigeria.
126. On 23rd September, 2014 Nigerian Tribune Newspaper reported that the Christian Association of Nigerian (CAN) in Sanga Local Government Area of Kaduna State alleged that over 300 people of Sanga were killed by terrorists.
127. On 24th September, 2014 Daily Trust Newspaper reported that on 23rd September 2014, ten people were killed when a large number of gunmen invaded Gidan Gambo settlement of Lafia East in Nasarawa State.
128. On 8th October, 2014, Daily Trust reported that no fewer than 30 people sustained injuries in a clash involving Gulun Yamma and Gulun Arewa communities in Lapai LGA of Niger State, while properties worth over 15 Million Naira were destroyed during the upheaval that occurred on 6th October 2014.

130. On 8th October, 2014, Daily Trust reported that Boko Haram insurgents recorded many casualties on the 6th of October 2014 when Nigerian Soldiers engaged them in Bulabulin Ngaura village of Damboa LGA of Borno State in an attack that took place on the 6th of October 2014 between 5pm and 10pm.
131. On 8th October, 2014, Daily Champion Newspaper reported that Boko Haram insurgents beheaded 7 prominent businessmen in a renewed attack in the early hours of October 6th 2014 in the village of Ngamdu in Borno State.
132. On 14th October, 2014, Daily Trust reported that two persons were killed when suspected cattle rustlers attacked Angwan Ganga village in Duduguru, Jenkwe Development Area of Nasarawa State.
133. On 15th October, 2014 Daily Trust reported that five people were killed in a violent clash between Fulani herdsmen and a vigilante group at Kanakara market in Kanakara LGA of Katsina State, resulting to the closure of the market.
134. On 15th October, 2014, Daily Trust Newspaper reported that the Chairman of Riyom Local Government Area in Plateau, Mrs Josephine Piyo, reported that 27 people were killed in an attack by gunmen at Bachi District of the area, burning about 70 houses and displacing 3,520 people.
135. On 18th and 19th of October, 2014, the Punch Newspaper reported that about 28,508 Nigerians might have lost their lives to the various crises that engulfed the country in the last four years. Among the crises that confronted the country were the Boko Haram, Fulani herdsmen farmers violence, community/ethnic violence and extra judicial killing.
136. On 27th October, 2014, Daily Trust reported that within a period of

- week, no fewer than 30 persons were abducted in Mafa LGA, Borno State by the Boko Haram sect. According to the Caretaker Chairman of the Council, Alhaji Shettima Maina, these persons were picked from some communities. In another instance, about 17 people were killed when the insurgents invaded Ndongo village.
137. On 27th October, 2014, Nigerian Tribune reported that Miringa village in Biu Local Government Area of Borno State was attacked on Sunday 26th October 2014 at about 2:00pm when gunmen suspected to be members of Boko Haram invaded the village market, killing five people and wounding several others.
 138. On 29th October, 2014, Daily Trust reported that members of Boko Haram killed an unspecified number of people, injured many others and destroyed public and private property in Kukawa, Borno State.
 139. Daily Trust of 3rd November, 2014 reported that suspected cattle rustlers attacked Yartsamiya village in Kankara LGA of Katsina State, killing 15 people, injuring many and seizing livestock.
 140. On 4th November, 2014 Daily Trust reported that while the Shi'ite Muslims were in a procession marking the Asura Day in Potiskum on Tuesday, 3rd of Nov., 2014, a suicide bomber detonated a bomb in their midst killing not less than 22 people including 16 children and three women.
 141. On 4th November, 2014 Nigerian Tribune reported that unknown persons numbering about 50, armed with Improvised Explosive Device and A-K47 rifles, on Sunday 28th September, 2014, between the hours of 10.00 and 11.00pm attacked Koton-Karfe Minimum Prison in Kogi State setting 144 inmates free and leaving one dead.
 142. On 5th November, 2014, Nigerian Tribune and Daily Trust reported that

on 4th October, 2014, less than a week after a bomb explosion at the popular Gombe Line Park in Gombe, gunmen numbering about 50 riding on motorcycles and four Toyota Hilux attacked Nafada, in Nafada Local Government Area, Gombe State, killing five people and setting ablaze the Local Government Secretariat, a Police Station, Nigerian Security and Civil Defence Corps (NSCDC) office and PDP.

143. On 11th November, 2014 Daily Champion reported that 47 students were killed and 79 others injured when a suicide bomber attacked Government Science School, Potiskum Yobe State on Monday, 10th November, 2014, a week after Boko Haram denied any ceasefire and ridiculed government claims of peace deal.
144. On 11th November, 2014 Daily champion reported that President Goodluck Jonathan condemned the attack that occurred on Monday, 10th November, 2014 as a "dastardly murder" of students of Government Senior Science Secondary School, Potiskum, Yobe.
145. On 13th November, 2014 Nigerian Tribune reported that a suspected female suicide bomber set off an explosion, in front of the library of the Federal College of Education Kontagora, Niger State, killing two students and injuring several others.
146. On 17th November, 2014 Daily Trust reported that 12 people were killed and 64 injured at the GSM market near the Township Stadium in Azare, headquarters of Katagum local government area of Bauchi State. According to the minority leader of the State House of Assembly, Bala Abubakar Suleiman, it was the third blast in Azare within a period of one month and no security measures put in place to protect the people.
147. On 17th November, 2014, the Nigerian Tribune reported that on Sunday, 16th November 2014, ten Nigerian Soldiers were killed in Gombi and

explosion at the
killing about 50
people, in Nafada
people and setting
fire, Nigerian
PDP.

47 students
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suspected
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in Azare,
Bauchi State.
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Sunday,
Gambu and

Hong Local Government Areas of Adamawa State, when they engaged
in a gun battle with the insurgents.

148. Also, the Nigerian Tribune of 17th November, 2014 reported that about 10 people were killed on Sunday 16th November, 2014 when a bomb was detonated in Azare, the Headquarters of Katagum Local Government Area of Bauchi State.
149. On 17th November, 2014 Nigerian Tribune reported that Fulani mercenaries, on Sunday 16th November 2014 set the Ombatse militia shrine ablaze and killed its spiritual head, Lega Agu (Baba Alakyo) in Alakyo village, Nasarawa State.
150. On 18th November, 2014 Nigeria Tribune reported that there was a renewed clash between the members of the proscribed Ombatse militia group and Kamberi youths, which left seven people dead and several houses burnt.
151. On 19th October, 2014 Nigeria Tribune reported that in the global terrorist index report released on Tuesday, 18th November 2014, Nigeria was ranked amongst the five most terrorized countries in the world. Others were Iraq, Afghanistan, Libya and Syria, which accounted for 80% of deaths from terrorism related violence in 2013.
152. Daily Trust of 24th November, 2014 reported that Boko Haram militants killed 48 people in an attack on fish sellers in Baga, Northern Borno State near the border with Chad. It was reported that those killed were traders ambushed on their way to the market. Some had their throats slit while others were tied up and drowned in the Lake Chad.
153. Daily Trust of 24th November, 2014 reported that, some people were killed in a fresh attack in Keana and Doma of Nasarawa State. The residents stated that the invaders, suspected to be Fulani invaded

Gidan Dogo and some neighbouring settlements along Agyaragu-Gidan Hausa-Doma road. The State Police Spokesman, DSP Ugochukwu Theodore, confirmed the attack and stated that the Police responded by the deployment of truckloads of men to intervene.

154. On 28th November, 2014 Nigerian Tribune reported that 30 Soldiers were killed in Marrabar Mubi in Adamawa State, when a bomb planted by the roadside went off. Military sources who confirmed the incident stated that five (5) Soldiers were killed, while dozens of others sustained various degrees of injuries.

. Recommendations

- Government has a constitutional duty of protecting and providing security of lives and properties. This, it should do, without fail as the security challenge has made people to resort to self-help in many instances.
- Government should provide law enforcement agencies with state of the art equipment to enable them carry out their duties.
- The law enforcement agencies should mainstream human rights principles into their curriculum and operations. They should organise *quarterly trainings on human rights*.
- Government should educate the citizens on the need to assist security operatives by providing adequate information on security issues.
- Security agencies should create synergy between them and the civilian populace so as to build trust for free flow of information on the activities of the militants or insurgents.

CHAPTER TEN

POLICE, PRISONS AND OTHER DETENTION CENTERS

Introduction

Prisons and other detention centres are creation of the laws and so serve as a place that persons who come in conflict with the law are isolated for purposes of rehabilitating and reforming them for reintegration into the society. In some situations like the police or some law enforcement detention centers, it serves as a holding place pending when they will be charged before the Court.

Legal framework and policies

Nigeria is committed to its obligations under international law on the rights and welfare of detainees. Consequently, several initiatives have been put in place to ensure that the rights and welfare of detainees are protected.

The Constitution of the Federal Republic of Nigeria, 1999, the United Nations Standard Minimum Rules for the Treatment of Prisoners, and the International Covenant on Civil and Political Rights, the Mandela Rule as well as the Bangkok Rules among others establish that human rights principles remain in force regardless of whether an individual has been deprived of their liberty for lawful reasons. These include fundamental right to inherent dignity of the human person and freedom from torture. Despite the provisions of these laws and instruments, the detention facilities in Nigeria are bedeviled with many issues among which are congestion and dearth of infrastructure.

To address the problem of prison congestion and illegal detention of persons in detention facilities, Government has set in place policies such as the legal aid scheme which is primarily the mandate of the Legal Aid Council. However, the legal aid scheme has been extended to National Youth Service Corps (NYSC) across the country whereby every State Headquarters of the NYSC has a legal aid scheme to address the issue of illegal and protracted detention of persons. Under the scheme Corp members, especially the lawyers, visit prisons and other detention facilities, on regular bases, interact with detainees and offer legal services where necessary. Corps members participating in the scheme also liaise with stakeholders like National Human Rights Commission, Legal Aid Council, Chief Judges, Attorneys-General of the States, State Governors, individuals and Non-Governmental Organizations (NGOs) to intervene in the areas of state pardon, amnesty and prerogative of mercy. In addition, Chief Judges of the States have continued to carry out jail delivery visits with a view to releasing or granting bail to those awaiting trial inmates who have stayed in detention for long without trial. Some State Governments such as Lagos, Jigawa and Rivers have established Citizens' Rights Departments which provide legal assistance to detainees awaiting trial. Legal clinics for law students are been encouraged to interact with detainees to ascertain their conditions.

9.1 The Police and other Law Enforcement Agencies' Detention Centres

The primary functions of the Police are detection and prevention of crime as well as preservation of law and order. Section 214(2) (b) of the Constitution confers on the Police Force powers and duties for effective oversight and accountability. The Police Act confers the Police Force with the general duties of protecting lives and properties, detecting and preventing crimes

apprehending offenders, preserving law and order, enforcing laws and performing such military duties within and without Nigeria.

Besides the Constitution and the Police Act, there is the Code of Conduct for Police Personnel introduced in 2012 which provides guidelines on use of force. In addition to these national laws, police personnel are expected to comply with the United Nations Guidelines on the Use of Force by Law Enforcement Agents and the Guidelines on Treatment of Persons under any form of detention when dealing with suspect.

The police and other law enforcement agencies have gazetted places of detention, where suspects are held for a specified period of time pending their arraignment in court. Unlike the prison system, the CFRN, 1999 provide that no one shall be held in detention for more than 24 hours or 48 hours maximum. Where a suspect is to be held for a period longer than 48 hours, an order of court must be sought and obtained. A visit to some police and other detention centers in the year under review revealed that the facilities lack amenities, some are overcrowded and in horrendous conditions. Equally, the Administration of Criminal Justice Act provides that a suspect is not to be detained for more than 48 hours and his statement shall be taken in both oral and written format with his lawyer being present.

Despite the provisions of these laws, persons are still being held for more than 48 hours. Below are complaints received or monitored as it relates to the police and other law enforcement agents.

