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# NIGERIA

## Vigilante violence in the south and south-east

### 1. INTRODUCTION: Government responsibility in vigilante violence

Three years after the election of a civilian government in May 1999, Nigerian citizens see themselves confronted with one of the most serious spirals of violence in decades, in the shape of increasing crime rate and inter-communal clashes.

Crime is probably perceived by the majority of the Nigerian population as the main problem in recent times. So much so that to a large degree human rights violations and abuses are “justified” in the context of a campaign of law enforcement against crime.

Nigeria lacks police officers. Police patrols often find themselves fighting against heavily armed gangs of robbers, who have killed dozens of police officers over the past three years. Working conditions in the police force are poor and allegations of human rights violations, corruption and misconduct within its ranks are numerous.

The rise in crime and insecurity and the sense of low performance by the security forces has led to the expansion of vigilante groups at local and state level. Armed vigilante groups carry out law enforcement activities in an ever-growing number of states with the tacit, and sometimes explicit, endorsement from the state governments, especially in the south-east of Nigeria.<sup>1</sup> This is despite the fact that the Nigerian Constitution prohibits the creation of security forces in the country other than the armed forces and the Nigeria Police Force.<sup>2</sup> Armed vigilante groups routinely carry out killings and unlawful detentions and inflict torture and cruel, inhuman and degrading treatment to citizens.

Amnesty International is seriously concerned at the precedent set by the state authorities of Anambra and Imo States, whose state governors, state houses of assembly or both have officially endorsed armed vigilante groups. Commonly known as the Bakassi Boys, these groups are responsible for the extrajudicial execution of hundreds of people in the

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<sup>1</sup> Nigeria is a Federal Republic of 36 states and one Federal Capital Territory (Abuja). The states are further subdivided into 589 local government areas. The Federal Government defines and monitors national policy, while state and local governments are charged with implementing such policies. Each state has however, its own government, laws and judiciary.

<sup>2</sup> Constitution of the Federal Republic of Nigeria, 1999. Article 214 (1): Establishment of Nigeria Police Force: “There shall be a Police force for Nigeria, which shall be known as the Nigeria Police Force, and subject to the provisions of this section, no other force shall be established for the Federation or any part thereof. All police units, including members of special forces, such as the Mobile Police, report to the Inspector General of the Nigerian Police Force, whose headquarters are in Abuja.

south-east, in particular Anambra, Imo and Abia States, over the past two years; and for the torture, cruel, inhuman or degrading treatment, “disappearance” and unlawful detention of scores of citizens. Amnesty International considers that the official recognition of these groups as law enforcement officers in some of the states where they operate makes both the Nigerian federal government and the state governments fully accountable for their actions. The Nigerian authorities are therefore responsible for what amounts to human rights violations committed by such groups during their law enforcement operations.

The federal authorities have acted with ambiguity towards armed vigilante groups operating throughout the country for years, failing to compel those state governments who officially or tacitly endorse them to discontinue their support and to effectively direct the police to take on these groups and put an end to the human rights abuses and violations they commit on a daily basis.

In August and September 2002, the police carried out a series of raids against the armed vigilante groups in the south-east, mainly in Abia and Anambra States, arresting at least 100 vigilante members and releasing scores of illegally held detainees. Amnesty International welcomes any federal government initiative to end human rights violations committed by armed vigilante groups officially endorsed by state authorities. However, Amnesty International is concerned that this latest initiative might prove insufficient if it is not sustained in time and applied consistently for all armed vigilante groups operating in Nigeria, and unless those responsible for human rights abuses and violations are brought to justice. Any armed vigilante groups conducting law enforcement functions, with or without official endorsement, who do not meet relevant human rights standards should be permanently dismantled. At the same time, police must, in their fight against crime, observe all relevant international human rights standards concerning the use of force by law enforcement officers.

With social pressure over increasing crime and poor performance by the Nigerian security forces and in the run-up to presidential elections, due in April 2003, there is a clear risk that tacitly or expressly state-endorsed vigilante groups will carry out further human rights violations and abuses in the context of struggle for power.<sup>3</sup>

The recent crackdown on the so-called Bakassi Boys must not obscure the fact that the Nigerian armed forces and police are also responsible for numerous human rights violations. The protection and promotion of human rights must be given the highest possible priority in all aspects of decisions relating to policing and security issues as they central to providing justice and security through the work of security forces.

Federal and state governments must ensure the respect and protection of human rights, and that no human right violation or abuse by armed vigilante groups or the Nigerian security

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<sup>3</sup> See chapter 4: Vigilante violence in view of forthcoming elections in this document.

forces is carried out with impunity. The Nigerian authorities must ensure as well that victims of such abuses and violations receive adequate and prompt compensation.

