

Report from a fact-finding trip to Nigeria (Abuja, Kaduna and Lagos)
23-28 February 2004

Factfinding report, Documentation Centre, October 2004



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1. Introduction

This report is based on information gathered during a fact-finding trip to Nigeria 23-28 February 2004. The delegation visited Abuja, Kaduna and Lagos. The delegation consisted of Regional Advisor Geir Skogseth and Higher Executive Officer Sølve Sætre from the Norwegian Directorate of Immigration, and Higher Executive Officer Ingvald Heldal from the Immigration Appeals Board. First Secretary Jens Erik Grøndahl from the Royal Norwegian Embassy in Nigeria participated in most meetings.

The number of Nigerians applying for political asylum in Norway has seen a strong increase over the last four years. In 2000, there were 14 Nigerian asylum seekers, in 2001 the number almost doubled to 27, in 2002 the number increased more than fivefold to 139 and in 2003 it increased to 236. By 1 August 2004, the number was 126, which means the figure for 2004 could approach those of 2003.¹ On the one hand this means a stabilisation in the number of asylum applications from Nigerians, on the other, the number of people applying for asylum in Norway in general has dropped sharply this year,² which means Nigerians is still an increasingly important groups of asylum seekers in a Norwegian context.

The purpose of the trip was to collect information with relevance for the treatment of asylum applications presented by Nigerians in Norway, and as a consequence, the report concentrates on issues related to their asylum claims. A number of subjects which are important in a Nigerian human rights context, but which do not feature in asylum claims submitted by Nigerians in Norway, are only discussed briefly or left out of the report.

¹ Several asylum seekers in the same period applying as citizens of other West African countries (i.e. Sierra Leone, Liberia and Cameroon) have had their applications turned down based on assumptions that the applicants did not come from these countries – we find it likely that many of these also are Nigerians.

² In 2003, Norway received 15 613 applications for asylum. By 1 August 2004, the figure was 4 646. (On 1 August 2003, the number was almost twice as large: 8 336.)

It was decided in advance that the report would be made public. All sources were informed of this at the start of the meetings.

1.1 Sources

The meetings were arranged through invaluable assistance from the Royal Norwegian Embassy in Abuja. We primarily met with representatives from local NGOs and with diplomats, but also with an international organisation (the ICRC), the National Human Rights Commission (NHRC) and with academic scholars. Due to problems with logistics, we were unable to meet representatives from the press (local and international). For the views of international organisations apart from the ICRC regarding the situation in Nigeria, I refer to the list of written works provided at the end of this document.

1.2 The general political and socio-economic situation in Nigeria

After our meetings with Nigerians and expatriates alike, we have a strong impression of widespread frustration and pessimism with the current situation in the country. Even so, ICRC maintained that «Nigeria's image is worse than the actual situation.» They pointed to corruption and nepotism as being among the more important problems in today's Nigeria.

At Inter-Faith, they stressed that the conditions actually turned more chaotic after military rule was abolished in 1999: «Under the Abacha dictatorship, most conflicts were kept under lid, but they erupted after the democratisation process started. Manipulation of ethnicity and religious affiliation is very commonplace. Media coverage of conflicts contribute to their escalation, and the authorities generally intervene only when a situation has escalated to a point where it cannot be stopped.»

Since 1999, local conflicts have escalated into full riots in several places in Nigeria, some of them spreading to other regions through revenge attacks. However, both at ICRC and Inter-Faith it was pointed out that situations often return to near normalcy remarkably rapidly after riot situations.

The Nigerian Human Rights Commission pointed to corruption being the main focus of one of their programs. They pointed to the Official Secrets Act – introduced into Nigerian legislation by the British – as an obstacle to transparency, and maintained that civil servants constitute the greatest obstacle for removing this act, whereas politicians are apparently willing to look into the problem.

The Nigerian Red Cross stressed that democracy in Nigeria is still frail, as military dictatorship was the rule until fairly recently.

We had a strong impression that the myriad of problems that Nigerian society continues to face since independence has turned the strong post-independence optimism into a general level of pessimism bordering on despair and resignation, where especially the middle class and the elite spends much of their energy and resources trying to establish themselves outside Nigeria, efforts that could have contributed to the improvement of conditions for the population in general – had they been focused on Nigeria.³

1.3 Migration

We were told that because of the general pessimism regarding the situation in Nigeria and lack of belief in positive changes, a large number of Nigerians contemplate migration as a way of improving the living conditions for themselves and their families (the immediate family through migration with the main person, the extended family through money transfers back home after getting a fixed income abroad). We were repeatedly told that many Nigerians are willing to go to drastic ends in order to be able to secure a foothold in a high income country – i.e. hazardous trips through the Sahara and across the Mediterranean, submitting false information and documents to obtain visas and/or residence permits, contracting marriages of convenience abroad, despite already being in stable relationships in Nigeria (either legally married or living together), and finally living as illegal aliens in Europe under difficult conditions. As representatives of the Nigerian Red Cross put it: «People are our main ex-

³ I would, however, like to stress that the delegation was very impressed with Nigerian civil society through the representatives of local NGOs we had meetings with during our visit. The considerable number of devoted Nigerians willing to give much of their time and energy under difficult conditions and facing severe obstacles in order to contribute to the improvement of the situation in the country does, in my opinion, give reason for cautious optimism.

port commodity!» Having been abroad for work or studies also gives considerable status, and the political and socio-economic elites to a large extent try to send their children abroad for studies (the US or European countries, but also i.e. to Ghana). The representatives from the Nigerian Red Cross pointed to brain drain being an important phenomenon, which they also noticed within their own organisation.

On the other hand, several sources stressed that political strife and problems people face as a consequence, as well as natural disasters, generally lead to migration *inside* Nigeria, temporarily or permanently. At Inter-Faith, the representatives put it this way: «Nigerian migrants leave the country because of the economic situation, not because of security or political issues. In a Northern Nigerian context, those who really need help after a conflict situation or riots are generally destitute and unable to leave the country (even to neighbouring countries), accordingly they end up as internally displaced.»

This point of view is to a large extent confirmed by UNHCR. According to their statistics, very few Nigerians are registered as refugees in other West African countries, whereas large numbers of Nigerians live as migrants in the region and elsewhere on the continent. To take one example, Cameroonian sources we talked to in Yaoundé in March estimated that there are some 1-3 million Nigerians living in that country, especially in Douala and the coastal regions neighbouring Nigeria.

The pressure to migrate has resulted in a steady increase in the number of applications for visas to Western countries – also after many of the embassies have been moved from Lagos to Abuja, including their consular sections. Diplomatic sources stated that migration scams are disturbingly common ways of trying to obtain a Schengen visa. Methods used are i.e. paying your way into official delegations and being included on their visa applications, presenting false documents with applications, etc.

1.4 Ethnicity and religion

From the news media, both international and Nigerian, it is easy to get an impression that most conflicts in Nigeria are either ethnic, religious or both. However, like elsewhere in the world, most conflicts have political, economic and social causes. Most of our sources stressed that very few conflicts in Nigeria are caused by ethnic or religious antagonism as such, but pointed out that ethnicity

and religion are very important when it comes to *mobilising* Nigerians in situations of conflict.

When that is said, it was also clear from our meetings that it is very common in Nigeria to explain people's behaviour through ethnic stereotypes, i.e. that Igbos are more focused on ethnic ties and returning to their village of origin regularly than other Nigerians, or that homosexuality is more common among Hausas, as they are culturally influenced by Arabs, and so on.