9.1.1 Complaints received by the Commission

1. On 7th October, 2013, the Commission received a complaint from NOPRIN, a network of civil society organization, committed to promoting police accountability and respect for human rights, on the unlawful and

continued detention of Chief Bonaventure Mokwe, at the SARS, Awkuzu, in Anambra State. According to the report, the victim who owned and operated a Hotel called Upper Class Hotel in Onitsha, was arrested on or about the 1st day of August, 2013 along with 10 of his staff members on the allegation that human skulls, guns and ammunitions, as well as military caps were found in his Hotel. The report further stated that the victims was detained for about three months without charge and was held in a dehumanizing condition. Stating further, the complainant alleged that the victim's hotel was demolished on the directives and under the supervision of the Governor of Anambra State, without proper investigation of the allegation leveled against him. NOPRIN further stated that petitions to the Inspector General of Police and other stakeholders have gone unanswered. The Commission on receipt of the complaint contacted the office of the IGP and the Anambra State Police Command for investigation and follow up but they failed to respond.

2. On 20th December 2013, the Commission received a complaint from Odimuko Collins, that his uncle, Ezenwa Odimuko was using the Police in Enugu State to intimidate and threaten his life and that of his family. The Commission in order to be properly informed and to investigate the matter, called the complainant for further and better information but the complainant was not forthcoming with the information required so the matter was closed for lack of interest to prosecute by the complainant.
3. On 28th February 2013, the Commission received a complaint from Mohammed Ali, that on 6th December 2008, he was shot by some Police Officers in Enugu, arrested and detained on the mistaken identity that he was a member of a kidnapping gang. To aid the Commission in its investigation, the Commission wrote to the complainant on 10th April

the SARS, Awkuzu, who owned and was arrested on or staff members on tions, as well as her stated that the charge and was the complainant directives and without proper OPRIN further force and other receipt of the State Police respond.

complaint from along the Police of his family. investigate the tion but the so the complainant.

complaint from some Police tity that he ssion in its e 10th April

2013, requesting for further and better particulars. This was followed with calls but there was no response from him. The matter is kept in view.

4. On 8th March, 2013, the Commission received a complaint from Mercy Okpor, that the Niger State Command arrested her driver, and herself at Suleja road, and falsely accused them of causing an accident, even when it was discovered that the accusation was false, she was made to pay two hundred and fifty thousand naira (N250,000) for her car to be released. At the intervention of the Commission, her car was released and the matter was resolved.
5. Amina Lawal complained to the Commission on the 15th of April, 2013, that her brother, Hussain Lawal, who sells telephone accessories at Jaji Tipper Garage, Abuja was arrested by the Police on 22nd March 2013 and detained without any reason, proffered. However, before the Commission could intervene, the complainant reported that the victim was released and the matter resolved.
6. Allen Benson Edema complained to the Commission on 11 December 2013, that Mrs. Yemisi Kefas, a Deputy Director in the Office of the Secretary to the Government of the Federation Lagos State Liaison Office and Mr. Nnanna Amah, the DPO, Asokoro Police Station, Abuja, assaulted and unlawfully arrested him and some staff of the Nigerian Merchant Navy. According to the Complainant, on 7th December 2013, the violators and Corporal Sunday Akaniyene (Naval Officer), attempted to kidnap him at the Merchant Navy Ship base headquarters in Lagos. The Commission wrote to the IGP, requesting him to cause an investigation into the allegations and report back to the Commission. However, as at the time of the report, the Commission was yet to receive a feedback.

7. On 17th March 2014, the Commission received a complaint from Lisa I Nwanze, that Rufus Akpan of the Nigeria Police Force Zone 9 and Mrs. Celestina Nwanze conspired against her, accusing her and her family of been the cause of the inferno that destroyed the property of Mrs. Celestina Nwanze. The complainant alleged that on 24th February 2014, Inspector Rufus Akpan, on the instructions of Mrs. Nwanze, arrested her and her family, including children between the ages of one month to four years and detained them at the Zone 9 Police Station, Umuahia for 2 days. The Commission requested its Anambra State Office to investigate the matter but at the of compiling the report the Commission was yet receive a feedback from the Commission's branch office in Anambra State
8. On 13th March 2014, Michael Eze complained to the Commission alleging that Sgt. Buza Gaza of the FCT Police Command Lugbe Division assaulted him, bit his left ear and detained him at the Lugbe Police Station for three days without a charge and was released and given twenty Thousand Naira by the Officer to get treatment for his wounds. Upon receipt of the complaint, the Commission wrote requesting the office of the IGP to direct the officer to appear before it but there was no response from the IGP's Office.
9. On 20th February 2013, Amos Unuaworho complained to the Commission, that the Edo State Police Command seized the car of Godday Unuaworho which was left at the Mechanic's workshop for repair. According to the complainant, when the victim went to the Police Station to retrieve his car, he was requested to produce all the car documents which he did yet his car was not released. In the course of investigation by the Commission, it was discovered that the car was

released to the Complainant.

10. On 13th September 2013, Uwubiti Law Chambers complained to the Commission complacency on the part of the Delta State Police Command, Asaba. According to the complainant, on different occasions, Chief K. O. Uwubiti was harassed, attacked and injured by some political thugs and when a complaint was made at the Asaba Police Station, they did nothing about it but rather framed up charges, brutalized, arrested and detained persons associated with Barrister Clement O. Osietia, who made the complaint on behalf of the victim. The Commission in a followup called the Complainant on several occasions to clarify some issues but he failed to take or return the calls.
11. On the 16th of January, 2013, J.O Olukunle & Co. complained to the Commission, that Yakubu Muhammed and Murtala were arrested by the Department of State Security (DSS) on the 10th of January 2013 from their residence at Dagiri village Gwagwalada Abuja and taken into custody without charge. On the 26th of March, 2013, the Commission wrote to the Director General, DSS requesting access to the accused for further investigation, a reply was received from DSS on the 17th of April 2013 stating that the victims were released. The complainant confirmed that the victims were released on administrative bail.
12. On 11th April 2014, Ojilere Dominic complained to the Commission, alleging unlawful prosecution and detention in prison of Chukwuemeka Ndubusi by the Police on charges of murder which investigation has shown he was not involved. He further stated that the victim was denied bail by the Commissioner of Police, Rivers State. Upon investigation, it was discovered that the victim was detained by order of Court and that the matter was pending before the High Court and hearing was stalled

due to strike actions embarked on by the Rivers State Judiciary.

13. On 20th March, 2014, Ifeanyi Ossai complained to the Commission, that Emeka Ijere was unlawfully arrested and detained at the Zone 9 Police Command, Umuahia, Abia State on the allegation of stealing a project car attached to him which was stolen from him by armed robbers in Enugu State while on an official trip. He further stated that N30,000 was extorted from him by the Police before agreeing to carry out investigation and another N30,000 was paid before the victim was granted bail. The Complainant further alleged that the police connived with a car dealer, Casmir Ogbu, to confiscate the victim's car and forced him to sign a memorandum of indebtedness to Casmir Ogbu. All efforts to get the Commissioner of Police, Zone 9 to comment on the issue failed.
14. On the 5th of January 2013, Muhammed Sani complained to the Commission, that Mallam Isa Awwal and Muhammad Liman Awwal and Zubairu Adamu Muye were illegally arrested and detained by the Department of State Security Service, Minna, Niger State and that all efforts to reach the DSS on the matter proved abortive. The Commission wrote to the Department of State Service for comment but there was no response at the time of compiling this report.
15. On the 7th of January, 2013 Edeh Dickson Okpe complained to the Commission, that the Nigeria Police Force (Divisional Head Quarters) Ugbokolo Benue State illegally detained him and forced to bail himself with the sum of N2000, after a motorcycle rider, hit his vehicle and sustained some injuries. The Complainant further alleged that he was made to pay N45, 800 as medical bill for the motorcycle rider without been told the nature of the injuries. He was of the opinion that the sum was extorted from him by the Police in connivance with Alpha Hospital,

Okpokwu.

16. On the 20th of January, 2014, the Commission received a complaint from Haruna Ahmed Ibrahim that the DSS on the 31st December, 2013, arrested Jamilu Haruna, Ashafa Kwaita and Mohammed Mustapha, from Kwaita village in FCT. Also detained with them was the wife of one Ismaila, who was arrested in place of her husband. He further stated that all efforts to have access to the victims were unsuccessful. On investigation, it was discovered that the victims were released on the 28th of January, 2014 and that the matter was resolved.
17. On the 27th of March, 2014 Shakiru Omolaja complained to the Commission, that several innocent citizens, accused of being involved in land deals were unlawfully held in detention by some police officers in Lagos State. According to Shakiru Omolaja, an audit of detainees in Lagos State CID (PANTI), SARS, ALAGBON and some Divisional Police Stations in Lagos revealed cases of police conspiracy in land matters; especially with the people of Ikorodu and environs. The Commissioner of Police, Lagos State Police Command was contacted for comments but at the time of the report, he was yet to respond.
18. On the 13th of May, 2014 the Commission received a complaint from Okechukwu Nwanguma that 12 members of the Nigerian Navy Merchants were arrested on 17th April 2014 and subjected to different levels of inhuman treatment at the CID unit of the Kogi State Police Command Lokoja. As at the date of the complaint to the Commission, they were yet to be charged to court. The Complainant alleged that the said brutality was linked to a long standing feud between the Nigerian Merchant Navy and the Nigerian Navy based on the allegations by the Nigerian Navy that Nigerian Merchant Navy is an illegal organization

which according to the complainant is unfounded and malicious but the Nigerian Merchant Navy is duly registered and is known to Nigeria. He further said that the Nigerian Merchant Navy issued a restraining order from the Court stopping the Nigerian Navy from harassing or violating the rights of Members of the Merchant Navy by ordering the Police to return all seized properties to the Merchant Navy. But the Nigerian Navy who were behind the seizure of Edema and 12 other members continued to act in disobedience to the Court order.

18. On 21 February 2014, the Commission received a complaint from Mr. Michael Chuke, a student of Dorben Power Associates, that Mr. Michael Chuke a student of Dorben Power Associates, F.C.T was arrested along six other students by SARS officers at Kubwa. They were led to their school hostel for a search but found nothing. Michael O. Chuke was then shot death and Paul Abba was among the men of SARS. The Complainant further stated that Paul Abba and the others were still being detained while the remains of Michael Chuke was deposited at the Kubwa General Hospital Abuja. Despite efforts by the family of Mr. Chuke to retrieve the corpse provided as the hospital refused to release the body until they see a post-mortem. Meanwhile, the Police refused to give the order to the hospital for the release of the corpse. Inquiries at the FCT Police Command have not received any response.

9.2 Prisons

Prison is an integral part of the criminal justice system. It is established by law and used to keep suspects and convicts. It is a place where inmates are confined under the authority of the state for punishment after being convicted of crimes or suspected of crimes.

committed a crime. People charged with crimes may be kept in prison by order of court pending the determination of their cases or when granted bail. It is a corrective facility and not punitive. However, Nigerian prison conditions are characterized by overcrowding, poor infrastructure, and inadequate facilities.

Nigeria is bound by domestic and international legal frameworks for the treatment of prisoners and prison conditions. It is also bound by the Constitution of the Federal Republic of Nigeria, 1999, the United Nations Standard Minimum Rules for the Treatment of Prisoners, and the International Covenant on Civil and Political Rights, among others. These instruments establish that human rights principles remain in force regardless of whether an individual has been deprived of their liberty for lawful reasons. This includes fundamental right to inherent dignity of the human person. Further, in accord with International standards, section 36 of the Constitution provides for fair hearing which include representation by counsel, as well a speedy trial, adequate time and means to prepare for defence, etc.