## **2. VIGILANTE PHENOMENON IN NIGERIA:**

### **2.1. Traditional concept of vigilante groups in Nigeria**

Vigilante groups existed in Nigeria for decades, not only under civilian rule but also during the previous military governments of Generals Babangida, Abacha and Abubakar. They have traditionally been seen as an extension to the work of law enforcement officers in a country with high levels of delinquency and a lack of police training, equipment and personnel. For instance, in south-eastern Nigeria there traditionally existed groups commonly known as “Ndinche”, community guards formed by volunteers in villages who would bring suspected criminals to the community council, often called “Amala”, and then display them in front of the village to their shame before being handed over to the police.

In the late 1980s and throughout the 1990s, military governments established anti-crime squads that included soldiers, policemen and vigilante groups, mostly composed of armed civilians. These squads were infamous for their cruelty with suspected robbers and criminals.

The traditional concept of vigilante in Nigeria, however, exclusively refers to unarmed voluntary citizen groups created in local communities to help the security forces confront common criminality and social violence, by arresting suspected delinquents and handing them over to the police. The Nigerian law recognises the lawfulness of vigilante groups arresting suspected criminals provided that they are unarmed and that the suspect is immediately handed over to the police: “... Any private person arresting any other person without a warrant shall without unnecessary delay make over the person so arrested to a police officer, or in absence of a police officer shall take such person to the nearest police station”.<sup>4</sup>

### **2.2. Vigilante groups today**

The increasing incidence of crime since the end of the military regime has favoured the proliferation of heavily armed vigilante groups of various conditions and interests in nearly every corner of Nigeria. There is no pattern to define who creates them, what they fight for or

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<sup>4</sup> Nigerian Criminal Procedure Act, section 14 (1)

the methods they employ, and most importantly, there is not a clear code of conduct binding them, nor an official register of legal vigilante groups.

Armed vigilante groups in Nigeria are reported to carry out extrajudicial executions and killings of suspected criminals and perpetrate acts of torture, cruel, inhuman and degrading treatment, unlawful detention and “disappearances”. Allegations of extortion, harassment, arson, destruction of public property or armed robbery are often made against members of these groups.

In the majority of cases, vigilante groups have their origin in political or militant organizations designed to ensure that the interests of specific ethnic groups in different parts of the country prevail. Such is the case of OPC (O’odua Peoples Congress) created to promote the interests of the Yoruba ethnic group in south-west Nigeria, MASSOB (Movement for the Actualisation of the Sovereign State of Biafra) which claims to represent the Igbo ethnic group in eastern Nigeria or Egbesu Boys, based in the oil-producing Delta region, to promote the rights of the Ijaw ethnic group. With the general concern over crime, most of these groups have extended their scope to vigilante activities. Although none of the above-mentioned armed groups have been expressly endorsed by state governments, some state governors have failed to condemn their existence. On several occasions governors have expressed the convenience of counting on the vigilante activities of these groups to combat crime in their states, despite the fact that the majority of these groups, based on ethnic, religious or political lines, clearly seek to protect these interests rather than those of the community as a whole.

Some state governments have increased the profile of vigilante groups in Nigeria by tacitly or openly endorsing armed vigilante groups as part of a campaign against crime. The endorsement of such groups has proven popular among a population often dismayed by the poor record of the police in curbing crime. Armed vigilante groups officially endorsed by state authorities have also been accused of human rights violations in the shape of extrajudicial executions, torture and other cruel, inhuman and degrading treatment of alleged criminals, illegal detention and “disappearance” of suspects.

The position of the federal government towards armed vigilante groups remains unclear, since they are often regarded as an internal matter of the states and not as a federal issue. The police and the Armed Forces (both under the responsibility of the federal government) have been accused of inaction and neglecting to investigate, and when required, arrest and prosecute members of armed vigilante groups. In February 2001, the Inspector General of the Nigeria Police Force, declared illegal the detention of suspected offenders by vigilance groups, and warned that individuals or groups who flouted the order would be prosecuted. In fact, although the police have arrested several members of vigilante armed-groups, the suspects are often released after a few months through the intervention of authorities of the state and their charges dropped before going through trial.

On 10 April 2002, President Obasanjo sought parliamentary approval to outlaw certain armed groups. The bill entitled “Prohibition of Certain Associations Act” would clarify the position of the federal government towards armed groups and lead to firm action from the federal authorities. The bill states that: “No group of persons, association of individuals or quasi-military group shall retain, organise, train or equip any person or group of persons for the purpose of enabling the group of persons or association of individuals to use or display physical force or coercion in order to promote any political objective or interest; ethnic or cultural interest; social, occupational or religious interest.”