It remains clear, both through conventional wisdom and actual behaviour, that ethnicity and religious affiliation are salient features in modern Nigerian society, and very important to people in their daily lives. This is especially the case in a context of migration between different Nigerian regions and states, where ethnic networks have a lot of influence on people's choices of work, settlement and social contacts. Some of these networks are informal, but according to ICRC, «especially Igbos are maintaining formalised networks outside their home states to a larger extent than other ethnic groups in Nigeria.» Representatives of the Nigerian Red Cross maintained that Igbos are generally very mobile and that their formal and informal networks are also important in situations of international migration. At NRC, they said that Igbos often headed for the US and Scandinavia,⁴ whereas Yorubas from the southwest are more focused on Great Britain.

In our meeting with Human Rights Monitor in Kaduna, we asked to what extent different ethnic groups interact in the city. They stated that «Inter-ethnic relations in Kaduna are generally focused on trade, apart from this the interaction is more limited. Still, a city like Kaduna has a very cosmopolitan character, as 80% of the population are migrants. The different ethnic groups in the city do not live segregated from each other – paradoxically this is both a source of hope and of problems.⁵ This contributes to conditions improving quickly after periods of conflict, but is also an important factor in the large number of deaths during riots – as “the other” is living next door, not on the other side of town. However, after riots are over, life simply *must* go on, and the tension dissolves fairly rapidly, at least on the surface.»

⁴ In a Norwegian context, a disproportionately large percentage of Nigerian asylum seekers state that they are of Igbo origin when filling out their registration forms.

⁵ They explained this through Kaduna being a colonial city which was founded fairly recently. In other Northern Nigerian cities, like Kano, Zaria and Sokoto, people originating elsewhere in Nigeria tend to live in segregated areas. See Anthony 2002, 36-37.

At Inter-Faith, they stated that it is important to be aware that the situation can be very complex when it comes to ethnicity and religious affiliation, as «Hausa does not necessarily equal Muslim, there are Christian ethnic Hausas. Some of these may have Muslim first names.»

1.5 Violence

All sources stressed the level of violence in Nigeria, and the frustration this naturally creates in the population in general. Some, including the Nigerian Red Cross, pointed to the years of military dictatorship, other specialists link the phenomenon to historical factors like the Biafra war, demobilisation and subsequent proliferation of weapons (i.e. Anthony 2002). The violence affects all layers in society, and government forces who are supposed to contain the violence are seen as either inefficient, unwilling or even part of the problem. The phenomenon is linked to crime, police and army brutality, vigilante groups, political violence and conflicts between different groups for control over resources and power, and will be dealt with in further detail below.

2. Regional conflicts

Some regions of Nigeria are generally more prone to conflicts than others. As mentioned above, news media tend to label most of these conflicts as ethnic, religious or a combination of the two, but the situation is often more complex and any conflict's root causes are generally of an economic, social or political nature. At the same time, important actors often try to present the conflict as ethnic and/or religious, in order to rally supporters along ethnic and religious lines.

2.1 The situation in the Midbelt

The Nigerian Red Cross singled out the Midbelt as one of the areas of Nigeria with a high level of ethnic conflict (such conflict erupted in Plateau state during our visit). Struggle for limited resources, especially over land, are often the cause of such conflicts.⁶ There seem to be two main conflict lines. The first goes between sedentary farmers and nomads herding cattle and other livestock, where both groups claim a right to the same land resources.⁷ The second separates groups labelled as either "indigenous" or "settlers", indigenous groups are seen as being the original population of an area, whereas settlers are perceived as having migrated there in more recent times. It is important to stress that this may have happened quite some time ago, and that most of the groups called "settlers" have lived in the areas where they presently live for generations. Note that "indigenous" groups may well be nomads, "settlers" sedentary farmers – and vice versa. To complicate things further, the region is also diverse when it comes to religion, both with large populations of Muslims and Christians, but also groups who follow local religions.

⁶ As very few Nigerian asylum seekers present claims related to the situation in the Midbelt, we did not go into the situation there in much detail in our meetings. The following is based on information from our meeting with the Nigerian Red Cross, and reports from NGOs, especially Human Rights Watch, about the situation in the region.

⁷ This is a common cause of conflict in the entire Sahel region. A current example of such a conflict escalating into all out war is the conflict in Sudan's Darfur region.

As these conflict lines crisscross in most of the region, a conflict can erupt along one conflict line, i.e. between nomads and sedentary farmers over the use of limited land resources, but it may evolve very differently as the antagonists start rallying supporters for their cause, and may choose to present the conflict as being between either "indigenous" and "settlers", or between Christians and Muslims. When such conflicts have spread to other areas of Nigeria, people have often been mobilised along religious lines.

2.1.1 Participation in riots

A small number of asylum seekers from Nigeria have stated that they left their country after participating in riots in the Midbelt, out of fear for legal persecution and/or reprisals from victims or their relatives. According to ICRC representatives, active participation in riots *may* lead to future persecution, by state authorities, persons on the other side or their relatives, but doesn't necessarily do so.

2.2 The situation in Northern Nigeria⁸

According to Inter-Faith, «conflicts in the region are generally ethno-political in character, but religion is the mobilising factor – even where religious affiliation and ethnicity is not synonymous.» They considered the so-called "Miss World riots" as an exception due to the conflict being caused by a newspaper article perceived by many Muslims as an insult to Islam. Conflicts tend to evolve from being ethnically focused to religiously focused. There is a general tendency for people to claim religious persecution whenever they feel they have been treated unjustly, as such claims make it easier to drum up support. Inter-Faith stated that «no individual or group is under threat in Kaduna today because of religious affiliation in itself.» They maintained that in daily life, pragmatism is crucial for a society as complex as the Nigerian one to be able to function.

⁸ We only got the opportunity to visit the northern city of Kaduna during our stay in Nigeria, and accordingly, the situation in this city receives a special focus in the discussion of the situation in Northern Nigeria.

Inter-Faith uses its extensive network to try to detect conflicts in order to defuse them through mediation before they escalate. They maintain that they try to keep a low profile regarding their success stories, as coverage of such stories in the media etc. might trigger new conflicts. According to their opinion, conflicts with a religious core were often caused by the limited knowledge most Nigerians have about other religions than their own⁹ – Inter-Faith saw education and consciousness-building as important ways to prevent future conflict, especially through a focus on children and young people. Inter-Faith also felt that high unemployment contributes to conflicts escalating rapidly, as the urban unemployed easily and quickly can be mobilised in situations of unrest – not the least through manipulation from more shadowy figures keeping a low profile (local politicians, *emirs*, ethnic leaders, etc.). The young are generally more militant than older groups, and criminal elements seeing riots as an opportunity to loot was also suggested as an important factor in tense situations. Finally, politicians and other influential people tend to exploit unrest to improve their own positions and for settling of old scores in the general turmoil.¹⁰ There is a certain pressure from the general public for political and religious leaders to assume hardliner positions in order to keep political legitimacy.



Inter-Faith informed us that their activists face more criticism from co-religionists than from others as they are considered too pragmatic by religious hardliners. Local authorities are often afraid of investigating the causes of

⁹ It was stressed that Christian missionary activities are still controversial in a northern Nigerian context, and is considered threatening by local Muslims.