In 2013 -2014, the Commission conducted audits of some prisons across the country to ascertain their conditions and to make recommendations to relevant authorities. The audit focused primarily on access to justice. This is not because other issues that affect the prison are not important but because accesses to justice form the fulcrum on which other prison issues rotate. Thus, failure to guarantee access to justice will impact on all aspects of the lives of the detainees and the functionality of the prison system.

Besides access to justice, the audit also focused on the following:

- a. The structure of the prisons,

- b. Facilities at the prisons,
- c. Capacity and holdings of the prisons,
- d. Welfare of detainees,
- e. Welfare of Officers, and
- f. General information.

The Commission found out that the most disturbing problems confronting the prisons across the country are overcrowding and dearth of infrastructures.

The Nigeria Prisons Service entered into collaboration with national, regional and international bodies to ensure that the activities and treatment of prisoners are in line with international standards. The collaborative initiatives involve human rights education for officers of the service on the treatment of inmates. In the Prisons Reform Bill, there is a provision for Prison Comptroller to reject new inmates where there is no space in the prisons.

Different types of reformation and rehabilitation programmes have been introduced by the government to enhance the welfare of detainees. For example, the Nigeria Prisons Service runs University programmes for prison inmates through the National Open University of Nigeria. Prisoners that are serving sentences are trained in and outside prison on welding, tailoring services, carpentry, beadings and knitting. For instance the establishment of the Iko Ekpene Prison in 2011 which was adjudged by the European Union as the "best reformatory institution in Nigeria" is a pointer to efforts of the government towards reforming the prisons in line with international best practices.

9.2.1 Complaints received by the Commission

1. On 19th August 2013, Dr. Engr. Rufus Duru complained to the Commission that Mr. George C. Onyema, 54 was deported from Thailand Prison in

Batch C, with 24 others under the Nigeria/Thai Prison Exchange Treaty on 26th June, 2007, and that Mr George C. Onyema has been in prison for 13 years. He further stated that on 23rd July, 2008 Mr. George C. Onyema was among the convicts granted Presidential Amnesty, under reference Pres. 92/23rd July/2008, in Batch A. Despite this, the officials of Kirikiri maximum prison, where Mr. George Onyema was at the time of the Presidential Amnesty removed his name and 8 others from the list of beneficiaries. To forestall the victims from protesting, they (the victims) were sent out of the Kirikiri maximum prison to Ipara prison in Abeokuta while some were taken to Ijebu Ode prison. The Complainant further alleged that, a release order was sent to the Kirikiri prison on the 1st August, 2008 for release of Thailand deported prisoners but Mr. George Onyema was not released. Instead, the prison officials swore to an affidavit that Mr. Onyema was not a Thailand deported prisoner. Mr. George Onyema's name was removed from the beneficiaries by one DCP Ogunmola T.A. The Commission forwarded the complaint to the Nigerian Prisons Services for investigation and possible action but there was no response.

2. On 17th September 2013, the Commission received a complaint from Emmanuel Chukwu, that Ifedi Okechukwu who was convicted and sentenced to a term of imprisonment over allegations of abduction and intention to commit crime was refused medical attention by the Minna Old Prisons, despite persistent plea for him to be given medication for his ailment. Upon investigation, it was discovered that Ifedi was transferred from Minna Old prison to the Medium Security Prison in Minna so that he could be treated for hemorrhoid while serving his jail term.

9.2.2. Audit of Prisons by the Commission

On 8th April 2014, the Commission led by the Executive Secretary, Prof. Bem Angwe, flagged off the 2014 Prison Audit at the Kuje Medium Security Prison, Kuje, Abuja. On the 28th and 29th April 2014, a similar exercise was held at Sokoto and Kebbi States respectively. After the flag off, an audit of the prison was conducted, with a view to identifying the challenges facing the inmates in relation to their welfare, access to justice and the general condition of the prison. The audit focused on the following:

1. The structure of the prisons
2. Facilities at the prisons
3. Access to Justice
4. Welfare of detainees
5. Welfare of Officers
6. General information Beyond focusing on these thematic areas the Commission had a one on one discussion with inmates to ascertain what they needs to be addressed.

9.2.2.1. Kuje medium prison, Federal Capital Territory

1. Structure of the facility:

Kuje Prison was built in 1984 but new cells were added in 2005. It has a carrying capacity of 580 inmates but at the time of the audit exercise, the prison was holding 745 inmates, 207 convicts and 547 awaiting trial detainees. The cells are congested, especially the old cells, with its toilets needing repairs. The hygiene in the old cells was poor and needed maintenance. Some inmates were seen bathing outside the cells. Though the prison was congested, the environment was clean and tidy. While the new cells are properly ventilated, the old ones are not.

2. Facilities at the Prison:

Kuje Prison has vocational facilities such as carpentry workshop, shoe mending, barbing and tailoring. However, these facilities are inadequate, compared to the number of inmates. For instance, there are only two functional sewing machines. In a similar vein, recreational facilities like volley ball court and ball, table tennis, football and badminton courts were available but no badminton balls and rackets.

The prison has a clinic that is manned by 3 medical doctors, 19 nurses, 3 health attendants, 4 public health officers, 3 laboratory technologists, 2 pharmacists and 1 psychologist; it is equipped with 5 beds, laboratory and pharmacy. However, there was no alternative power supply at the Clinic. Though there is a laboratory, the laboratory lack re-agents for conducting test. There is an X-ray machine that is not in use because there were no qualified personnel to man it. According to the health personnel, there are drugs for all ailments and most of the inmates are treated in the clinic. However, complicated cases are normally referred to either the General Hospital or National Hospital. There was no provision for vaccinations for the inmates, even though there were inmates infected with communicable diseases such as chicken pox.

The prison has 4 green Marias which covers all the courts within the Federal Capital Territory namely; Kuje, Gwagwalada, Abaji, Kubwa, Jabi, Maitama, Lugbe, Kwalli, etc.

Source of Energy: The prison is connected to national grid. It has a standby generator which is normally on in the night. However, it is not connected to the clinic because of its capacity.

Kitchen and food: The prison has a kitchen, which is just a roof over some pillars. When it rains, it may affect the cooking. Inmates are fed on N200 a day per inmate. The inmates' food comprises eba, rice, beans, soya bean and dry okro. Due to the poor feeding, most inmates cater for their feeding. During the

audit exercise, an inmate was seen selling food and upon inquiry he stated that he cooks the food from what is supplied him by his family and sells to the other inmates so as to buy his necessities.

Educational Facilities: The prison has a fully equipped ICT lab that was donated by the management of National Open University of Nigeria. It is used for training of inmates who are enrolled as students with the National Open University of Nigeria. However, the use of the facility is hampered by inadequate supply of electricity during the day.

Despite the provisions of the legal instrument on minimum standard on treatment of prisoners, the inmates have no uniforms. They use their personal cloths. The old cells have no beds. Mattresses are put on the floor for use by the inmates.

3. Access to Justice:

In the course of the audit, it was observed that 86 detainees were awaiting trial between 3 years and above. Most of the inmates had legal representations either private or by the Legal Aid Counsel. However, 20 inmates did not have legal representation; 41 inmates were granted bail but were unable to meet the bail conditions. Furthermore, 23 inmates had no witnesses; 4 inmates could trace their IPOs while 1 could not find his case file. The prison could not give information on the number of persons on holding charges and those whose cases were stalled because the prosecution is awaiting the advice of the Director of Public Prosecution. Additionally, 20 inmates had options of fine but were unable to pay. For instance, Ibrahim Audu Bala was sentenced to 3 months imprisonment or a fine of N3000. He could not pay the fine.

a. General Information:

During the audit exercise, it was observed that there were 3 mentally ill-persons

in the prison; 16 inmates were infected with HIV/AIDS; 10 with TB and 2 diabetics. While all the inmates were on medication one of the TB patients was yet to commence treatment as at the time of the audit, because he was just diagnosed with the ailment. It was however noted that the inmates with communicable diseases were not separated from other inmates.

4. Welfare of the Prison Officials:

An audit of the welfare of the Prison Officers revealed that the office accommodation though fair, needs to be improved. Some of the offices had no air conditioners or fans, thus making the offices unconducive to work in during the hot season. The residential accommodation though available, is dilapidated and needs repairs. The accommodations are grossly inadequate thereby leading to some officers living in rented apartments far from the prison.

5. Observations:

At the time of the audit exercise, the following were observed:

- i. The awaiting trial detainees were locked up in the same cells with convicts.
- ii. The prison has a cell where it punishes detainees that go against the rules in prison.
- iii. There were 3 mentally ill detainees in the prison, though the prison does not have psychiatrist doctors or nurses.
- iv. There was a blind man, Yakubu Madaki, who before his transfer to the prison in March 2014, spent eight months at SARS. He was charged for committing the offence of culpable homicide punishable with death.
- v. The security around the prison, given the security situation and the frequent jail break in recent times is poor and needs improvement. For instance, the prison does not have a watch tower that can view security

situations from afar. It has one, which sees only within the prison yard.
There are no Close Circuit Cameras (CCTV)

9.2.2.2. Interaction with some of the inmates

1. **Dr Shaibu Sani Teidi:** Had been awaiting trial for about 11 months. He stated that he was charged along with others by EFCC in 2011 before the Federal High Court 3 Abuja, presided over by Justice Adamu Bello now retired. They were granted bail in the sum of Ten Million Naira and one surety in like sum. A condition they perfected. However, during trial, the matter suffered several adjournments and was subsequently struck out due to lack of diligent prosecution. According to Dr. Sani Teidi, after the matter was struck out, the Complainant, EFCC filed fresh charges, and the accused persons were split, with each charge sheet having two accused persons. He was charged on the same charge sheet with one Udusegbe Omofe and they were brought before Justice Adeniyi Ademola of Federal High Court 6. Meanwhile, while the other accused persons before other courts were granted bail on the fresh charges based on the existing bail granted by Justice Adamu Bello, Justice Ademola gave the accused before his court fresh bail conditions of 500 Million Naira and two sureties in like sum. An application for variation of the bail terms was refused and the matter adjourned sine die. Dr. Teidi stated that though he had been able to meet the bail terms, the Judge refused to sign the release warrant.
2. **Mr. Udusegbe Eric Omofe:** Hewas awaiting trial for fraud and was the 2nd accused person in the case of FRN v Dr. Sani Shuaibu & Another. He corroborated the statement of Dr. Shuaibu Teidi and stated that while Dr. Teidi was able to perfect his bail, he was unable and had appealed to the Court Appeal for variation of the bail terms. He further stated that the

judge refused to give approval for the compilation and release of the record of proceedings by the Court Registrar. Thus, to facilitate his appeal, his counsel compiled and filed an appeal at the Court of Appeal for variation of the bail terms.

Omoefe stated that on the 12th day of May, 2013, he was served with a charge sheet by the EFCC at their office. On the 14th of May, 2013, he appeared voluntarily in court and the court ordered his detention at Kuje prison, despite the fact that his plea was not taken and the Court refusal to hear his application for bail, even when the Prosecution did not indication intention to oppose the application for bail. The matter was adjourned to 28th May, 2013 but the court did not sit. It was further adjourned to 4th June, 2013 but the application was not taken because the accused persons did not arrive at the court early. The application was again adjourned to 7th June, 2013. On that day, the Judge refused to hear the application, stating that rain fell on the file. The application for bail was eventually heard on the 18th day of June, 2013 and ruling delivered on July 12, 2013 on the following condition – N500 Million each and two sureties in like sum. They made an application for variation but the application was not granted.

Yakubu Madaki 39, stated that he was arrested for culpable homicide sometime in August, 2013 and that he spent about 8 months at SARS Abuja before he was transferred to Kuje prison on the order of court granted in February 2014. Madaki is blind and is been helped around the prison by his case mate. He had no counsel.