The bill makes provisions for the dissolution and proscription by the President of “any group of persons, association of individuals or quasi-military groups which in his opinion, is formed for the purposes of furthering the political, religious, ethnic, tribal, cultural or social interest of a group of persons or individuals contrary to the peace, order and good governance of the federation and the provisions of this Act”.

The bill raises several concerns for Amnesty International, such as the lack of a clear definition in it of parallel armed vigilante groups, allegedly created only to curb delinquency and crime, and the discretion granted to the President to decide which groups must be proscribed. Amnesty International considers that judicial authorities and not the executive should take such decision. This discretion might pave the way for the political manipulation of the bill instead of serving what should be the main purpose of it: to halt the increasing number of human rights violations and abuses being committed by vigilante and militia groups throughout Nigeria.

### **2.3. Endorsement of armed vigilante groups by state governments**

Although the map of vigilante groups in Nigeria is complex, as they often combine activities of the fight against crime with other social, political, ethnic or economic interests, some groups, especially in the south-east of Nigeria; claim to exist exclusively to take on crime. Such are the cases of Anambra State Vigilante Service, Abia State Vigilante Service and Imo State Vigilante Service. There are also vigilante groups of this nature operating in Ebonyi and Enugu states. A bill establishing a vigilante group in Edo State was tabled at the Edo State Assembly in August 2001. The governor of Ebonyi State announced publicly on 10 June 2002 that he would soon sign into law the bill passed by the State House of Assembly establishing the vigilante group known as Bakassi Boys in the state.

There are numerous allegations made by national and international human rights organisations, Nigerian press, the Nigerian Bar Association and individuals that these groups carry out extrajudicial executions and illegal detention and acts of torture and cruel, inhuman or degrading treatment of suspected criminals.

Amnesty International considers that in all but exceptional situations, policing functions should be carried out by the security forces. In any case, the federal state is directly responsible and accountable for the actions of all those who conduct law enforcement functions, including any private groups to whom these functions have been devolved, and for ensuring that standards of human rights protection are met.

The tacit or official endorsement of armed vigilante groups by state governments also makes the authorities of the endorsing state, directly responsible for the practices of law enforcement throughout the territory of the state. Governors must therefore make all necessary provisions to guarantee that all practices of law enforcement throughout the territory of the state are consistent with the laws of Nigeria and international human rights standards, ensuring that the United Nations Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials are fully implemented by all security officials at all times.<sup>5</sup>

### **3. OFFICIAL ENDORSEMENT OF ARMED VIGILANTE GROUPS IN THE SOUTH-EAST: THE BAKASSI BOYS**

The Bakassi Boys are named after the Bakassi Peninsula, an area disputed between Cameroon and Nigeria.<sup>6</sup> The term is commonly applied to various vigilante groups operating mainly in Abia, Anambra and Imo states. These groups were originally created by groups of traders and other citizens to curb the upsurge in violent crime and armed robberies in their respective states.

In the past few years, the concept of “real Bakassi” emerged to refer to those groups that were created spontaneously among civilians exclusively to reduce the level of crime in the society. With the tacit or explicit endorsement of these groups by state authorities, politicians or other economic or social pressure groups, the original purpose diluted, resulting in the more or less generally accepted idea that new organised Bakassi Boys are not “real Bakassi” because they are commonly perceived as being tainted with interests other than protecting society against crime.

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<sup>5</sup> In accordance with article 1 of the Code of Conduct for Law Enforcement Officials, the term “law enforcement officials” includes all officers of the law, whether appointed or elected, who exercise police powers, especially powers of arrest or detention. In countries where police powers are exercised by military Authorities, whether uniformed or not, or by State security forces, the definition of law enforcement officials shall be regarded as including officers of such services.

<sup>6</sup> The International Court of Justice of the Hague ruled on 10 October on the dispute Nigeria and Cameroon concerning the Bakassi Peninsula, stating that the sovereignty over the peninsula lies with Cameroon. *The News*, 21 October 2002.

The extreme popularity of the so called Bakassi Boys at their inception is also related to their campaign to rid society of crime, but it also has a connotation of traditional cults; it is widely believed among the population in the area that these groups have extraordinary powers and that their members are bullet-proof by magic and virtually immortal.