¹⁰ This was confirmed by the Human Rights Monitor.

riots and unrest as they fear this will reopen old wounds and lead to increased tension.

Inter-Faith saw the signing of the Kaduna Declaration¹¹ as an important milestone in their work, and informed us that some 20 000 were present when 22 religious leaders signed the declaration on 22 August 2002. Where Inter-Faith's general view of the situation was one of cautious optimism, the Human Rights Monitor group (HRM) was more pessimistic in their outlook. They stated that since the riots in Kaduna in 2002, there is a clearer divide between Christians and Muslims in the state, and the two groups are living separately to a larger extent than before – Muslims in the northern parts of the state and Christians in the southern. Many still face hardship after they lost possessions and livelihood during the unrest, and there is bitterness among victims who have not received any form of compensation and who are angry because the guilty have not been punished.

HRM said that people who kept a high profile during the riots fear reprisals. Hundreds were arrested after the riots, but the authorities have dropped the charges for most due to what HRM saw as political considerations. These cases are hard to present in court as there is generally a lack of concrete evidence – it is very difficult to establish what actually took place during chaotic situations of riot, not to mention who were responsible for concrete acts. Many have simply been set free due to the lack of evidence. No civilians have been sentenced for acts committed during the Kaduna riots. When courts dismiss these cases, there is a tendency among the population to interpret this as a sign of lack of objectivity among the judges – that they let people off because of having the same ethnic and/or religious background, and that the legal technicalities are just a pretext. According to HRM, the current situation in Kaduna can be described as a balance of terror, not the least due to the number of arms in circulation among the population. They considered the population to be more pragmatic now than shortly after the riots, but the situation remains tense. Reconciliation is difficult, as it was neighbours fighting each other in 2002. A sense of mutual distrust is still there between the different groups, and every little conflict, no matter how trifling, is seen in the light of a context of religious conflict and conspiracies. HRM considers the religious leaders themselves an important part of the problem, the solution lies with the general population – and there is a great need for consciousness building and education. They feel that the focus must

¹¹ See <http://www.anglicanifcon.org/KadunaDeclaration.htm>.

be on educating people in order for them to pose critical questions to their own leaders when they try to mobilise them on basis of ethnicity and/or religious affiliation.

As HRM sees it, religious leaders have a self-interest in exaggerating the situation of religious tension in Northern Nigeria in order to secure funding from supporters nationally and internationally. More pragmatic people are keeping a low profile because of social pressure to assume hardliner positions. They pointed to today's tense situation having historical roots which go further back than colonial times, but also stressed that the dynamics changed in the 1980s: before, it was mainly a conflict between the traditional *emirs* and minority groups, especially animists. They found reason to criticise the current focus on mobilising traditional and religious leaders to resolve the conflict, as these institutions are not independent of the federal hierarchy (i.e. the *emirs* have a formal role within the administration, and receive funding from the authorities). Their historical roles in the conflict also make them partial, in addition to their lack of political legitimacy and being tainted by suspicions of having hidden agendas. HRM saw it as regrettable that in the current political climate, the best way of achieving legitimacy with the population is to assume hardliner positions, whereas pragmatists are generally seen as being too close to federal authorities.

2.2.1 Shari'a

Asylum claims related to the (re-)implementation of shari'a criminal law and *hudud* punishments¹² are regularly presented to Norwegian immigration authorities, and were an important subject in our meetings in Nigeria.¹³ These claims have mostly been presented by Christians from Southern Nigeria, mainly Igbos.

¹² Punishments fixed in the Qur'an for certain crimes: unlawful intercourse (*zina*'), false accusation of unlawful intercourse (*qadhif*), drinking wine (*shurb al-khamr*), theft (*sariqa*) and highway robbery (*qat' al-tariq*). See Peters, R. & M. Barends 2001. *The Reintroduction of Islamic Criminal Law in Northern Nigeria*. (http://europa.eu.int/comm/europeaid/projects/eidhr/pdf/islamic-criminal-law-nigeria_en.pdf)

¹³ Since our visit, Human Rights Watch has published a very thorough report focusing on the situation in Northern Nigeria after implementation of shari'a: "Political Shari'a"? – *Human Rights and Islamic Law in Northern Nigeria*.

Inter-Faith stated that no Christians have been tried under shari'a law.¹⁴ PeaceWorks confirmed that Igbos who feel the situation in northern states where shari'a law has been reintroduced is difficult, can get out of this situation through relocating to another part of the country, also in situation where they may have been facing legal persecution, i.e. for selling alcohol to Muslims.

HRM pointed to an acute problem of lack of knowledge and experience with shari'a criminal law on lower levels of the shari'a court system. However, they stressed that the implementation of shari'a in Northern Nigeria has not meant a change in what acts are defined as criminal offences – the 1959 Penal Code Law for the Northern Region was based on shari'a and is still valid. The changes mainly concern the punishments, where the shari'a courts now apply *hudud* punishments.

The NHRC mentioned that perceived incompatibility between the shari'a and the international convention on the rights of the child was an obstacle to the implementation of the convention in national legislation.

None of our sources had heard of stonings taking place in Nigeria since 1999, neither implementation of such sentences given by a shari'a court, nor extra-judicially by i.e. *hisba* groups.¹⁵

It is important to stress that although the shari'a legislation to a large extent is identical between the 12 states where it has been implemented since 1999,¹⁶ there is no cooperation to speak of among the shari'a court systems in the different states – i.e. breaking shari'a law in Kano state will not mean legal persecution under shari'a law in Sokoto. If someone on shari'a-related charges in a Northern state leaves that state, the police will not arrest and bring him/her back to the state – this because the police is a federal institution with no responsibilities for a court system not following federal law. *Hisba* vigilante groups do generally not have the resources to follow people across state borders.

¹⁴ In principle, non-Muslims living in states which have implemented shari'a may themselves choose to be tried under shari'a law, but they may not be forced to do so.

¹⁵ Vigilante groups operating in Northern Nigeria with the aim of making the local population follow shari'a law.

¹⁶ The *Zamfara Shari'a Penal Code Law* of January 2000 can be found on <http://www.zamfaraonline.com/sharia/>.

Baobab reported that to their knowledge, no female non-Muslims have been charged with unlawful adultery (*zina*) under shari'a in northern Nigeria. They did inform us that there have been several parallel cases to the ones of Amina Lawal and Safiyatu Huseini, where women have been charged with *zina* after giving birth to children conceived outside of marriage. However, in all these cases, the charges were dropped or the court judged in favour of the women. According to Baobab, none of these cases had received any media attention – neither from local nor international media. They felt that the stigma of such charges could be one reason why some of these cases have not been mediatised. Another is the class dimension of the *zina* cases – Baobab stated that so far, all the women charged for this supposed offence have been poor, with little formal education, resources or access to legal aid or influential supporters who could act on their behalf.

In an interview with the Norwegian chapter of Amnesty International, Amina Lawal's lawyer Hauwa Ibrahim has stated that «The cases where I've done defence have come my way by coincidence. For example through the media picking them up and reporting. But there are certainly many cases we know nothing about.¹⁷» Baobab confirmed that it was possible that there were women in detention who have been brought in for giving birth to children conceived outside of marriage, but who have not been taken to court, and who may even have been forgotten.¹⁸

Regarding amputations, Baobab mentioned that there had been a number of such cases, and they expressed concern for the lack of media attention this had received, especially abroad, as this is also a serious human rights issue – and one where a number of amputation sentences have been implemented (10 in Sokoto state so far, again according to Baobab).

