

The Human Rights Situation in Nigeria since the Democratic Dispensation

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Introduction

The inauguration of the democratically elected government of General Olusegun Obasanjo (Retired) on May 29, 1999 witnessed the end of sixteen years of uninterrupted military rule in Nigeria. On the whole since independence in 1960 Nigerians have enjoyed democracy for only ten years while the military have rule for the rest of the period. The years of military rule were characterised by gross human rights abuse and repression of political dissent. The respect for role of law and due process were abandoned for naked abuse of power. The press reported several cases of people being harassed, detained without trial, tortured, extra judicially executed, brazenly murdered, discriminated against and some forcibly displaced from their homes. Environmental pollution, degradation and wanton destruction of the ecology as a result of oil exploration activities were common place in the oil rich Niger Delta. Successive military governments enacted decrees aimed at curtailing the enjoyment of fundamental rights and liberties by the people. The military regime arrogation of judicial power and prohibition of court review of its action significantly impaired the authority and independence of the judiciary. The regime of late General Sani Abacha was probably the worst. It carried out widespread repression of human rights advocates, pro-democracy activists, journalists and critics of his government. Extra judicial killings, torture, assassinations, imprisonment and general harassment of critics and openents were the hallmark of his administration 1.

With the death of General Abacha on June 8, 1998, his successor General Abdulsalam Abubakar towed the part of national reconciliation. He released from jail political prisoners and granted amnesty to exiles to return home to participate in the political process and national reconciliation. Abubakar also repealed most of the decrees infringing on the fundamental rights of Nigerians and hurriedly initiated a process to democratic rule. The elections commenced with local council polls and climaxed with the Presidential poll in February 1999. Though General Olusegun Obasanjo was declared the winner, poll observers reported incidents of massive vote rigging and other electoral malpractices. On the assumption of office, the Obasanjo regime has taken steps to improve the human rights situation in the country. This process has also suffered some notable setbacks. It is these strides and setbacks in the human rights sector under the new democratic dispensation that this paper addresses.

The Obasanjo Human Rights Initiative

A month after General Obasanjo was sworn in as the President he established the Human Rights Violation Investigation Commission headed by Justice Chukwudifu Oputa, a retired justice of the Supreme Court of Nigeria. The Commission was given mandate to investigate cases of human rights abuses committed since the first military coup in 1966 and make appropriate recommendations to the government. President Obasanjo while inaugurating the Commission said that the greatest benefit of the Commission is that " It would serve all of us not only to know the truth but also as a result of knowing the truth, for Nigerians not to have to go through the type of conditions and situations that they have gone through in not distant past." 2. The Commission received about 10,000 memoranda of human rights violations and has since commenced public hearings across different zones in Nigeria. As a further attempt towards national reconciliation the president gave authorisation for the release of the bodies of Ogoni minority rights activist and playwright Kenule Saro Wiwa and his eight other kinsmen hanged following a flawed judicial process and buried in secret graves.

The president took further steps to ensure that those who were responsible for some of the gross human rights violations of the past were being called to give account for the role that they played in the past administration. Some of the people undergoing trial include the former chief of army staff, General Ishaya Bamayi, the eldest son of late General Sanni Abacha, Mohammed Abacha and his Chief Security Officer, Al - Mustapha.

Setbacks

However the gains made so soon in the area of human rights by the new government received a serious jolt with the incident known as the Odi tragedy of November 20, 1999. On this date, the Federal government of Nigeria in a swift move to track down some irate youths who had earlier in November 1999 alleged to have kidnapped and killed twelve policemen, declared a state of emergency on Odi community after a 14-day ultimatum that was yet to expire. On November 20, thousands of combined military personnel invaded the community and unleashed a heavy bombardment of artillery , air craft , grenade launchers, mortar bombs and other sophisticated weapons in replication of a typical invasion of an enemy territory in real warfare.

The military invasion of Odi community resulted in the loss of lives of many people including animals and aquatic creatures. Properties were looted and virtually all the infrastructure in the community were either destroyed or torched. Many citizens of Odi who were lucky to be alive were bundled aboard trucks and taken to military barracks in Elele in Port Harcourt and Warri as prisoners of war. Odi community was occupied like a conquered territory. By the time the soldiers were eventually evacuated and replaced with men of the Nigerian police, Odi was in ruins. What was left of a place with over 60,000 inhabitants was a handful of old men and women, the lame and the sick. The human and environmental rights activists that visited Odi on Wednesday December 8, received the tales of mass burial, mass cremation, the disembowelment and mass dumping of corpses in River Nun. Indeed, the military solution in Odi was a genocide. Echoing the words of the then Senate President, Dr. Chuba Okadigbo who led a delegation of the Nigerian senate to the area was more

revealing. In utter disbelief he had said:

" I am shocked there is nothing to say, as there is nobody to speak with" . 3

Also in October 1999, Choba town near Port Harcourt was sacked while its women were raped by soldiers who were drafted to the town to drafted Wilbros, an American oil servicing company.