Ejike Onyema spent 11 years awaiting trial for armed robbery. He was arrested in 2003 and charged before the Chief Magistrate Court, Wuse, Abuja. In 2005, his case was transferred to FCT high court 2, Maitama

and the case suffered several adjournments. There is no IPO or witness. The next adjourned date as at the time of the visit was 31st April, 2014. He has a counsel.

5. **Kabiru Yahaya** was awaiting trial for 9 years for armed robbery. The case suffered several adjournments and the IPO died in the course of the trial. At the time of the audit, there was no IPO, witness while the prosecution was always absent. He has a counsel.

6. **Monday Oyalatan and Sunday Momoh** were charged for armed robbery and were standing trial before FCT High Court 16 and were granted bail in the following terms – surety with landed property in Abuja, International passport or a bail bond of 2million Naira. They said that they were able to get a surety with landed property but the court rejected the surety on the ground that the land was not covered by a certificate of occupancy.

7. **Charles Osu** was charged for armed robbery and was standing trial before FCT High Court 10, Gwagwalada and was last in court on the 22nd of May, 2013. His case was stalled by unavailability of witnesses and IPO. He had no counsel.

8. **David Odey Agi** stated that he was arrested on 28th May, 2006 for armed robbery along with four others and taken to Utako Police Station. In the course of interrogation they were tortured by the police led by one Inspector David. The Police used machete to plug one of his eyes as well as gave him a cut across the face. He also stated that he was arrested along with one Chinedu Michael, who died in August 2007 due to the torture. He was convicted on the November, 2013 to life imprisonment.

9. **John Iyage Austin** alleged that he was arrested on 31st August, 2013 and taken to SARS where he spent 3months before been charged to court.

is no IPO or witness.
was 31st April, 2014. He

robbery. The case
the course of the trial,
while the prosecution

charged for armed
Court 16 and were
property in Abuja,
They said that they
the court rejected the
by a certificate of

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police led by one
his eyes as well
he was arrested
2007 due to the
prisonment.

August, 2013 and
charged to court

and transferred to Kuje on 30th December, 2013. While at SARS, he was tortured, his eyes were taped and he was coerced to reveal his ATM pin number which he did. He said while he was still in detention, the sum of 250 thousand naira was withdrawn from his account by two SARS Police officers, Sgt Austin Oche and Insp. Buba. Upon report to the authority about 137 thousand naira was returned. He also stated that he was granted bail on the 9th April, 2014 on the following terms: a civil servant on grade level 10, a traditional ruler or a bail bond of N500,000. But he was unable to perfect the bail conditions.

10. **Mr. Tumbu Formanka Bartholomew**, a citizen of Cameroun alleged that he was arrested on the 1st August, 2013 by ICPC in Lagos and taken to Abuja on the 2nd August 2013, and was remanded at the Civil Defense Headquarter detention center, where he was made to sleep on the floor for 47 days without charge. He was not allowed to communicate with his family, lawyer or friends. He was thereafter transferred to the ICPC detention center where he spent another 14 days before he was granted administrative bail on 25th September, 2013. On the 6th of October 2013, he was charged to court and was released on bail, only to be rearrested on 19th November, 2013 and charged for false information before Justice Adamu Bello (now retired), and the Court ordered his remand at Kuje prison. His case was transferred Justice Shench'i's, following the retirement Justice Adamu. An application for bail was brought before Justice Shench'i. He refused to rule on the application but rather proceeded into hearing of the substantive matter. The case was adjourned to 27th May, 2014 for motion on jurisdiction.

12. **Dr Mohammed N Yunus** stated that he is a lecturer at Kogi State University, Ayingba. He further stated that he was arrested in Jos and

charged in connection with terrorism. He alleged that he was arrested by DSS in July, 2013 and kept at their detention facility for 3 months. He claimed that while at the DSS detention facility and in the course of interrogation, he was tortured to confess to the allegation that he had connections and was a member of the terrorist sect, Boko Haram. His torturers used electric shock, blind folds, mortar and pestle, choked him by putting his head in bucket of water and pouring alcoholic wine on his face. To stop the torture, he confessed to being a member of the sect. The detainee showed the monitors scars of wounds on his body, indicating that he was tortured. He has a team of lawyers defending him and his co-accused.

13. **Alhaji Salami Abdullahi** charged with Dr Mohammed N. Yunus. He alleged that he was arrested by the DSS in Ayingba, Kogi State on allegation that he was a member of the Boko Haram sect. He stated that though he was not physically tortured, he was detained in a dark cell and in seclusion for 3 months and forced to make a confessional statement, stating that he was a member of the Boko Haram sect.
14. **MUSA UMAR**, co-accused with Dr. Yunus, stated that he was arrested in Kano by DSS and taken to Abuja and kept in detention for about three months. At the DSS detention facility, he was tortured – blind folded, beaten, his head soaked in a bucket full of water, and made to confess to being a member of Boko Haram.
15. **Usman Sani, Abdulraman Musa, Abdullahi Lawal, Mahmud Mohammed, and Ibrahim Musa Abba**, were charged before Federal High Court 6 for alleged terrorism. According to them, they had no counsel. Their next adjourned date is 22nd May, 2014.
16. **Jimmy Abba, Micheal Manu, Mark Iliah, Abimel Ibidum, Sadik Ali**

Amadiya, Dang Winifred, Yambali Umaru and Isah Kano, were standing trial for alleged terrorism. They had a counsel.

17. **PTE Kabiru Abdullahi** was a private in the Nigerian Army. He stated that while serving in the Army in Kaduna State, he obtained permission to travel to Auchi, Edo State to visit his family and the request was approved. On his way, he was attacked by some persons and in self-defense, he killed one of them. He was subsequently tried and sentenced to death by the high court in November 2013. He was yet to appeal the sentence because he had no resources to engage the services of a lawyer for the appeal.

9.3. Sokoto prison

9.3.1 Structure of the Facility

Sokoto prison was established in 1908, with a carrying capacity of 576 but holding 663 inmates, comprising 653 males and 10 females. 16 were condemned inmates, 16 lifers and 413 ATM while 249 were convicted inmates. The prison has staff strength of 180 officers. The cells were congested except for the female cells and poorly ventilated. The prison drainage system was bad, with smelly gutters. The prison has the pour and flush toilet type as well as pit toilets.

9.3.2 Facilities at Prison

Sokoto Prison has various vocational activities like welding, carpentry and tailoring. There were nine (9) inmates who were attached to the welding workshop; fifteen (15) inmates attached to carpentry while eight (8) inmates were in tailoring workshop. The workshops lack adequate working tools such as jigsaw, spray machines and square for the carpentry workshop. The tailoring workshop had only two sewing machines that function while others were bad.

Meanwhile, the recreational facilities available at the time of the audit were football, table tennis, card and ludo.

The inmates had no uniforms and most of them were seen wearing their personal clothing.

There were insufficient mattresses. The few that were available were on the floor as there were no beds. As an alternative, inmates sleep on mats.

The prison is supplied water from a water tanker once or twice a day which was grossly inadequate for the need of the prison. When the public water supply is available, there is provision for pumping machine to pump water to the overhead tank but that is a rare situation. While the prison gets its electricity supply from the national grid which is hardly ever constant, it has no stand-by generator so it uses Lanterns is used as an alternative source of energy.

2. **Health Facility:** The prison had a dispensary, with 2 nurses, 3 Health attendants and 2 public health officers. Though it had some drugs, its preservation was poor as the room where the drugs were kept had no light and hot. Inmates with serious medical conditions are usually transferred to the Usman Dan Fodio University Teaching Hospital or the General Hospital for medical attention. As at the time of the audit four inmates with various medical conditions were transferred to the Usman Dan Fodio University Teaching Hospital. The prison had 22 mentally ill inmates and the dispensary did not have adequate drugs.
3. **Transport Facilities:** The prison had only 2 functional green Maria buses and no ambulance. The Mini buses serve all the courts in the State.
4. **Educational Facility:** The prison has a functioning ICT laboratory with a total of nine (9) computers but three (3) computers were not functional at the time of the audit. Some prison officials assist in teaching the

inmates various subjects to prepare for National Examination Council (NECO) examinations. 76 inmates were reported to have written the NECO examinations and were awaiting results to enable them gain admission into the National Open University of Nigeria. Meanwhile, 30 inmates were trained in making soap, Vaseline, balm, bleach and air freshener.

5. Access to Justice

The Sokoto State Comptroller of Prison mentioned that she was working closely with the Chief Judge of Sokoto State to fast track trials of inmates and significant progress has been recorded. Despite that, 77 inmates were found to be on holding charge; 100 inmates were awaiting the advice of their DPP. 21 inmates were unable to pay fines. For instance, Abdulrashid Yakubu, Ahmed Bello and Auwal Mohammed were sentenced to 1 month imprisonment with an option of fine in the sum of N3000 but were unable to pay; 22 inmates were granted bail but were still in prison because they could not fulfil the bail conditions while 10 inmates spent 3 years and above awaiting trial.

6. Welfare of Inmates

The cells were congested and poorly ventilated; inmates were fed on N200 a day per inmate. The meal served to the inmates includes eba, rice, beans, soya bean, tuwo and dry okro. The quality is very poor. Inmates use pour and flush system as well as pit toilets. The cells were properly demarcated between the male and female inmates. The female cells are manned by female warders.

7. Welfare of Prison officials:

The office accommodation was inadequate and poorly ventilated. The

offices were poorly equipped. The file cabinets were broken; there were no functional computers, printers or copiers. The offices did not have functioning air conditions while the fans were old. Residential accommodations were not available.

8. General Information

i. Pre/Post Natal Facilities

There were no pre or post natal facilities in the prison, despite the fact that it holds female inmates. As at the time of the audit, there were 2 pregnant women in prison. One was sentenced to 22 months for mischief. She was 7 months pregnant, when she was transferred from Kontagora prison in Niger State and had not visited hospital for ante-natal.

ii. Number of Minors in Prison

At the time of the audit, a girl of 14 years was found in prison.

iii. Number of Mentally ill inmates

21 inmates were mentally ill at the time of the visit. However, they were on medication.

iv. Number of Lifers

There were 16 lifers

v. Inmates with Life Threatening Ailments

At the time of the audit, there were 10 HIV; 4 diabetics; 2 tuberculosis and 22 mentally ill inmates. They were on medication but there was no special diet for the diabetic inmates.

9.3.2. Observations

As at the time of the audit exercise, the following were observed

- i. The cells congested, poorly ventilated and unkempt.

- ii. There were 22 mentally ill inmates in the prison but no psychiatrist to take care of them. Their medication was grossly inadequate.
- iii. At the time of the audit exercise, there was a 14 year old girl sentenced to 3 months imprisonment by an Upper Sharia Court. She was kept with female adult inmates
- iv. A female inmate was found in the prison with her 16 months old baby.
- v. The prison has no proper place of worship for Christian inmates.

9.3.3. Interaction with the inmates

1. **James Audu:** Was said to have been convicted in 2013 by a High Court in Sokoto for attempted robbery but he could not appeal because he had no money to appeal against the decision. Meanwhile he spent 8 years in Sokoto prison.
2. **Zula Yakubu** was detained on the order of Magistrate Court Isah along with her husband. Her husband, Lawal Yakubu was accused of fighting with a neighbour. At the time of the audit, she spent 6 weeks in prison with her 16 months old baby and her husband, leaving four (4) of her children at home with no one to look after them.
3. **Aisha Shehu,** 14 year old was sentenced to 3 s imprisonment by an Upper Sharia Court for deserting her former marriage and marrying another person. According to Aisha, she was married to her first husband and three months into the marriage, she was divorced. Thereafter, she got married to another person but her first husband took her before the Sharia Court, claiming that he did not divorce her. The Upper Sharia Court ordered that she be remanded in prison for 3 months. The matter was reported to the Chief Judge of the State who promised to intervene. Follow up investigation revealed that Aisha Shehu has been discharged.