HRM considered that the most important problem is *hisba* vigilante groups taking the [shari'a] law in their own hands and punish people for contravening shari'a outside the court system. Baobab mentioned that this phenomenon was criticised in the verdict given by the judges who acquitted Amina Lawal in the Sharia Appeal Court of Katsina on 25 September 2003.

¹⁷ See <http://www.amnesty.no/web.nsf/pages/DCCA34C132ED30-ADC1256DEF00459733>.

¹⁸ See section 3.2.1 *Prison conditions* on page 13.

2.2.2 Religious conversion

As mentioned above, missionary activities are regarded with scepticism in Northern Nigeria. Both Muslims and Christians are involved in missionary activities in the country. According to Inter-Faith, conversion is less difficult among the middle and upper classes in a Kaduna context, especially the well educated. On the other hand, there have been cases of excommunication and death threats to converts. However, congregations generally provide extensive support and protection for recent converts – this applies to both Muslims and Christians.

Baobab reports that many Christian women who marry Muslim men in the north experience pressure from their husbands' families to convert to Islam, even though this is not an obligation under Islam.¹⁹

2.3 The situation in the Niger Delta

According to the Nigerian Red Cross and others, the Niger Delta is one of the main areas of ethnic conflict in Nigeria.²⁰ The Nigerian Red Cross mentioned a number of underlying reasons for the conflict, the main one being resource control – i.e. who controls the vast oil resources in the area. In addition to this, there are enormous social problems in the area – some directly related to the oil business, some not: generational conflicts, huge unemployment and crime – organised and other kinds – as an alternative way of finding income. They pointed to general thuggery, gangs involved in “bunkering” of oil from pipelines²¹ as well as dealing in narcotics as widespread problems in the area. It was also stressed that the situation in the area, in Nigeria referred to as the «South-South», is most complex, and that the region may remain conflict-prone as long as the local oil resources are being exploited. The conflict can also potentially spread into neighbouring areas.

The areas where conflicts mostly erupt into violence are Warri Town and the swamp area along the coast.

¹⁹ According to Islam, any child born of a Muslim father and a non-Muslim mother is considered a Muslim.

²⁰ Of the violent conflicts registered by the Nigerian Red Cross in 2003, about half took place in this region.

²¹ I.e. stealing oil from pipelines and reselling it on the black market. According to some estimates, some 10 % of the oil produced in Nigeria is stolen this way. See Human Rights Watch: *The Warri Crisis: Fueling Violence*, p. 17.

The local populations' main interest was seen to be to state a claim to local resources, and to focus on being able to control their own future. They focus much of their attention on the international oil companies operating in the area. According to the Nigerian Red Cross, the oil companies in their turn actually spend millions of Naira to solve conflicts with the local population, however, most of this money goes straight into the pockets of local community leaders, and not to build infrastructure that would benefit the population in general.

The strong sentiments in the population of being unfairly treated, make people – especially the youth – prone to manipulation. An opinion commonly held in the region is that the oil companies should stop compensation schemes benefiting individuals, and rather invest in education, health services and other kinds of infrastructural development projects. The Nigerian Red Cross, however, felt that this is a state responsibility, not the responsibility of the oil industry – contributions from private companies should only be complimentary to state-run development of the region. They criticised the Nigerian central government for not using any of the considerable national income from the oil resources to develop the region actually producing the oil, but stressed that the record of local authorities was no better. The money given from the oil companies to local leaders is mainly invested abroad, or in Lagos and Abuja, and thus does not benefit the local economy in general. They pointed to several interested parties in the conflict – local authorities, international oil companies, local ethnic groups, central government and others. Local organisations are also active, both political parties and ethnicity-based organisations. There are many splinter groups, and operate in a manner similar to cults. The level of conflict between different ethnic groups is high, but it is also considerable within ethnic groups, where subgroups and clans may be in conflict – also armed.

According to the Nigerian Red Cross, it is important to keep in mind that several actors have an interest in maintaining the conflict. They especially singled out the central authorities, which benefit from the conflict in the Niger Delta through it diverting attention away from the general mismanagement of the government. It was claimed that the former military dictator Sani Abacha originally started fueling the conflict during his regime, as a divide and rule tactic.

A tactic of manipulation is also used on a local level, where local leaders mobilise youth in order to bolster

their own personal authority and power.²² This concerns both unorganised youth, and the vigilante group Egbesu Boys, consisting of Ijaw²³ youth. One issue exploited in this regard is the oil companies' refusal to hire staff locally, according to some even qualified personnel. On the other hand, the Nigerian Red Cross said that some oil companies recruit locals as informers in order to know what goes on internally in the community.

Shell was singled out as an oil company which seems more focused on contributing to sustainable development locally, and that they should be supported in this by the government. The Nigerian Red Cross also stressed that as long as the oil companies operating in the area do contribute towards local projects, these efforts should be co-ordinated. The fact that Shell is seen as a sort of alternative authority locally, regarded as having a comprehensive responsibility for the wellbeing of the local communities, is problematic according to the Nigerian Red Cross – as this absolves the central government of responsibility, something they stressed is in the Nigerian authorities' interest and actually encouraged by them.

The Nigerian Red Cross' work in the region is focused on education and consciousness building among the local population, in order to show that continued conflict is not in their interest. They also attempt mediation through work with representatives of the local communities – both in the hope of resolving some of the conflicts and to learn more about how these conflicts are experienced from a local perspective.

2.4 Igbo separatism

We did not discuss the situation of MASSOB²⁴ activists in any detail with any of the discussion partners we met with during our visit. Neither did we get the opportunity to visit the southeast and meet with representatives of the organisation, or sympathisers. We did, however, get an impression that this question is still very politically sensitive in Nigeria, as it touches on the unity of the Nigerian federation. It seems that any form of political separatism is considered to be a serious threat, and accordingly a lot more controversial than other political conflicts in the country.

²² Note the similarity in tactics used in northern Nigeria, as mentioned on p. 7.

²³ One of the main ethnic groups in the area.

²⁴ Movement for the Actualization of the Sovereign State of Biafra. See <http://www.biafraland.com/massob.htm>.

3. General human rights issues

Apart from the regional conflicts, Nigerian society is also suffering from other more general problems, with an impact on the human rights situation in the country.

3.1 The role of government forces in keeping law and order

3.1.1 Human rights violations by police and military forces

Several of our sources stated that police and military forces often use excessive force when dealing with criminals (and witnesses to criminal actions), and when attempting to contain riots and other situations of violent conflict. The NHRC informed us that they received a large number of complaints regarding police behaviour. According to ICRC, the police use a high level of force during demonstrations and civil unrest, but do not target any groups systematically.

ICRC representatives stated that a certain number of policemen and members of the armed forces have been charged with human rights violations, but that many get away – especially if the victims do not have the resources necessary to file charges and follow them up. They also pointed out that it is an evident problem that the armed forces are not sufficiently trained to take care of situations of unrest in a proper manner. ICRC runs training programs for police and armed forces on how to behave when intervening in conflict situations, and distributes "code of conduct" leaflets.

Inter-Faith confirmed that some policemen and members of the armed forces have been charged with use of excessive force and human rights violations, but they are few. Some of these have received death sentences. The security forces sometimes have problems with remaining neutral, and many are "triggerhappy".

