

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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Nigeria: Extension of state of emergency must not lead to more human rights violations

Amnesty International is deeply concerned that the extension of the state of emergency in the three states of Adamawa, Borno and Yobe may lead to further human rights violations by security forces in north-eastern Nigeria. The organisation is calling on the Nigerian authorities to ensure that this extension does not give the security forces carte blanche to do whatever they want in the name of national security.

On 7 November 2013, the Nigerian Senate approved a request from President Goodluck Jonathan to extend the ongoing state of emergency in the three states by another six months. The state of emergency gives the military powers to continue to conduct arrests and house to house searches in the affected states.

Despite the ongoing state of emergency, information received by Amnesty International suggest that violations and abuses of human rights in north-eastern Nigeria have not reduced.

In October 2013, Amnesty International revealed that over 950 people reportedly died in detention facilities run by the Joint Task Force (JTF) in the first six months of 2013 alone. Others have simply disappeared. Amnesty International has also received information that dead bodies in military vehicles are delivered on a daily basis at the respective hospital mortuaries in Borno and Yobe states.

Hundreds more are denied access to lawyers and families and are not being charged with any crimes or brought before a court. Many people have spent more than a year in military detention without being tried or even charged with any crimes.

The government must immediately review its overall strategy on the security situation in Adamawa, Borno and Yobe states, and must conduct a thorough, impartial and transparent investigation into the allegations of human rights violations by the security forces as a matter of urgency.

The extension of the state of emergency will further restrict people's human right, including the rights to livelihoods for thousands of people who cannot go about their normal business as a result of the restrictions imposed by the military under the emergency powers.

As a state party to several regional and international human rights instruments, including the African Charter on Human and Peoples' Rights, the Nigerian government has an obligation to ensure the security and safety of all the people in Nigeria, firstly by addressing the killings and attacks by Boko Haram, but also by eliminating the human rights violations carried out by the security forces who are supposed to provide protection, and by bringing suspected perpetrators to justice in fair trials.

Background

Since 2009, Amnesty International documented grave human rights violations committed by security forces in their response to Boko Haram, including extra-judicial executions, enforced disappearances, indiscriminate torching of houses and arbitrary detention. Amnesty International has consistently raised its serious concerns with the Nigerian authorities.

International law provides that even during a state of emergency, a state can never derogate from certain fundamental human rights including the prohibition of arbitrary deprivation of life, torture and other cruel, inhuman or degrading treatment or punishment, the arbitrary deprivation of liberty including incommunicado detention and the right to challenge the lawfulness of detention in court.

In cases of armed conflict, international humanitarian and human rights law apply, prohibiting among others indiscriminate or disproportionate attacks, or attack on civilians.

The African Charter on Human and Peoples' Rights - which is applicable in Nigeria's courts - does not allow for derogation from any of its provisions, including fair trial guarantees, under any circumstances.

Likewise, the International Convention for the Protection of All Persons from Enforced Disappearance, to which Nigeria is a state party, provides that no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification for enforced disappearance. It also obliges Nigeria not to hold anyone in secret detention.