9.4.1 Industrial prison Kebbi (New prison)

a. Structure of the Facility

The industrial prison was built in 1995, with a carrying capacity of 240 inmates. As at the time of the audit, there were 159 convicted inmates and 1 ATM. The prison was built to train convicts on crafts and trades, which would serve as rehabilitation and reintegration facility. However, at the time of the audit, the prison had nothing in place to accomplish its mandate. The prison environment was neat but the gutters and drainages were untidy. The toilets were in need of repair.

b. Facilities at Prison

The prison has vocational facilities such as welding, tailoring and carpentry workshops. The prison also has a functioning laundry where clothes of prison officials and clothes from outside the prison are washed and ironed by inmates. A shirt was washed at the cost of N10 while a complete traditional wear cost N20. The money is paid into the prison funds. The prison has football, table tennis, playing card and ludo as recreational facilities.

Health Facility: The prison has a five bed clinic, manned by a doctor and nurses.

Water and Energy Supply: The prison has a borehole that was donated by the Kebbi State Government while its source of energy/power is the national grid.

Feeding: The meals available to the inmates include rice, beans, eba, groundnut or okro soup, and corn food.

Uniforms, Beds and Beddings: Inmates had uniforms but they were old and worn out. Some of the cells did not have beds and mattresses.

Observations

Most of the inmates were afraid to speak to the NHRC monitors. However, the

Commission noted that:

The prison has no place of worship for the Christian inmates.

Inmates are punished by beating or being locked in dark solitary cells for a day or two.

The inmates requested that the vocational facilities should be increased as most of them were ready to learn vocations but there were no facilities.

One of them complained that the school activity which hitherto was used to teach them how to read and write was discontinued because there was no instructor.

The funds generated from the vocational trades were used by the prison authority.

Kebbi old prison

Structure of the facility

Prison was built in 1912 and renovated in 2009, with a carrying capacity of inmates. At the time of the audit, the prison had 200 lock-up, 197 males and 21 were convicts out of which one female was condemned to death, 179 were awaiting trial. The prison was congested and poorly ventilated. Environment was poorly kept, with the drainages and gutters untidy and dirty. The toilets were the pour and flush type while some were pit toilets. There were also no proper bathing rooms.

Facilities in the Prison:

Prison has no recreation and vocational activities, there was a sensory/observation room, manned by a nurse. When there are serious challenges, the inmates were taken to government general hospital for treatment.

Water and Energy Supply: Its source of water is borehole. For electricity, it is connected to the national grid but uses lantern as a tentative source of energy.

Uniforms, Beds and Beddings: The inmates had no uniforms, most of the cells lacked beds or mattresses except for the female cells. Inmates either sleep on the bare floor or on mats.

c. Access to Justice

The Comptroller of Prison, Kebbi State stated that most of the inmates were on holding charges, as they await the legal advice from the office of the Director of Public Prosecutor (DPP). Some of them were awaiting transfer to other parts of the State such as Zuru, Yauri, etc, where they would stand trial. Ladi Danjuma, accused of Homicide had not appeared in court for over 2 years, the reason being that her case file was missing.

d. Welfare of Inmates

The cells were not overcrowded but poorly ventilated with pour and flush system and pit toilets. Inmates were fed on N200 a day per inmate. The meals comprise eba, rice, beans, groundnut soup, corn food and dry okro. The cells were properly demarcated between the male and female inmates. The female cells were manned by female warders.

e. Welfare of Prison officials

The office accommodation was inadequate and poorly ventilated. The offices were not sufficient to accommodate the prison officials. The offices were poorly equipped. The file cabinets were broken; there were no functional computers, printers or copiers. The offices did not have functioning air conditions and the ceiling fans were old. In addition, Barracks or Residential accommodations were inadequate.

f. General Information

i. Pre/Post Natal Facilities There were no pre or post natal facilities in the prison, despite the fact that it holds female inmates.

ii. Number of Minors in Prison

At the time of the audit, there were about 10 minors in prison.

vi. Number of Mentally ill inmates

As at the time of the visit, 6 inmates were mentally ill but they were on medication.

vii. Inmates with Life Threatening Ailments:

At the time of the audit, there were 4 HIV infected inmates; 1 diabetic patient; 1 case of tuberculosis and 6 mentally ill inmates. However there was no special diet for the diabetic inmates.

g. Observation:

i. The male cells were congested and poorly ventilated

ii. Many of the inmates were minors.

iii. The prison had only a mosque and there was no place of worship for the Christians.

iv. Most of the cells had no beds or mattresses.

v. Two blind inmates were found in prison. One of them, Bokolo Alhaji Gambo went blind while in prison.

9.5.3 Interaction with the inmates

1. Aliyu: Stated that she fought with her husband and mistakenly hit him with a pistol leading to his death.

2. Sadatu Aliyu: Reported that she murdered her 2 year old nephew. An act she claimed that she perpetuated the act in a state of unsound mind.

According to her, when she was in that state, she was oblivious of anything she did.

3. Bokolo Alhaji Gambo: Bokolo who was accused of homicide and awaiting trial, became blind while in prison and was granted bail. But for over two years none of his relation came to stand as surety for him.
4. Ibrahim Dunwa: Ibrahim was remanded in prison by order of a Magistrate Court for robbery. He was blind and had been blind for over ten years before his remand.
5. Mubarak Umar: Mubarak, who was 17 years old spent 1 year and 4 months awaiting trial for murder.
6. Usman Umar: Usman, 17 years old male was awaiting trial for over 4 months by order of a Magistrate Court for fighting.
7. Babangida Shehu, 17 years old, was charged for fighting and rape and ordered to be remanded in prison by an Upper Sharia Court. At the time of the audit exercise, he spent 2 days in prison detention.
8. Saidu Garba was 16 years old and had spent 8 months in prison awaiting trial for fighting. He had a scar on his head, which he claimed was as a result of misunderstanding in the detention.
9. Amadu Bashiru was below 17 years and was in detention for over a year. He was charged for fighting.
10. Aliyu Sanusi stated that he was below 17 years and was in detention for over a year. He was charged for fighting.
11. Umar Hassaini 17 years old was in prison for over 1 year on a charge of rape.
12. Ibrahim Sarkin Fulani was less than 17 years. He was held for murder and had wounds on his hand and head. He was remanded in prison by

orders of Chief Magistrate Court 1 Kebbi. His case file was before the DPP for legal advice.

13. Kabiru Adamu stated that he was less than 17 years and was remanded in prison for over 1 year on a charge of rape.

14. Nanata Dawa was 16 years and was in prison custody for over 1 year on charges of fighting and murder.

15. Yaka Bamayi was less than 18 years but was in prison custody for over 1 year on a charge of fighting.

16. Muktar Abdullahi stated that he was less than 18 years but in prison custody for about eighteen months.

17. Abubakar Shedieko, accused of fighting was on remand for about three years awaiting trial.

18. Ladi Danjuma, accused of homicide, was in prison custody for over 2 years. Her case file was missing and so, she was not taken to court for over 2 years. Her last court appearance was on the 3rd of May, 2012, when she was ordered to be remanded in prison custody.

9.6 Recommendations

9.6.1 Nigerian Prison Services

1. The Prison service should make provision for the vaccination of inmates against communicable diseases such as TB, chicken pox, meningitis, etc, upon admission into the Prison.

2. Upon admission, inmates should immediately be subjected to medical test to ascertain their health and mental status.

3. The prison should provide fully equipped clinics with basic units like laboratory, pharmacy etc. In this regard, qualified personnel to manage operate laboratory equipment like X-ray machines should be engaged by



the prison services.

4. CCTV should be installed in all prisons.
5. Watch towers should be built around all the prisons.
6. Mentally ill detainees should be transferred to psychiatric hospitals for appropriate attention.
7. More vocational facilities should be provided for the prison, while existing ones be improved upon
8. The nutritional value of the food provided for inmates should be improved.
9. Prison officials should discontinue the practice of using punishment cells as a disciplinary measure against detainees.
10. Awaiting trial detainees should be separated from the convicts for purposes of classification
11. There should be pre, ante and post natal provisions in prisons that hold female inmates.

9.6.2 Judiciary

1. Criminal cases should be tried expeditiously in order to eradicate issues of detainees spending long time awaiting trial
2. The phenomena of holding charges which is unknown to the Nigerian law should be discontinued
3. DPP should expedite actions in giving advice when it is sought
4. The Chief Judge of both the FCT and Federal High Courts should visit the prisons and have sittings there more often so they can discharge persons affected by issues that prolong their stay in prisons
5. Incarceration of juveniles should be a matter of last resort. Juveniles in conflict with the law should be kept Borstal institutions and reformatory centers. Courts should be established around the prisons for ease of

movement of detainees and for speedy trial of cases.

9.6.3 Nigeria Police Force

1. The Nigeria Police Force should stop the practice of arresting persons before carrying out investigation.
2. Where the police arrest alleged offenders for capital offences, they should charge them before courts of competent jurisdiction to try capital offences as against taking them magistrate courts on holding charges.
3. Police should device another means of obtaining information from suspects instead of resorting to torture.
4. Police should stop criminalizing civil cases and where offences are compoundable, they should ensure that the victim and suspect resolve the matter amicably

State and Federal Government

- Establishment of courts within the prison environment
- Government should revive the practice of absorbing the cost of treatment of detainees referred to all government hospitals.
- Government should fund the drug compounding unit of the NPS to help in the provision of drugs to all prison clinics.
- Federal and state governments should invest in educational rehabilitation and reintegration programmes in all the prisons.

CHAPTER ELEVEN

KIDNAPPING

Introduction

Kidnapping of persons has gained ascendancy in Nigeria. This malady previously unknown to the people has rapidly become wide spread across the country in the recent past. In the last ten years, the volatile oil rich regions of the Niger Delta witnessed this phenomenon on a large scale with the target being mostly expatriates and Nigerians in the oil business. South-East and South-South Nigeria became known as 'kidnappers' playgrounds' due to the endemic nature it took. It however spread throughout the country extending to places in the far Northern part of Nigeria.

Kidnapping is therefore, one of the major social problems in Nigeria. It impacts on the citizen's fundamental rights to personal liberty and freedom of movement. The spat of kidnapping led to many States passing laws criminalizing it and prescribing death sentence as punishment for anyone convicted.

The significant impact of kidnapping and other associated crimes is becoming worrisome and perplexing not only to Nigerians but to the international community. This has heightened the fear of foreigners, especially international investors; thereby threatening the foundation of economic development. The overall implication is that kidnapping has worsened the labour market situation resulting to thousands of unemployment and displacement of the workforce from the affected areas.

Legal Instrument

The major criminal legislation (Penal and Criminal Codes) in Nigeria make kidnapping an offence punishable with 10 years' imprisonment without option of fine. Besides these, States have passed laws criminalizing kidnapping and prescribing death sentence as punishment where found guilty.

In addition to the national laws, Nigeria also ratified the International Convention for the Protection of All Persons from Enforced Disappearances, which entered into force in 2006. Its main objective is to fight kidnapping and other transnational group crimes.

Before the entry into force of the treaty, the UN had made specific efforts to seek international understanding and cooperation in the war on this crime. For instance, the United Nations General Assembly (UNGA) adopted Resolution 59/154 of 20 December, 2004, entitled "International Cooperation in the Prevention, Combating and Elimination of Kidnapping and in Providing Assistance to Victims." The resolution 'requested the United Nations Office on Drugs and Crime to prepare a handbook, for use by competent authorities, of proven and promising practices in the fight against kidnapping.' Many countries made contributions to the preparation of the handbook, which was published in 2006. UNGA's Resolution 61/179 of 20 December, 2006 noted with satisfaction the publication of the operational manual. What is particularly noteworthy is not the publication of the manual but the dynamics of it and how efforts were promptly deepened to bring about the 2006 UN Treaty against kidnapping. There were, at least, five major rationales for the making of the treaty as evidenced in UNGA's Resolution 2009/24, which provides:

UNGA is concerned about the 'increased number of kidnappings in various countries of the world'.