According to ICRC, people are increasingly conscious of their rights now, due to better levels of education and training of police and armed forces focusing on human rights issues.

A Nigerian working for an NGO²⁵ stated the following on the so-called Mobile Police Force: «The Mobile Police was created to deal with situations of popular unrest, where the police officers should not have ties to the local population. In principle, positions in the Mobile Police Force are meant to be temporary, and the officers should be transferred back to the local police after having served in the Mobile Police for a few years, but in practice this rarely happens.»

It has also occurred that soldiers have taken part in riots. Human Rights Monitor representatives stated that after the Kaduna riots, some soldiers were court-martialled for participating, but they stressed that this was mainly because they were caught rioting while off duty (in civilian clothing, but using their army issue weapons) – not, however, for excessive use of force while on duty. Generally speaking, Human Rights Monitor was of the opinion that the police neither have the necessary training nor the manpower to do their duty in situations of unrest. There is a power struggle between the police and the armed forces over the command during riots and tense periods. There is a need for a police force with special training and equipment to deal with such situations in a proper manner.

3.1.2 Crime

Nigeria is notorious for its crime level. Scams and fraud are a problem for ordinary Nigerians, not only foreigners, but we got the impression that violent crime was the main source of worry for the population in general – both from being targeted as a victim of robberies and from being hurt accidentally in violent episodes between police and criminals, or between criminal gangs.

ICRC representatives pointed to the huge number of light weapons in circulation in Nigeria contributing to the problem. They maintained that the general situation has improved as the police receive better training and are provided with better equipment, but the problem with low pay persists and causes corruption. (Ordinary police offi-

²⁵ The comment was her own personal one, where she did not speak on behalf of her organisation.

cers have a monthly salary of N6000 (\$45)). Furthermore, many criminals are former police officers or members of the armed forces – some have been demobilised, while others have been discharged for breaches of conduct and corruption.

The NHRC reported that few people who have been victims of crime actually file a case with the police, primarily because the procedure is time-consuming and tedious and often leads to nothing, but also because they fear being suspected and/or arrested themselves. There are also cases of members of the police working together with criminals.

3.1.3 “Fire-for-fire” and extra-judicial executions



Early in 2002, the Nigerian police²⁶ launched an operation called “fire-for-fire” intended to tackle the high rate of violent crime. As the name of the operation suggests, police are encouraged to use firearms against criminals being caught in the act.

However, Human Rights Monitor representatives stated that extra-judicial executions of violent criminals are commonplace, both when police intervene at the scene of a crime and while they are in police custody. It was stressed that this phenomenon has increased under the current regime, and that the police partly justify this practice with the slow legal process. Extra-judicial killings such as these constitute one of the focus programs of the Nigerian Human Rights Commission. They pointed to police attitudes being much the same as the one found in different vigilante groups. Finally it is important to mention, as ICRC representatives did, that the “fire-for-fire” program is not unpopular with ordinary Nigerians, as the crime level has decreased to a certain extent as a result.

²⁶ See <http://www.nigeriapolice.org/>.

3.2 The judiciary

3.2.1 Prison conditions

Prison conditions are one of the focus programs of the Nigerian Human Rights Commission. They estimated that some 70% of the prison population are in detention awaiting trial. It can take many years before a case is brought to court, and prison conditions are clearly substandard. Women and young prisoners are not always kept in separate facilities.

There is an enormous number of prisons in Nigeria, and according to local news reports, the system is generally very disorganised. Nigeria has a problem with people who are being imprisoned and then forgotten. This concerns suspects, but importantly also unlucky witnesses who are arrested at the scene of a crime – presumably for them to be available for further investigation.²⁷

ICRC informed us that CLEEN (Centre for Law Enforcement Education)²⁸, PRAWA (Prison Reform and Welfare Action) and CRS (Catholic Relief Services)²⁹, as well as other NGOs, focus on this issue – both by bringing attention to the problem and by caring for the forgotten, providing legal aid and trying to establish contact with their families.

3.2.2 Death penalty

According to the NHRC, some 516 persons are currently awaiting capital punishment. Of these, some 30 are currently in psychiatric care after suffering mental breakdowns while on “death row”. A national study group has been started on a federal government initiative. Among other aspects, the group focuses on the relationship between religion and the death penalty, and they wish to conduct public hearings on the issue. In their work, the study group has interviewed several state governors, who explain that their refusal to allow death sentences to be implemented came from a lack of faith in legal process ahead of the death sentence – they simply did not trust the courts’ decisions. The study group confirms that the death penalty is fairly popular among the population.

²⁷ See *The News* 11.08.2003 *The Forgotten Nigerians 'Awaiting Trial'*.

²⁸ See <http://www.cleen.org>.

²⁹ See <http://www.crs.org/>.

ICRC confirmed that the general population is positive to the death penalty, and stated that the current debate on the issue is not one which interests people in general.

According to Human Rights Monitor, there are no accurate data on the number of people having been sentenced to death, or how many who are currently on “death row” in Nigeria. However, they also stressed the importance of the fact that with one exception, state governors refuse to sign the papers so that the sentences can be implemented. As a result, only one execution has taken place since 1999. Many have been on “death row” for up to 10 years, some who have been waiting for death sentences to be implemented for 10-15 years have been pardoned or have had their sentences commuted to life imprisonment, etc. The religious leaders – both Christian and Muslim – are generally pro-death sentence hardliners, and attempt to stifle any debate of the issue.

3.2.3 Legal aid

At Human Rights Monitor, we were informed that defendants accused of violent crimes often have problems obtaining legal aid. There is a general lack of funding for legal aid (which all defendants have a right to under Nigerian law), and this contributes towards long delays before cases come up in court.

3.3 Vigilante groups

Due to the inability of the Nigerian police to tackle violent crime, different vigilante groups have been formed all over Nigeria, some receiving a semi-official status on state level through support from the local governor. As has been reported in numerous reports by human rights organisations and other NGOs, this development has been problematic in many places, with such groups committing a large variety of human rights violations, including extra-judicial executions and torture. According to local media, vigilante groups controlled by local politicians often commit political assassinations.

3.3.1 Northern Nigeria: *Hisba* groups, “Taliban”

Regarding the activities of hisba groups, see section 2.2.1 Shari’a above.

ICRC mentioned the group called “Taliban”, but stated that they were only operating in Yobe and Borno states.

According to media reports, members of the group have at times used Niger and Cameroon as refuge areas.³⁰

3.3.2 Igboland: Bakassi Boys

One of the first vigilante groups to appear, and one of the most infamous ones, the Bakassi Boys, have been dissolved, according to the ICRC. However, according to the NHRC, vigilante groups including the Bakassi Boys still operate, even though they have been formally dissolved.

3.3.3 Yorubaland: OPC

The O’odua People’s Congress was founded in 1994 as an organisation working to stop what they perceived as a political marginalisation of the Yoruba ethnic group in Nigerian society, but it has also been operating as a vigilante group along the lines of other such groups, with a focus on fighting crime. Our legal source, OPC has been banned by the authorities, but continues to operate. She stated that it seems hardliner youth have taken control of the organisation. She also suggested that one factor behind banning OPC (and other vigilante groups) was jealousy from the police force because the vigilante groups’ for a while were able to create more law and order than the police.