It is also deplorable to note that years of government's exploitation of the crude oil which is in stock beneath the Niger Delta soil has not brought any desirable change to the people. It has rather been tales of poverty and squalor, due to deprivation and neglect. It has also been tales of the cry of the people against injustice and their resistance to subjugation, which has always pitched them against the holders of state power.

In recent times, in Nigeria, ethnic clashes resulting in indiscriminate killings and mindless destruction of properties have become a serious source of human rights violation. The spate of killings of ordinary Nigerians in the guise of ethnic conflicts and in total disregard for the sanctity of life is a worrisome issue.

In the Eastern part of Nigeria, the Aguleris and their Umuleri neighbours were at each others throat over communal land which has taken scores of lives and properties. Down the west, the Ifes and Modakekes are at war with each other over the relocation of local government headquarters while the Ilajes and Ijaws were in dispute over unmarked boundary where oil is alleged to have been round in commercial quantity. The situation is even worse in the Niger Delta where the peoples of Ijaw, Urhobo and the Itsekiris are tearing each other to shreds over relocation of local government headquarters and other problems bordering on age-long rivalries. Most recently some Hausas settlers and their host community in Sagamu engaged themselves in an orgy of blood letting over an allegation that a Hausa woman desecrated the traditional beliefs of their host. The reprisal attacks and killing in Kano by the Hausa against perceived opponents was in swift retaliation for the loss of their kin in the Sagamu uprising.

Elsewhere in Lagos, a new but very dangerous dimension manifested in the recent clash between the Oodua Peoples Congress (OPC) and Ijaw Peoples Congress in Ajegunle a Lagos suburb, leading to loss of lives and properties.

Apart from president Obasanjo's recent visit to the se troubled spots the government has not taken any concrete step to ascertain the remote and immediate causes of ethnic out-bursts in the country. Most times government adopts ad hoc measures which, rather than check these conflicts, escalates them by employing force of arms rather than using advanced conflict resolution skill to calm frayed nerves and douse the embers of wars.

When Nigerians celebrated the return to Democracy on May 29, 1999, it was with confidence, hope and faith for what Democracy stands for. Democracy is not just the rule of law and values but also means human rights. It is human rights in the sense that peoples opinions, views and fundamental rights would be respected and protected at least by the constitution which is adjudged supreme. Notwithstanding

this cherished ideals, the attempt to elevate one religion over the other in whatever guise or circumstance as witnessed in Zamfara state in Nigeria is a breach of the fundamental rights as provided in the international instruments. The attempt to transform a unit in a federation of Nigeria into an Islamic state by elevating Sharia law far and above the constitution thereby denying a segment of the population their civil and religious rights in the same federation amounts to serious breach of human rights. The violent clashes and orgy of killings that took place in Kaduna and other parts of the country where thousands of lives were lost and properties amounting to millions of Naira destroyed as a result of religious clashes between Christians and Moslems over imposition of Sharia as the core fundamental laws of the state is a case of human rights violation. More so, the arrest, trial, conviction and amputation of an alleged cow thief, Buba Jangedi, by the Zamfara State government under Sharia law without option of judicial appeal is a clear case of infringement on the fundamental rights of a Nigerian citizen supposedly protected by the constitution of the federation of Nigeria.

Conclusion

As the nation progresses in its democratic journey with renewed hope and faith for human rights it would be necessary to point out that care should be taken to avoid those negative practices that characterized the ugly past. The unfortunate incidents of police brutality and extra judicial killings prevalent in military dictatorship which runs contrary to the principles of human rights, is still rearing its ugly head in this new democratic dispensation. Barely two months ago, on May 5, 2000, Miss Odunola Alli, a young lady of 27 years was killed at Ilupeju suburb in Lagos when a trigger happy policeman in the convoy of the Lagos state deputy governor shot at her while trying toward off a motorist regarded as intruding in the way of the convoy.

Also on Thursday July 6, 2000, a Lagos worker, Samson Popoola was killed when police fired tear gas canisters into the air to disperse crowds of workers that stormed the Lagos state secretariat at Alausa, Ikeja, while protesting the arrest of their leader, Ayodele Akele by the police.

Democracy no doubt has returned to Nigeria but a critical overview of the situation shows that it is still a long walk to freedom.

Endnotes

1. For further reading see U.S Department of State Nigeria country report on Human rights Practices for 1997(published by the Bureau for Democracy, Human Rights and Labor, January 30, 1998. See also Constitutional Rights Project, CPR Annual Report (Human Rights Practices in Nigeria July 1997 - September 1998).
2. Extract from the speech of President Obasanjo while inaugurating the Human Rights Violation Investigation Commission on June 14,1999.
3. The Guardian on Saturday December 4, 1999. p17

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