- * Kidnappings are believed to have 'harmful effects... on victims and on their families.'
- * That there was urgent need 'to assist and protect victims of kidnapping and their families and to promote their recovery.'
- * That kidnapping was, and is still, considered 'a serious crime and a violation of individual freedom that undermines human rights and may have a negative impact on the economies, development and security of States.'
- * And more importantly, it was considered that even though the 'UN Convention against Transnational Organized Crime, the applicable provisions of the relevant terrorism Conventions and the other applicable provisions of relevant multilateral and bilateral agreements provide the legal framework necessary for international cooperation to prevent, combat and eliminate kidnapping and that, in order to achieve that objective, it is necessary to create opportunities for dialogue among States and for the exchange of experiences and good practices in combating kidnapping.'

These are some of the main considerations behind the signing of a treaty in 2006 to deal with the noisome problem of kidnapping in many countries of the world.

11.1 Cases monitored, reported and documented

1. Daily Trust Newspaper of 18th February, 2014 reported that, unknown gunmen kidnapped Alhaji Sama'ila Ahmed, a chieftain of the All Peoples Congress (APC) in Bauchi State. According to the report, the politician was kidnapped from his residence in Darazo, Darazo LGA of Bauchi State on the 17th of February, 2014.
2. Daily Trust Newspaper of 4th March 2014 reported that, gunmen

abducted a member of the Bauchi State House of Assembly, Alhaji Yusuf Nuhu from his house at Zalau village, Toro LGA.

3. Daily Trust Newspaper of 10th June 2014 reported that, suspected Boko Haram insurgents on the 5th of June 2014 kidnapped about 30 women from their homes when they launched attacks on Fulani settlements at Bakin Kogi, Garkin Fulani and Rigar Hardo as well as other Fulani settlements along Damboa-Chibok road and Sambisa Forest in Borno State.
4. The Nigeria Tribune Newspaper of 21st July 2014 reported that, two primary school teachers were arrested for kidnapping two school children in Ijebu-Ode, Oyo State.
5. Daily Trust Newspaper of 5th August 2014 reported that gunmen abducted Mr. Iniokpoemi Benson, the younger brother to the Speaker of Bayelsa State House of Assembly, Mr. Kombowei Benson on the 4th of August, 2014.
6. On April 14, 2014, no fewer than 219 girls were kidnapped from Government Girls Secondary School Chibok, Borno State by the dreaded Boko Haram insurgents.

RECOMMENDATIONS:

Federal and state Governments

- Government should ensure that it upholds its duty to secure the citizens by equipping the security agencies to effectively and efficiently perform their constitutional role of providing security.

CHAPTER TWELVE

TRAFFICKING IN PERSONS AND OTHER RELATED ISSUES

Introduction

Human trafficking is a transnational issue, recognized by the United Nations in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially of Women and Children (Trafficking Protocol), 2003. The Protocol is the first international and legally binding instrument on trafficking and the only one with universally accepted definition of trafficking in persons. The Protocol facilitates international cooperation in investigating and prosecuting of traffickers. It also protects and assists victims of human trafficking to realise fundamental rights and freedoms guaranteed under the UNHR.

The Protocol defines human trafficking as:

- (a) [...] the recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;

(c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article.

(d) "Child" shall mean any person under eighteen years of age.

Trafficking in person is perceived as one of the crimes against humanity in recent history. It affects most of the other rights such as right to freedom from inhuman and degrading treatment, right to freedom of movement, right to private and family life, right to physical and mental wellbeing and in some instances right to life. Article 6 of CEDAW provides that State parties shall take appropriate measures, including legislation to suppress all forms of trafficking in women and sexual exploitation. Similarly, section 34 of the Constitution provides that every person is entitled to respect for the dignity of his person and accordingly, no person shall be subjected to inhuman or degrading treatment, or held in slavery and servitude or be made to perform forced labour.

Given the inhuman nature and the dimension trafficking in person in Nigeria has taken, the government enacted the National Agency for the Prohibition of Traffic in Persons Act, 2003 to curb the trend. The Act established an Agency, with the mandate to prevent trafficking in persons, rehabilitating victims of trafficking and punishing traffickers.

In spite of all the legislative and administrative measures in place, the acts still

persist in Nigeria as in most other parts of the world. Victims, mostly women and children, are trafficked to be used for sexual gains or made to work long and unpaid hours in farms and factories. Nigeria is seen as a source, transit, and destination country for women and children trafficked outside the shores of the country for the purposes of forced labor and commercial sexual exploitation. Within Nigeria, women and girls are trafficked primarily for domestic servitude. Boys are trafficked for forced labour especially street vending, agriculture, mining, stone quarries, and sometimes as domestic servants.

Thus, most Nigerian women and children are taken to other parts of the world, especially Europe and America, where they are exploited. Children from West African countries, especially Benin, Ghana, and Togo, are trafficked into Nigeria and forced to work as helps or sex slaves. Many are subjected to hazardous labour conditions in cocoa farms or mines.

The United Nations Office of Drugs and Crime (UNODC) reported that individual criminals and organized criminal groups conduct trafficking and in most cases, it involves relatives or other persons already known to the victims. To recruit young women, traffickers often made false promises of legitimate work outside the country. They also deceive child victims and their parents with promises of education, training, and salary payments. But once they are taken away from their families, the children are subjected to harsh treatment and intimidation and threaten with debt burden, particularly victims forced into prostitution. In some cases, traffickers employed practitioners of traditional magic, or juju, to threaten victims with curses to procure their silence. NAPTIP estimated that 90 percent of the girls trafficked through Benin routes were threatened by juju practitioners. Victims are often transported by air, land or sea.

A new trend that has emerged in trafficking is sale of babies. Where girls are

procured and housed for the sole purpose of having babies that would be sold by their keepers.

In order to deter traffickers, NAPTIP has on several occasions successfully prosecuted some traffickers in the Nigerian courts as well as rescued some trafficked persons in the year under review. **Appendix 1 is a table of cases handled by NAPTIP in 2013 and 2014.**

RECOMMENDATIONS

Federal and State governments

- The government should intensify the campaign against human trafficking. Parents should be aware of the dangers their children face when released to an unknown distant relatives.
- Street vending and begging by under aged children should be discouraged
- School feeding programmes should be introduced in all primary and secondary schools to encourage school enrollment.
- The policy on free compulsory basic education should be implemented to the later to encourage school enrollments.

Annexure 1 for SHR 2013 - 2014

DETAILS OF CONVICTIONS 2013

SUIT NAME/NO & JURISDICTION	DATE FILED	DATE TRIAL COMMENCED	NATURE OF OFFENCE	DATE OF JUDGMENT	JUDGMENT	NO.OF PERSONS CONVICTED
1. AGF V Abubakar Ibrahim Charge No: FHC/KN/CR/39/2012 Court: Federal High Court, Kano	01/11/12	12/12/12	The accused person was charged for procuring an underage for unlawful carnal connection with a man contrary to Section 18(b) of TIP Act 2003 as amended.	21/01/13	The accused person was sentenced to 3 years imprisonment with an option of N30, 000.00 fine.	1
2. AGF V Adamu Haruna Charge No: FHC/KN/CR/58/2012	15/05/12	18/12/12	The accused person was charged for procuring an underage to have unlawful carnal connection with a man contrary to	28/01/13	The accused person was sentenced to 1 year imprisonment with an option of	1

Court: Federal High Court, Kano			Section 18(b) of TIP Act 2003 as amended.		N100, 000.00 fine.	
3. AGF V Mudassiru Salfisu Charge No: FHC/KN/CR/21/2011 Court: Federal High Court, Kano	09/06/11 1	22/05/12	The accused person was charged for attempt to procure an under aged to have unlawful carnal connection with a man contrary to Section 27(1) of TIP Act 2003 as amended.	28/01/13	The accused person was sentenced to 5 months imprisonment with an option of N10, 000.00 fine.	1
4. AGF V Garba Ado Charge No: FHC/KN/CR/17/2011 Court: Federal High Court, Kano	09/06/11 1	08/02/12	The accused person was charged for causing the unlawful carnal knowledge of an under aged in his custody contrary to Section 13(1) of TIP Act 2003 as amended.	28/01/13	The accused person was sentenced to 7 months imprisonment.	1
5. AGF V Muhammed Lawal Charge No: FHC/KN/CR/255/20	25/11/11 1	28/01/13	The accused person was charged for encouraging an under aged to have unlawful carnal knowledge of another under aged	28/01/13	The accused person was sentenced to 7 months imprisonment with an option of	1

11	Court: Federal High Court, Kano			contrary to 13(1) of TIP Act 2003 as amended.		N20,000.00 fine.	
6. AGF V Aisha Sabitu, Aisha Mu'azu & Zuwalra Musa Yarima	11/10/12	28/01/13		The accused persons were charged for employing an under aged person as domestic help outside her family environment contrary to Section 22(1)(d) of TIP Act 2003 as amended.	28/01/13	The 1 st & 2 nd accused persons were sentenced to 5 months imprisonment while the 3 rd accused person was sentenced to 3 months imprisonment.	3
Charge No: FHC/KN/CR/122/2012 Court: FH Court, Kano							
7. AGF V Esther Dimudia	4/2/13	6/2/13		The accused person was charged for attempting to promote foreign travel which encourages prostitution, contrary to Section 27 TIP Act 2003 as amended.	06/02/13	The accused person was sentenced to 4 months imprisonment	1
Charge No. FHC/S/2C/2013 Court: Federal High Court, Sokoto							
8. AGF V Gladys Ebohehen David & D	04/02/10	17/02/11		The accused persons were charged for conspiring with	13/02/13	The accused persons were sentenced to 3	2

Akin Aremu Charge No: I/NAPTIP/1/2010 Court: Oyo State High Court, Ibadan			another to induce an under aged by means of false pretence to have carnal knowledge of her, for buying an under aged person for immoral purpose and for procurement for prostitution contrary to Sections 17(a), 21 & 15(a) of TIP Act 2003 as amended.		years imprisonment.	
9. AGF V Owolabi Banjo Abiodun Charge No: FHC/5/1C/13 Court: Federal High Court, Sokoto	25/1/13	06/02/13	The accused person was charged for deceitfully inducing an under aged to go from a place contrary to Section 19(b) of TIP Act 2003 as amended.	20/02/13	The accused person was sentenced to 1 year imprisonment.	1
10. AGF V Joy Godwin Abashemi Charge No: CR/115/11 Court: FCT High	18/07/11	18/01/12	The accused person was charged for organising foreign travel which promotes prostitution contrary to Section 16 of TIP Act	21/02/13	The accused person was sentenced to 3 years imprisonment.	1

Court, Abuja				2003 as amended.			
11. AGF V Osasuwa Ruth & 4 Ors Charge No: FCH/L/107c/2010 Court: Fed. High Court, Lagos	30/03/10	22/06/11		The accused was charged for procuring an under aged for prostitution, deceitfully moving an under aged from place to place and procuring a person for prostitution contrary to Sections. 14(2)(a), 19 (b) & 15(a) of TIP Act 2003 as amended.	26/02/13	The accused person sentenced to 2 years imprisonment.	1
12. AGF V Yemi Koko Charge No. FHC/KN/CR/48/2013 Fed. High Court, Kano	27/02/13	06/03/13		The accused person was charged for procuring an under aged for prostitution and organizing foreign travel contrary to Sections 15(a) & 16 of TIP Act 2003 as amended.	06/03/13	The accused person was sentenced to 3 1/2 and 3 years imprisonment on counts 1 & 2 respectively.	1