3.3.4 Niger Delta: Egbesu Boys

The Egbesu Boys is a vigilante group of Ijaw ethnic background, heavily involved in the conflict in the Niger Delta (see section 2.3 The situation in the Niger Delta). According to the Nigerian Red Cross, they are in conflicts both with the local police and federal armed forces, as well as with the Itsekiri, another important ethnic group in the region.

3.4 Religious cults and university campus cults

A certain number of asylum seekers claim fear of persecution from secret religious cults or university campus

³⁰ The group calls itself *Ahlul Sunna Wal Jama* (Adherents of the sunna and union), see BBC 14.01.2004 *Tracking down Nigeria's 'Taleban' sect* (<http://news.bbc.co.uk/2/hi/africa/3393963.stm>). The activities of this group have increased lately, see BBC 22.09.2004 *Nigeria police hunt 'Taleban'* (<http://news.bbc.co.uk/2/hi/africa/3679092.stm>). See also IRIN 24.09.2004 *Security forces kill 27 "Taliban" militants, says police* (<http://www.irinnews.org/report.asp?ReportID=43355>).

cults³¹. ICRC stated that internal flight is an alternative for people who fear persecution from members of campus cults, as these cults generally do not have the resources necessary to extend their threats beyond the campus areas. PeaceWorks confirmed this.

3.5 Gender-related issues

3.5.1 FGM

Baobab informed us that female genital mutilation (FGM) is most widespread in the Niger Delta, but also in Edo and Enugu states. They stressed that there is great variation in FGM between different groups, both regarding what kind of FGM is practiced, and at what age it takes place. Practising FGM is illegal in Nigeria, but it is difficult to say what effect the law has had so far. (The law stipulates a N1000 fine (\$8) for performing FGM.) There are also great differences in how women who oppose having FGM performed on themselves are being treated by their extended families and communities. The whole issue is very sensitive, and one which is not supposed to be discussed in public – it is therefore difficult to find concrete information about the practice.³²

The NHRC stressed that there was a need to find alternative sources of income for those performing the FGM. There is a question what kind of structures would be appropriate to monitor that the legislation against FGM is actually followed? Women who refuse FGM risk being

ostracised from the extended family, and social isolation is generally seen as extremely problematic.³³

3.5.2 Forced marriage

The tradition of arranged marriages is still widely practised, especially in Northern Nigeria – and the girls may be as young as 12-13. The NHRC has received several complaints about such cases, but find them difficult to address.

Baobab also considers the problem of forced marriages to be most widespread in Northern Nigeria, but stressed that it also happens in the south. They saw a problem in the legal age of marriage in Nigeria being 18 under federal law, but that shari'a (and in some cases customary law) sets it at having attained puberty.

3.5.3 Domestic violence

The NHRC informed us that domestic violence is widespread. This was confirmed by Baobab, where it was also pointed out that under the Nigerian Penal Code, men are allowed to “correct” their wives.³⁴ Much of Baobab’s activities focus on domestic violence and consciousness building about the lack of possibilities women have to leave abusive relationships.

3.5.4 Trafficking

Since the early 1990s, Nigerian prostitution networks originating in Benin City (Edo state) have been operating in Europe. The phenomenon started in Italy, has since

³¹ These cults started out as a mid-1950s attempt at emulating the fraternities in American universities and colleges, but more recently, they have degenerated into cult groups terrorising Nigerian university campuses with extortion, fraud and violence.

³² One Baobab representative mentioned the fact that although she has been working on this issue through Baobab over several years, she has only recently learned that FGM is practiced among her own ethnic group – precisely because this is a taboo subject which is not talked about.

³³ As an example, one of the representatives of the NHRC told the delegation the story of a female friend who had faced pressure from her husband’s family to undergo FGM after marriage, despite her being a higher civil servant with a powerful position and living a very «modern», urban life in a Nigerian city. In principle, she had felt a responsibility to refuse this practice, and also an obligation to serve as a role model in the struggle to abolish FGM, but in the end the social isolation this would result in from the husband’s family made it an impossible choice. Instead, she agreed with her husband that he would tell his family that she had gone through with it at a hospital in the city – thus she was able to avoid FGM, but also social isolation from her husband’s family. Baobab stressed that reconciliation after breaking with one’s family because of refusal to follow tradition(s) generally is difficult. Social background is a factor here, with reconciliation more likely among urban, educated populations than in rural areas.

³⁴ «Nothing is an offence which does not amount to the infliction of grievous harm upon any person and which is done:- [...] by a husband for the purpose of correcting his wife, such husband and wife being subject to any native law or custom in which such correction is recognised as lawful.» section 55.1d of the Nigerian Penal Code.

spread to Spain and in the late 1990s to Belgium and the Netherlands. This year, there has been a sharp increase in the number of Nigerian women working as prostitutes in Sweden, Denmark and Norway.

Baobab warned that the issue of Nigerian women working as prostitutes in Europe is a very sensitive one locally – regardless of whether the women are forced into it or knowingly enter the profession. According to them, some women claim to prefer the difficult conditions working as prostitutes in Europe to the “hell” they meet returning to Nigeria. Baobab described returned prostitutes being exposed on television – with the intention to scare others from entering the trade, but also to shame these women for supposedly tainting Nigeria’s image abroad.

Through a cooperating NGO in Edo State, Baobab knows of examples of relatives of women who have testified against prostitution networks in Europe and who have been killed in Italy – in addition to this, threats against family members in Nigeria is common.

Baobab had no concrete knowledge of cases involving women from other West African countries being trafficked to Nigeria, but mentioned the widespread phenomenon in the region of trafficking children to work in neighbouring countries (this traffic also involved Nigerian children).

3.5.5 Homosexuality

The PeaceWorks representative explained that it is a widespread belief in Nigeria that homosexuality is alien to African traditional culture, and that it is the result of corrupting influences from Western colonisation and/or Arab cultural influence in the northern parts of the country. She described the general attitudes regarding homosexuality in the population as very rigid, and said there is a considerable pressure to get married. (However, sexual orientation is not necessarily relevant here – this pressure is experienced by any adult who does not get married). The PeaceWorks representative had heard talk of a gay rights NGO in Ibadan, and that outside Lagos, there are also rumours of at least one bar with a reputation for being a hangout for gays in Abuja.

At Baobab, the representatives informed us that they had personally never met anyone who identified as gay/lesbian. This is a taboo subject, so self-identified gays/lesbians are generally closeted and keep a low profile. They mentioned that homosexuality was a more visi-

ble phenomenon among the Hausa in the north than in southern Nigeria. One of the Baobab representatives had heard that a Bauchi state shari’a court has legally persecuted a man for homosexual acts, but she could not refer us to the source of this information. In the opinion of the Baobab representatives, gays and lesbians in Nigeria were mainly suffering because of discrimination and stigmatisation, not because of legal persecution. Still, they pointed to Nigerian criminal law making homosexual acts illegal. They stated that the situation for gays and lesbians in Nigeria was not considered an important issue among local human rights NGOs.

3.6 Health care

The Nigerian health service is not functioning very well, according to the Nigerian Red Cross. They estimated that public health services only covers approximately 30 % of the need for health services in the country. In their opinion, the local state-run clinics have been working especially badly the last 10-15 years. They also considered it a problem that doctors employed in state-run specialist hospitals often refer patients to their own private practices, instead of treating them within the public health system. There is also a problem of technical equipment being moved from public clinics and hospitals and turning up in private hospitals.