The Bakassi Boys patrol the streets heavily armed, arresting suspected criminals and applying their own version of justice to the suspects instead of handing them over to the police. The group has always refused to disclose how they determine a suspect's guilt; however, a witness described their methods to Amnesty International as follows: "*they form two machetes into a cross and hold them in front of the suspect. If the machete turns red, he/she is judged guilty and then beaten, fined or killed depending on the seriousness of the alleged offence, his/her head removed by one of the machetes...*" The group is believed to have itinerant courts, which will "judge" suspects in a matter of minutes and without any kind of guarantees of a fair trial.

It is responsibility of the federal government to ensure that such practices are not carried out. The International Covenant of Civil and Political Rights (ICCPR), signed and ratified by Nigeria, establishes that "... Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that the court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful".<sup>7</sup> Article 14 of the ICCPR states: "everyone charged with a criminal offence shall have the right to be suspected innocent until proved guilty according to the law".

The Bakassi Boys of Anambra, Abia and Imo States are accused of carrying out extrajudicial executions, perpetrating acts of torture, cruel, inhuman and degrading treatment of alleged criminals and illegal detention with the endorsement of the state governments and the State of Assembly of their respective states.<sup>8</sup>

The Nigerian Constitution stipulates that only the Nigeria Police Force is entitled to carry out law enforcement activities through the federal Republic.<sup>9</sup> The supreme law of Nigeria therefore prohibits state governors or state houses of assembly to create their own state security force for law enforcement activities in their states.

### **3.1. Anambra State Vigilante Service (AVS)**

The recent armed vigilante movement in Anambra has its origins in the Onitsha Traders Association (OTA), a group formed in the late 1990s to fight the upsurge of armed robbery

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<sup>7</sup> Article 6. International Covenant on Civil and Political Rights (ICCPR)

<sup>8</sup> Further information on Bakassi Boys can be found in the Human Rights Watch/Cleen document: the Bakassi Boys: the legitimization of murder and torture (May 2002)

<sup>9</sup> See Introduction in this document

around Onitsha market, one of the biggest markets in West Africa. OTA was reportedly organised under the auspices of the governor of Anambra State and started its operations in September 1999.

According to estimations by CLO (Civil Liberties Organisation), a Nigerian human rights organisation, the OTA summarily executed over 1,500 people between September 1999 and July 2000. The group was also accused of torture, unlawful detention and cruel, inhuman and degrading treatment of alleged criminals. In view of social unrest over the poor performance of OTA in dealing with armed robbery, another vigilante group allegedly coming from Abia State confronted the OTA.

The latter group would evolve into what is known as the Bakassi Boys of Anambra State. The Bakassi Boys are believed to use similar methods to those of the OTA in dealing with suspected criminals. At first, the governor refused to recognise the new group. A bill aimed at officially sanctioning the vigilante group was introduced to The House of Assembly of Anambra State in August 2000. The bill became the Anambra State Vigilante Service (AVS) Act N<sup>o</sup> 9, 2000 after the governor signed it on 6 December 2000.

The Anambra State Vigilante Service is the first -and to-date only- armed vigilante group officially recognised by a state government in Nigeria through a bill enacted by the state governor. According to official sources from Anambra, members of the AVS are paid by the government of Anambra State – and hence, by the Nigerian state and taxpayers - and act “under strict supervision from the authorities of Anambra”.<sup>10</sup>

Amnesty International considers that any decision by state or federal government to include unofficial groups in law enforcement functions must be made on the basis of their ability to respect and protect human rights of individuals where they operate, within the framework of systematic and wide consultation with civil society, and in particular human rights groups.

Although the AVS Act expressly states that the vigilante group should not be armed and must hand every suspect it arrests straight over to the police, since the creation of the group and well before it was declared official, the AVS, commonly known as the Bakassi Boys of Anambra State, have repeatedly been accused of carrying out extrajudicial executions of suspected criminals but also of assaulting people who are considered to be political opponents of the state government. The governor of Anambra State and officials responsible for the AVS have denied the accusations.<sup>11</sup>

➤ In February 2001, the formed leader of the Bakassi Boys in Anambra State, Gilbert Okoye, was arrested and questioned over the murder of **Ezeodumegwu Okonkwo**,

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<sup>10</sup> According to Chairperson of Security Committee at Anambra State House of Assembly. Interview with an Amnesty International delegation on 10 April 2002

<sup>11</sup> See chapter 4: vigilante violence in view of forthcoming elections

chairperson of the All People's Party (APP), main opposition party in Anambra State. Members of the Bakassi Boys were alleged to have committed the crime. Okoye was detained by the police for three months and then released.