13. AGF V Bola Olaniyi & 1 Or Charge No. FHC/1B/59C/2013 Fed. High Court, Ibadan	04/09/1 2	11/12/12	The accused person was charged for employing an under aged outside her own home and family environment contrary to Section 22(1)(d) of TIP Act 2003 as amended.	26/03/13	The accused person was convicted and fined N100,000.00	1
14. AGF V Daniel Eduge Charge No. HC/8/4C/2013 Court: High Court, Benin	13/03/1 3	08/04/13	The accused person was charged for organising foreign travels which promotes prostitution contrary to Section 16 of TIP Act 2003 as amended.	08/04/13	The accused person sentenced to 1 year imprisonment.	1
15. AGF V Henry Ehibor aka Saturday Efe Charge No: FHC/S/25C/13 Court: FH Court, Sokoto	04/04/1 3	11/04/13	The accused person was charged for organizing foreign travels which promotes prostitution contrary to S.16 of TIP Act 2003 as amended.	24/04/13	The accused person was sentenced to 1 year imprisonment.	1

16. AGF V Joyce Awin Anifowoshe & Victoria Odete (Nene) Charge No: ID/112C/2006 Court: High Court, Lagos	30/08/0 6	23/04/09	The accused persons were charged with offering of persons for prostitution, keeping of brothel and allowing persons below 18 years to be in brothel and encouraging an under aged person in ones custody to engage in prostitution contrary to Sections 15(a)(b) & (c) & s. 13(1) of TIP Act 2003 as amended.	30/04/13	The 1 st and 2 nd accused persons were sentenced to 5 years imprisonment.	2
17. AGF V Juliet Nasser Charge No. FHC/B/17C/2013 Fed. High Court, Benin	29/1/13	4/2/13	The accused person was charged for procurement for prostitution; deceitful inducement to go any place; organising foreign travel that promotes prostitution contrary to Sections 14(2), 19(b) & 16 of TIP Act 2003 as	14/05/13	The accused was sentenced to 2 years imprisonment.	1

18. AGF V Edim Uwe Osipoy Charge No. FCH/UW/23C/13 Fed. High Court, Uyo	18/03/13	09/04/13	amended.	The accused person was charged for procuring persons for prostitution contrary to section 15(a) of TIP Act 2003 as amended.	14/05/13	The accused was sentenced to 1 year imprisonment.	1
19. AGF V Alex Ehidiamien & 2 Ors Charge No. FHC/WR/52C/2013 Fed. High Court, Warr	Originally filed on 12/7/10 (amended charge was filed on 8/5/13)	22/7/10 (and started 'de novo' on 17/5/13)		The accused persons were charged for deceitfully inducing an under aged to move from any place contrary to Section 19(b) of TIP Act 2003 as amended	17/05/13	The accused persons were sentenced to 5 years imprisonment with an option of N100,000.00 fine each	3
20. AGF V Godwin Effiong Bassey Charge No. HU/56C/2011	25/10/11	05/12/11		The accused person was charged for procurement of an under aged person by use of deception, inducement and	20/05/13	The accused was sentenced to 7 years imprisonment.	1

State High Court 4, Uyo			seduction into illicit intercourse and deceitfully inducing a person to go from any place contrary to contrary to Sections 12(a) & 19(1)(b) of TIP Act 2003 as amended.			
21. AGF V Grace Joshua Mark Charge No. HU/21C/2006 State High Court 4, Uyo	14/07/0 6	13/12/06 (and started 'de novo' on 21/10/08)	The accused person was charged on a 2- count charge for fraudulently taking a child out of lawful custody contrary to Ss. 19(1)(d) and 19 (1)(e) of TIP.	30/05/13	The accused was found guilty of the 2 counts and sentenced to 7 years imprisonment without an option of fine on each count.	1
22. AGF V Stanley Ejiohu Charge No. FHC/EN/CR /35/2010 Fed. High Court,	18/05/1 0	09/06/10	The accused person was charged for kidnapping out of guardianship and deceitful inducement of an under aged to move from any place	18/06/13	The accused person was sentenced to 2 years imprisonment with an additional fine of	1

Enugu				contrary to Section 19(a)(b) of TIP Act 2003 as amended.		N50,000.00.	
23. AGF V Tobias Rose Esther Charge No. B/5C/13 Court: High Court, Benin	04/06/13 3	19/06/13	The accused person was charged for deceitfully inducing an under aged to go from Benin City, Edo State, Nigeria to Togo contrary to S. 19(b) of TIP Act 2003 as amended.	19/06/13	The accused was sentenced to 18 months imprisonment.	1	
24. AGF V Monica Okokori Charge No. HU/33C/2013 State High Court 4, Uyo	11/06/13 3	19/06/13	The accused person was charged for deceitful inducement to go from any place and employing a child as domestic help outside his own home contrary to Sections. 19(1)(b) and 22 (1)(d) of TIP Act 2003 as amended.	19/06/13	The accused person was sentenced to 2 years imprisonment with an option of N30,000.00 on count 1 and 6 months imprisonment with an option of fine of N20,000.00 on	1	

					count 2.	
25. AGF vs Effiong Jah Ikwo Charge no. FHC/IKJ/12/2012 Federal High Court, Lagos	17/5/20 12	08/07/13	The accused person was charged for deceitfully inducing movement of an under aged for illicit intercourse, procurement for prostitution & deceitful inducement to go from place to place contrary to sections 12 (a), 14 (2)(a) & 19 (b) of TIP Act 2003 as amended.	08/07/2013	The accused person was sentenced to 1 year on each of the counts. Sentence to run concurrently.	1
26. AGF V Folashade Bankole Olufunke Charge No. FHC/18/65c/2011 Federal High Court, Ibadan	16/11/1 1	30/11/11	The accused was charged for requiring a person to be used for forced labour and employing a child as domestic help outside her own home contrary 22(1)(a)(d) of TIP Act 2003 as amended.	09/07/13	The accused was sentence to pay a fine of ₦80,000.00.	1

27. AGF V Alabi Atiku Charge No. FHC/TR/59C/2012 Federal High Court Ibadan	4/9/12	23/05/13	The Accused Person was charged on a one count of requiring an under aged for forced labour as house help contrary to Section 22 (1) (a) TIPPLEA, 2003 as amended.	24/10/13	The accused person was convicted and fined N80,000.00	1
28. AGF V Grace Okeke & Ezekiel John Charge No. FHC/AB/65C/2009 Federal High Court Ikeja, Lagos State	11/09/10 9	17/01/13 denowo	Procurement of Underage girls for prostitution, deceitful inducement to move from place to place, keeping in brothel and offering of underage girls for prostitution contrary to sections 19(1)(a)(b), 14(2)(a), 15 (b) and (c) on the Act	13/11/13	The accused persons were sent to 5 years imprisonment on each of the counts against them. The sentence to run concurrently.	2
29. AGF V Yasir Mohammed Charge No. FHC/CR/164/2013	3/10/13	15/11/13	The accused required a victim to be used for false labour in various locations within Nigeria contrary to section 22	15/11/13	The accused person was sentenced to 1 year imprisonment	1

Federal High Court Kano		*	(1) (a) of the Act		with N30,000 option of fine	
30. AGF V Sunday Shuaibu Charge No. FHC/EN/CR/25/13 Federal High Court Enugu	23/04/13	9/05/13	Procurement for lawful canal knowledge contrary to section 17 (b) of the Act.	18/11/13	The accused was sentenced to 4 months imprisonment on 2 counts to run concurrently. He had been granted bail but couldn't fulfill his bail conditions and had to attend trial from prison and on the day judgment was given, he changed his plea to guilty.	1
31. AGF V Ijeoma Enyama & 3 ORS Charge No. FHC/B/88C/09 Federal High Court	16/01/09	22/04/10	The accused was charged on a 3 count charge of offering for prostitution of 3 young girls contrary to section 15(a)	19/11/13	Ijeoma was arraigned with 3 other people, but she alone pleaded guilty. She was	1

Benin						sentenced to 4 years imprisonment on each count to run concurrently	
32. AGF V Edet Okon Asuquo Charge No. HU/8C/2013 High Court, Uyo	6/3/2013	11/3/13	The accused was charged for unlawful carnal knowledge contrary to section 18(a) and (b) of the TTPLEA.	29/11/13	The accused was sentenced to 5 years imprisonment without an option of fine on a 2 count charge.	1	
33. AGF V Fatsuma Yusha'u Charge No. BN/28/09 Bauchi State High Court	3/7/09	29/7/09	The accused person was charged for kidnapping from guardianship contrary to sections 19 and 20 of the TTPLEA	29/11/13	The accused was sentenced to 4 years imprisonment on the two counts	1	
34. AGF V Faith Oyindamola Mobolaji Charge No:	14/01/13		The accused person was charged under Section 19(1)(b) and (c) of the TTP Act 2003 as amended for	2/12/13	The accused person was sentenced to ten (10) years imprisonment	1	

FHC/1B/2C/2013 Federal High Court Ibadan			deceitfully inducing 3 victims to be used for forced labour.		with an option of N150,000 fine.	
35. AGF V Onah Paul Charge NO: FHC/1B/60C/2012 Federal High Court Ibadan	04/09/12		The accused person was charged under Section 19(1)(b) and Section 22 (1)(a) of the TIP Act 2003 as amended for deceitful inducement of a minor to be used as a domestic servant	2/12/13	The accused person was sentenced to ten (10) years imprisonment with an option of N75,000 fine	1
36. AGF V Michael Oshinke Charge No. FHC/KN/CR/212/20 13 Federal High Court, Kano	4/12/13	6/12/13	The accused was charged for organising foreign travel which promotes prostitution contrary to section 16 of the TIPPLEA	6/12/13	The accused was sentenced to 5 years imprisonment without option	1
37. AGF V Emem Okon Effiong Charge	17/4/12	11/5/12	The accused persons was charged for exportation of an under aged girl from	18/12/13	The accused was convicted and sentenced to 3 years	1

No:HU/20C/2013

High Court Uyo

Arrested: 500
 In custody: 100
 For the purpose of
 production before the
 Sessions Judge, Uyo
 and 100% of the
 THREAT AT 200 is
 released

NO. OF
 VICTIMS OF
 THE
 COURT

TOTAL NO. OF CONVICTS SO FAR FOR 2013

44

Noc-HU/2007/2013 High Court Oyo		Akwa-Ibom State, Nigeria to Ivory Coast for the purpose of prostitution contrary to Sections 11(a), 12(a) and 19(1)(b) of the TIPPIEA Act, 2003 as amended.		imprisonment without option of fine on a three count charge	44
TOTAL NO. OF CONVICTS SO FAR FOR 2013					

DETAILS OF CONVICTIONS 2014

SUIT NAME/NO & JURISDICTION	DATE FILED	DATE TRIAL COMMENCED	NATURE OF OFFENCE	DATE OF JUDGMENT	JUDGMENT	NO.OF PERSONS CONVICTED
1. AGF V Aremu Adisa & Another Charge No: FHC/1/463 /2013 Court: Federal High Court, Ikoyi Lagos	09/12/13	28/01/14	The accused persons were charged for employing a child for forced labour outside the child's family environment contrary to Section 22(d) of TIP Act 2003 as amended.	29/01/14	The accused persons were sentenced to 2 years imprisonment with an option of N5,000.00 fine.	2
2. AGF V Ekwe Benmth Chukwuemeka & Another Charge No: FHC/05/14/09 Federal High Court, Oshogbo	28/04/13	16/01/13	The accused persons were charged for procurement for prostitution and deceitful inducement to go from one place to another for prostitution contrary to Sections 14 (2), 15 (a - c) and 19 (b) of the TIP Act 2003 as amended.	10/02/14	The accused persons were sentenced to 2 years imprisonment.	2