The difficult situation in the public health service has resulted in the elite going abroad for treatment when able to do so – especially surgery (that is, when suffering from conditions not in need of immediate treatment), the middle class mainly use private clinics and hospitals, whereas those who cannot afford private treatment can only resort to the substandard services of the public health system. Many public clinics lack trained doctors, and the result is that nurses assume responsibilities they are not trained for. However, the Nigerian Red Cross pointed out that having access to health services on this level was better for the urban and rural poor than no access to health services at all.

The Nigerian Red Cross also pointed to a large difference in the health services available in the cities and in the countryside. According to their estimate, only some 20 % of the rural population have access to public health services. They added that private health services are almost exclusively available in the cities.

Another problem is the considerable spread of expired and counterfeit pharmaceuticals on the Nigerian market.

In addition to this, the Nigerian Red Cross also mentioned a lack of properly qualified pharmacists, and a subsequent lack of professional control with access to medication. As a result, misuse of medication is widespread, and narcotic substances are widely available without prescription. The routines for screening donated blood are also inadequate.

There is also widespread use of traditional healers, something the Nigerian Red Cross partially explained with the lack of faith in the services provided in the health sector in general (public and private).

In their own health-related work, the Nigerian Red Cross focuses on preventive health, in order for as many as possible to avoid having a need for the strained health system in the country. They also provide first aid training for the police and fire brigades, as this is not part of their training.

3.6.1 HIV

According to the Nigerian Red Cross, there are some 25 centres for hiv-treatment in Nigeria. These centres have the capacity to treat around 10 000 patients annually, far from covering the need. Between 3 and 5 million Nigerians are estimated to be hiv-infected, and some 30 % of these – i.e. 1-1.5 million people – need treatment.³⁵ The government has plans for importing generic hiv medication at more reasonable prices from Indian pharmaceutical companies – the Nigerian Red Cross stated that they hoped these plans will turn into specific projects, and not remain just talk.

3.6.2 Psychiatric care

The Nigerian Red Cross stated there was at least one psychiatric hospital in all of Nigeria's states, but that the federal government cannot be said to have a state policy regarding psychiatric care. Some private services exist, but they are expensive, and psychotherapy almost non-existent. An additional problem is that psychiatric patients are generally in a very advanced condition when they are brought to psychiatric institutions, and accordingly very difficult to treat. The Nigerian Red Cross considered that the treatment of psychiatric patients often violated their integrity. In general, they considered the psychiatric care available in the country to be of an even poorer quality

than the somatic care, and that this was especially serious in a country «where the situation in general hardly can be said to contribute positively to people's mental well-being».

³⁵ See BBC 11.09.2004: *An unsustainable battle?* (http://news.bbc.co.uk/2/hi/programmes/from_our_own_correspondent/3645262.stm).

4. What options do people suffering human rights violations have?

When presenting their asylum claims, a majority of the Nigerians applying for asylum in Norway explain that they have found no other option than to flee their country in order to escape their problems. It is common knowledge that leaving Nigeria to go to Europe is a costly and difficult process, even if the person in question should be able to obtain a Schengen visa. Protection from persecution is the essence of asylum, accordingly one of our main focus areas was to investigate the possibilities persons suffering persecution and human rights violations have to seek assistance in Nigeria.

4.1 Assistance from Nigerian authorities

4.1.1 Police

See section 3.1.2 *Crime* above for comments on the possibilities of assistance from the police (or lack of such) when people are victims of robberies, violent crimes, etc.

As mentioned in section 3.2.1 *Prison conditions* above, police sometimes arrest witnesses to crime.

In cases where people seek protection against being forced to comply with traditional practises that constitute human rights violations, i.e. FGM, forced marriages, etc, the NHRC informed us that the police had very limited possibilities to intervene. We were also told that often the police would dismiss people, telling them to go home and sort it out within the family – this was especially the case with domestic violence. According to the NHRC, there is a long way to go before the police can be said to fulfil this role in Nigerian society. They told of widespread distrust of the police and a general lack of faith in their abilities. Baobab also confirmed a lack of sensitivity with the police concerning complaints filed by women because of domestic violence, rape, trafficking and similar offenses.

The ICRC stated that it is formally possible to file complaints with Nigerian authorities in cases of police negligence.

4.1.2 Taking offenders to court

Taking a case to court, generally implies filing a complaint with the police first, which, as seen above, can be a problem in itself, depending of the type of case in question.

Nigerian courts are widely criticised for operating slowly, with defendants being imprisoned for long periods, sometimes years, before being presented with charges and appearing in court. Our legal source described Nigerian courts in general as «easily manipulated» through corruption and/or connections, an added obstacle for someone taking a well-connected person with financial means to court.³⁶

4.1.3 National Human Rights Commission

The NHRC functions as an *ombudsmann* which accepts complaints on human rights violations from the general public. The NHRC receives some 3-400 such complaints annually, and the number is rising. Their representatives felt the increase was a result of improved knowledge among the general population of their rights, and a freer climate after the military dictatorship was abolished in 1999. In these cases, representatives of the NHRC work as mediators. As they have no authority to force their decisions on the concerned, they rely on the willingness of the parties to accept them as a mediator. They stressed that they managed to reach a compromise acceptable to both parties in most cases.

4.1.4 National Emergency Management Agency

The Nigerian National Emergency Management Agency (NEMA) is the state authority charged with assisting the general populations in emergency situations. However, according to the Nigerian Red Cross, NEMA is not very professional, and their representatives are not very effective.

³⁶ Transparency International states: « Since 1999 dozens of cases of corrupt practices involving judges have been resolved, and the National Judicial Council has forcibly retired more than 20 judges. While this is definite progress, there is still a long way to go, especially in rebuilding public confidence in the judiciary.» *Global Corruption Report 2003*, p. 227.

tive when it comes to disaster management. The Nigerian Red Cross regarded NEMA as mostly incompetent to deal with crisis situations, where the conditions often degenerated into total chaos, despite NEMA intervention.

4.2 Assistance from non-governmental actors

4.2.1 Civil society

In general, it is clear that a large number of non-governmental organisations (NGOs) focusing on a large variety of political, religious and social issues operate in Nigeria, and that such organisations can and do provide some assistance to people in need. Several NGOs, religious groups and charities give financial aid to the needy in crisis situations, others provide political support in resource conflicts, and yet others can be a support for persons with few resources trying to present their plight with government authorities.

To take one concrete example, groups like Baobab are a possibility for women who suffer from gender-related human rights violations. They run outreach teams,³⁷ and offer assistance with mediation and legal aid. Baobab mentioned one shelter being run by a local NGO where women fleeing domestic violence could seek refuge, but stressed that the need was tremendous in comparison with the services such centres are able to offer in Nigeria. They confirmed that extended family networks could be of help in cases of domestic disputes, but that the extended family could in itself be the problem in cases where women oppose tradition(s).

It must be stressed that most NGOs, religious groups and charities face the same challenge like Baobab: That the problems in Nigerian society are so huge that such organisations are rarely able to bring about comprehensive changes on a base level. Still, they are a possible source of assistance for Nigerians with few resources on their own in situations of crisis.

4.2.2 The media

ICRC stated that if the police cannot, or will not, offer assistance i.e. to persons being persecuted by criminal gangs, they can file complaints against the police, and they can contact local NGOs and the media in an attempt to gather support to do something about the problem.