3. AGF V Bilya Ado Charge No: FHC/KN/CR/67/2011 1 Federal High Court, Kano	04/03/11 1	31/10/11	The accused person was charged for sexual exploitation through the unlawful carnal knowledge of a 9 year old and deceitful inducement to go from any place contrary to Sections 13 (1) and 19 (b) of the TIP Act, 2003 as amended.	10/02/14	The accused person was sentenced to 5 months imprisonment.	1
4. AGF V Joseph Ekoma Charge No. FHC/AY/13C/2008 Federal High Court, Abakaliki	04/03/10 8	10/2/09	The accused person was charged for trafficking for forced labour under Section 19(b) and 22 (d) of the TIP Act, 2003 as amended	28/02/14	The accused person was sentenced to 1 year imprisonment	1
5. AGF V Aminu Nasiru Charge No. FHC/KN/CR/30/2011 4 Federal High Court, Kano	20/2/14	11/3/2014	The accused person was charged for sexual exploitation of a minor under Section 13(1) of TIP Act, 2003 as amended.	17/3/14	The accused person was sentenced to one year imprisonment without an option of fine	1
6. AGF V. Hassan Kabiru	13/03/10 4	19/03/14	The accused person was charged for taking an 11	19/03/14	The accused person was	1

Charge No. FHC/KN/CR/55/201 4 Federal High Court Kano			year old out of lawful guardianship, an offence punishable under Section 19 (1) (a) of TIP Act, 2003 as amended.		Sentenced to 3 years imprisonment without an option of fine.
7. AGF V Isah Dahiru	13/03/14 4	19/03/14	The accused person was charged for taking an 11 year old out of lawful guardianship, an offence punishable under Section 19 (1) (a) of TIP Act, 2003 as amended.	The accused person was sentenced to 1 year imprisonment without an option of fine.	1
Charge No. FHC/KN/CR/56/201 4 Federal High Court Kano					
8. AGF V David Ulaikom	20/3/13	25/04/13	The accused person was charged for employment underage girl as a domestic help outside her family environment, an offence punishable under Section 22 of TIP Act, 2003 as amended.	The person was sentenced to 2 years imprisonment or N50,000.00 option of fine	1
Charge No. FHC/11-4C Federal High Court, Ikoru, Lagos					
9. AGF V Ozavize Adanini Charge 4	11/03/14 4	24/03/14	The accused person was charged for employment an 11 years old girl as a	The person was sentenced to 2	1

No.				domestic help outside her family environment, an offence punishable under Section 22 of TIP Act, 2003 as amended		years imprisonment or N20,000.00 option of fine	
FHC/KN/CR/30/2014 Federal High Court Kano	21/03/14 4	26/03/14		The accused person was charged for attempting to sexually exploit a minor, an offence punishable under section 13 (1) of TIP Act 2003 as amended	26/03/14	The accused person was sentenced to 2 years imprisonment	1
Charge No: FHC/KN/CR/57/2014 Federal High Court Kano							
10. AGF V Sulaiman Awwal	17/09/2013	18/10/13		The accused person was charged for sexual exploitation of a minor under Section 13(1) and 18(b) and for forced labour under Section 22(1)(d) of the TIP Act 2003 as amended	27/3/14	The accused person was sentenced to 2 years imprisonment	1
11. AGF V Magnus Iheanacho Charge NO. NICN/ABJ/162/2013 National Industrial Court, Abuja	24/02/14 4	03/04/14		The accused person was charged for using under	10/04/14	The accused persons was	1
12. AGF V Jerome Akasang charge No.							

FHC/CA/CR/7/2014 Federal High Court Calabar				four aged boys for forced labour at Abeokuta, Ogun State Contrary to Section 22 of the TIPPLEA Act 2003 as amended			sentence to 3 months imprisonment with an option of N50,000.00 fine	
13. AGF V Falola Waheed Charge No. FHC/MKD/CR/34/20 14 Federal High Court Makurdi, Benue State	12/04/14 4	07/05/14		The accused person was charged for taking an underage out of lawful guardianship, an offence punishable under Section 19 (1) (a) of TIP Act, 2003 as amended.	07/05/14		The accused person was sentenced to 5 years imprisonment	1
14. AGF V HENRY BALOGLIN Charge No. FHC/AK/43C/2012 Federal High Court Akure	17/09/13 2	31/01/13		The accused was charged for organizing foreign travel which promote prostitution an offence punishable under Sections 15(a), 16 and 19(b) of the TIP Act, 2003 as amended.	13/05/14		The accused person was sentenced to 18 months imprisonment for each count	1
15. AGF V Hadiza Mohammed Abubakar Charge No. FHC/KN/CR/100/20	27/05/14 4	02/06/14		The accused person was charged for forced labour under Section 22(1)(d) of the TIP Act 2003 as	02/06/14		The accused person was sentenced to 1 year imprisonment or an option of	1

14	Federal High Court Kano			amended		N15,000 fine	
16. AGF V Hauwa Sani Charge No. FHC/KN/CR/109/20 14	05/06/14 4	06/06/14	The accused person was charged for taking a 2 years old child from guardianship, an offence punishable under Section 19 (1) (a) of TIP Act, 2003 as amended.	06/06/14	The accused person was sentenced to 1 year imprisonment with hard labour	1	
Federal High Court Kano							
17. AGF VS NAFISA ABDULLAHI Charge No. FHC/KN/CR/101/20 14	3/06/14	12/06/14	The accused persons was charged for employing a 14 year old child as a domestic help outside her own home or family environment under Section 22(1)(d) of TIP Act, 2003 as amended.	12/06/14	The accused person was sentenced to 2 years imprisonment or N40,000 option of fine.	1	
Federal High Court, Kano							
18. AGF Vs Stanley Osayande Charge No. FHC/KN/CR/120/20 14	30/5/14	02/07/14	The accused person was charged under Section 22 of the TIP Act, 2003 (as amended) for organising foreign travel which	03/07/14	The accused person was sentenced to one year imprisonment without an option	1	

Federal High Court, Kano				promotes prostitution.		of fine.	
19. AGF Vs Eunice John Ayegidi Charge No. B29/C/2012 Edo State High Court, Benin	02/05/1 2	7/03/13		The accused person was charged for organising foreign travel, procurement for prostitution and doctful prostitution under Sections 15, 16, 19(b) of TIP Act, 2003 as amended.	9/07/14	The person was sentenced to 10 years imprisonment without an option of fine.	1
20. AGF Vs Mariyam Kaika Charge No. FHC/LF/CR/16/14 Federal High Court Lafia, Nassarawa State	20/06/1 4	07/07/14		The accused person was charged for deceitfully inducing a minor to go from one place to another under Section 19 (b) of the TIP Act 2003 as amended	07/07/14	The accused was sentenced to 3 months imprisonment without option of fine.	1
21. AGF Vs Amos Simon Charge No. FHC/LF/CR/19/14	03/07/1 4	07/07/14		The accused person was charged for taking a minor away from lawful custody under section 19 (a), (b) and (d) of the TIP Act 2003	07/07/14	The accused was sentenced to 2 years for each of the counts. Making it a total of 6 years	1

Federal High Court Lafia, Nassarawa State			as amended				without option of fine, to run concurrently from the date of arrest	
22. AGF Vs Dauda Folakeemi Charge No. FHC/18/60C/12 Federal High Court, Ibadan	06/09/12 2	10/07/14	The accused person was charged for employment of a child as a domestic help for forced labour contrary to Section 22(1)(d) of the TIP Act 2003 as amended	NATURE OF OFFENCE	DATE OF JUDGMENT	JUDGMENT	NO.OF PERSONS CONVICTED	
23. AGF Vs Felix Onuorah Charge No..... FHC/ Federal High Court Enugu	09/04/13 3		The accused person was charged for unlawful carnal knowledge of a minor with threat and intimidation under Sections 13 (1) 17(b) and 18(a) of the TIP Act 2003 as amended	DATE TRIAL COMME NCED	29/09/14	The accused was sentenced to 6 years imprisonment	1	

24. AGF Vs Elizabeth Uzor and 1 Other Charge No. FHC ... Federal High Court	04/04/14 4	30/09/14	The accused persons were charged for procurement for prostitution under Sections	30/09/14	The persons were sentenced to 3 months imprisonment with an option of N20,000 fine each.	2
25. AGF Vs Nneka Ebeleokwu Charge No: FHC/480/CR/93/2013 Federal High Court Abuja	17/05/14 3	10/06/13	The accused person was charged under Section 16 of the TIP Act 2003 as amended for organizing foreign travel which promotes prostitution of (3) three girls	20/10/14	The accused person was sentenced to 30 (thirty) years imprisonment i.e 10 years on each of the three count but the sentence is to run concurrently without an option of fine	1
26. AGF Vs Plus Osayande Charge No.: FHC/KN/CR/177/2014 Federal High Court,	21/10/14 4	12/11/14	The accused person was charged for organising foreign travel, procurement for prostitution and deceitful inducement to travel for prostitution under Sections 15, 16, 19(b) of TIP Act,	13/11/14	The person was sentenced to one (1) year imprisonment without option of	1

Kano State			2003 as amended.		fine.	
27. AGF Vs Hauwa Shettima Charge No. NSO/MG.3OR/2013 Nasarawa State High Court, Mararaba	23/05/13	02/10/13	The accused person was charged under Section 22 (1) (d) for employing 2 under aged girls as domestic helps outside their family environment.	14/11/14	The accused person was sentenced to one year imprisonment with an option of N20,000 fine on each of the two counts she was convicted on. Sentence to run concurrently.	1
28. AGF Vs. MATMUNA M Yusuf & Hajjiya Ramatu Lawan Charge No.: PHC/KN/CR/178/2014 Federal High Court, Kano State	21/10/14	13/11/14	The accused person(s) were charged for attempted trafficking under section 27(1) of TTP Act 2003 as amended.	14/11/14	The accused person(s) were sentenced to two (2) years imprisonment or to pay a fine of N10,000 each.	2

29. AGF Vs Obioma Emendu Charge No.: FHC/KN/CR/189/20 14 Federal High Court, Kano State	12/11/14 4	17/11/14	The accused person was charged for organising foreign travel, procurement for prostitution and deceitful inducement to travel for prostitution under Sections 15, 16, 19(b) of TIP Act, 2003 as amended. He was summarily tried under section 218 of CPA and convicted as charged.	18/11/14	The accused person was sentenced to two (2) years imprisonment without option of fine.	1
30. AGF Vs. Dafayat Ayomide Ajo Charge No.: FHC/KN/CR/176/20 14	21/10/14 4	20/11/14	The accused person was charged for deceitful inducement to travel for prostitution under sections 15,16,19(b) of TIP Act, 2003 as amended.	20/11/14	The accused person was sentenced to two (2) years imprisonment with option of fine of N20,000	1
31. AGF Vs Blessing Osagie Charge No.: FHC/KN/CR/192/20 14	18/11/14 4	25/11/14	The accused person was charged for deceitful inducement to travel for prostitution under sections 15,16,19(b) of TIP Act, 2003 as amended.	25/11/14	The accused person was sentenced to one (1) year imprisonment of option of N50,000	1

32. AGF Vs Rose Ozoya & Blessing Ofin Charge No.: State High Court, Benin City, Edo State	14/01/13	28/02/13	The accused person(s) were charged under section 15 15(a) TJP Act, organising foreign travels which promotes prostitution, section 16 and deceitful inducement to go from one place to another	10/12/14	The accused person(s) were sentenced to 10 years imprisonment which is to run concurrently	2
33. AGF VS Franklin Chimezie Charge No: B/5/2014 State High Court, Benin City, Edo State	03/11/14	06/11/14	The accused person was charged for deceitful Inducement contrary to section 19(b) of TIPPLEA, 2003 as amended.	22/12/14	The person was convicted and sentenced to one(1) year imprisonment or an option of fine of one hundred thousand naira (N100,000.00)	1
TOTAL NO. OF CONVICTS SO FAR FOR 2014						38

TOTAL NO. OF CONVICTS

258

Note

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