³⁷ At the time of our fact-finding, they operated in fourteen states in Nigeria.

They stressed that especially the media can have a large influence, if they take an interest in a case. However, people without resources and connections may find it hard to attract the attention of the media. It is clear that the local press devotes a lot of focus on the widespread problem of violent crime, as this is something which affects and interests their readers.

Baobab stressed that the newspapers are first and foremost out to sell, and that this is the most important aspect in their choice of what stories to print – not the principle involved in a given case, or the impact exposure could have on the situation of the ones concerned. Thus people trying to approach the press with cases which are perceived to have limited interest to the general public, will have difficulties in getting the press to focus on their problems. A Nigerian working for another NGO³⁸ pointed out that the press may have reservations against going after the rich and powerful, as printing exposés in the press about criminal gangs and politicians with dubious business relationships can be dangerous to the journalists presenting such stories.

4.3 Internal flight



Internal flight has been discussed several places in this report already, but mostly with a focus on whether this strategy to avoid or escape from conflict situations is used in specific contexts. In our talks in Nigeria, we also discussed more general aspects of internal flight.

The ICRC said that the internally displaced are either absorbed fairly quickly in the communities they go to, or they return after a while to the area they left. Informal networks and solidarity contribute to the situations returning to near normalcy after a while.

According to the UNHCR representative, the Nigerian National Commission for Refugees has a mandate for

³⁸ This view is her own, not that of her organisation.

internally displaced persons, not only refugees from neighbouring countries, and Nigeria is preparing a national policy concerning IDPs.

Baobab was concerned that gender is an important aspect to consider regarding internal flight, and focused especially on women who have been ostracised from their families and network because they have opposed tradition. These face considerable problems when relocating to other parts of the country because they tend to be isolated from the network and resources most people rely on in such situations. They also said that women's situation in a big city like Lagos was not necessarily any better than elsewhere in Nigeria.

The PeaceWorks representative stressed that any person resorting to internal flight and moving to a different part of the country will soon meet members of her/his ethnic group, who will be curious and pose a lot of questions regarding that person's reasons for moving. These people may then pass any information they are able to obtain onto other people, including people this individual would rather that did not get access to such information.

The Nigerian Red Cross pointed to internal flight as a common strategy to escape situations of conflict. In cases where the numbers of people in need of shelter and assistance are larger than what can be absorbed by a local community, the state or federal authorities, local NGOs, religious congregations, charities, etc, try to assist. In such situations, public buildings like schools may be turned into temporary accommodation.

4.4 Flight to neighbouring countries

UNHCRs local representative stressed that very few Nigerians have registered with UNHCR in neighbouring countries as refugees, the exception being some 12 000 ethnic Tivs crossing the border from Taraba State into Cameroon after the riots in the Midbelt since 2000 – there are now plans for repatriating them to Nigeria.

5. Practical issues

5.1 Issues related to documentation



Many Nigerian asylum seekers claim not to have passports or other identity papers when arriving in Norway.³⁹ This in itself poses a considerable problem in establishing the true identity of asylum seekers. But even in cases where asylum seekers (and other migrants) do present the authorities with ID documents, there are still challenges and problems. According to press reports and diplomatic sources, Nigeria – like most countries in the region – struggles with corruption among civil servants on all levels of the administration,⁴⁰ in addition to widespread problems with forgeries of official documents. Diplomatic sources also confirmed our impression that genuine documents with false information constitute as big a problem as falsified documents. Obtaining genuine documents issued correctly, but containing dubious or false information, is comparatively easy in Nigeria. Government authorities seldom have routines for verifying the information going into official documents. Changing names is also a relatively easy procedure, simply done through the publication of an affidavit in a newspaper, and subsequently new official documents can be issued under the new name.

³⁹ In some cases, this is probably a strategy to avoid Norwegian authorities discovering that they have a visa issued by another Schengen country, which would then be responsible for processing their asylum claim. It is also more difficult to return asylum seekers with no identity papers to their country of origin, should their asylum application be turned down.

⁴⁰ Transparency International (www.transparency.org) placed Nigeria as the second worst country (133 of 134) in its *Corruption Perceptions Index* score for 2003.

The legal source we talked to maintained that the only way of actually establishing a Nigerian's true identity, was by making investigations through talking to a wide range of people in that person's home area.

5.1.1 Nigerian passports

Diplomatic sources stated that they had little faith in Nigerian passports, as it was fairly easy to get a genuine passport containing false information. A birth certificate is often the only means of identification to which the passport issuing authorities have access. Birth certificates are often issued only on basis of information given by the person asking for the birth certificate at the time he/she is doing so.

5.1.2 National ID-cards

After the mission left Nigeria, a national ID-card scheme was launched on 19.04.2004. Planned for 25 years, it is still very early to say whether this document will be more trustworthy than other documents issued by Nigerian authorities. However, early press reports of complaints from workers at the civic registration directorate that they have not been paid for eight months may be a hint that bribing officials to obtain ID-cards issued correctly, but containing false information, may well be possible.⁴¹

According to research done by the Royal Norwegian Embassy in Abuja on behalf of the Directorate of Immigration, registration of Nigerian citizens in preparation for the implementation of the ID-card scheme was initiated in February 2003, but the process was not finished by May 2004. 774 Local Governments handle this registration.

The ID-card is issued after the applicant has filled out a form including the following information:

- Birth date
- Birth place (state and Local Government Area)
- Current place of residence

⁴¹ BBC 20.04.2004: *Nigeria's new ID card launched* (<http://news.bbc.co.uk/2/hi/africa/3641907.stm>).

- Birth place of father (State of Origin, information used for determining ethnic group)
- Profession
- Religion

The applicant is interviewed, and photograph and fingerprints taken. The interview is meant to clarify national/ethnic and geographic origin, among other means by asking control questions and assessing the applicant's language, dialect and accent. Relevant information given in the application form and during the interview is registered electronically. Significantly, the applicants are *not* asked to submit any official documents for identification.

5.1.3 Verification of information printed in the local press

Diplomatic sources and the legal source all confirmed that there is a general problem with newspaper articles written on order constructed to support asylum claims. It can be difficult to assess whether a newspaper article was actually printed in the original edition, as the forged edition are sometimes put in the archive of the newspaper (if the person pays enough).

On the other hand, lists of persons being searched by the police are regularly published in newspapers, and these can be verified both with the police and the newspapers.

Contacts

NGOs

- Academic Associates PeaceWorks – Abuja (www.aapeaceworks.org)
- Baobab for Women’s Human Rights – Lagos (www.baobabwomen.org)
- Human Rights Monitor – Kaduna (www.hrm.kabissa.org)
- ICRC – International Committee of the Red Cross, Regional Delegation – Abuja (www.icrc.org)
- Inter-Faith Mediation Centre – Muslim/Christian Dialogue Forum – Kaduna
- Nigerian Red Cross Society – Lagos (www.nigerianredcross.org)
- UNHCR – Abuja (www.unhcr.ch)

Governmental institutions

- National Human Rights Commission – Abuja

Diplomatic contacts

- Royal Norwegian Embassy – Abuja
- Royal Swedish Embassy – Abuja
- Embassy of the Federal Republic of Germany – Lagos office

Other

- Rosamond O. Bakare, Legal Practitioner – Lagos

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