The present structure of the Anambra State Vigilante Service includes a security board composed of the chairperson of the AVS and a police superintendent. Other members are the Chairperson of the Security Committee at the state House of Assembly, a lawyer, the chairperson of the Council of Traditional Leaders of the state, and other community representatives. There are also plans, not yet implemented, to include a representative of the State Security Service (which falls under the authority of the federal government) and of the Army. According to the Chairperson of the Security Committee at the state House of Assembly, the committee does not meet regularly with representatives of the AVS and sits only when "a situation of tension or trouble is expected or under some similar grave circumstance".<sup>12</sup>

Hundreds of people of Anambra State are reported to have been extrajudicially executed by the Anambra Vigilante Service since the official recognition of the armed group by the authorities of Anambra State. There are also reports of scores of people being tortured or subjected to cruel, inhuman or degrading treatment, illegally detained, or "disappeared" by AVS.

Those who openly oppose the existence of the vigilante group are often subjected to torture and cruel, inhuman and degrading treatment as a way to intimidate them.<sup>13</sup>

➤ **Odi Okaka Oquosa**, an artist and a religious leader, told Amnesty International that he was arrested and tortured by the Bakassi Boys in Onitsha on 19 October 2000. He had been paying regular visits to the group with the intention of talking to the Chairperson of the vigilante service to persuade him to put an end to the human rights violations allegedly being committed by the Bakassi Boys of Anambra State. He was severely beaten for three days and eventually released thanks to the intervention of his relatives. He continued receiving threats by the Bakassi Boys to stop criticising the activities of the group. In October 2001, the Bakassi Boys burnt down his office and destroyed his belongings. He still bears visible injuries on his back and head.

The Nigerian human rights organisation CLO (Civil Liberties Organisation) estimates the figure of extrajudicial executions committed by the Bakassi Boys in Anambra State at over 2000 between April 2000 and January 2002. The CLO also accounts for thousands those who have been tortured or have received cruel, inhuman or degrading treatment by the "Bakassi Boys" of Anambra State in the same time frame. According to the CLO, between 4 January 2002 and 15 March 2002 alone, an estimated 105 people were extrajudicially executed by the AVS in Onitsha and environs.

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<sup>12</sup> Interview with an Amnesty International delegation on 10 April 2002

<sup>13</sup> See chapter 4: vigilante violence in view of forthcoming elections

In early 2001, the Anambra Governor, Chinwoke Mbadinuju imposed a Code of Conduct on the AVS requiring the group to hand over suspects to the police. In fact, the group has ignored the code. The reported massive extrajudicial executions are often preceded by protracted periods of detention in Onitsha Main Market or other locations, and torture, perpetrated on some occasions in daylight and in public, frequently in particularly gruesome ways involving the decapitation, dismemberment and incineration of the victim.

- According to witnesses, between 15 and 31 July 2000, over **30 people** were killed and their bodies dismembered with machetes and set on fire in various locations in and around the city of Onitsha, apparently as a sign by the Bakassi Boys that they were officially commencing operations in the area.
- On 4 November 2000, the Anambra Vigilante Service arrested **Eddy Okeke**, a religious leader from Nawgu, in Anambra State. Eyewitnesses reported to Amnesty International that he was beaten, kicked and whipped and then mutilated and decapitated in the presence of thousands of villagers on 9 November 2000. His body was doused with petrol and set ablaze. He had been found guilty by the vigilante group of aiding and abetting armed robbers.
- On 28 May 2001, a group of the Bakassi Boys announced that they had executed **36 alleged robbers** in Onitsha, Anambra State. The suspected robbers were detained several weeks earlier and held in various places in and outside the city, including “Chukin Mansion”, the headquarters of the vigilante group in Onitsha market, where hundreds of people are said to be unlawfully detained. Then they were driven in two buses to different locations where they were reportedly executed in public with machetes and iron bars.<sup>14</sup>
- On 9 July 2001, the Bakassi Boys drove **Okwudili Ndiwe**, alias *Derico*, a notorious alleged criminal, to a popular market in the centre of Onitsha, Anambra State, and severed his head in front of thousands of people. The police had earlier requested without success that the suspect be formally handed over to them.
- Eyewitnesses reported to Amnesty International that on 11 August 2001, at least **8 people** were dismembered and then set ablaze in public at Lagos Motor Park, Sokoto Road, Upper-Iweka and other locations in Onitsha.
- Between 25 and 30 November 2001, **20 people** were reported by the CLO to have been killed with machetes and set alight by the Anambra Vigilante Service in Nnewi and Ihiala. The alleged extrajudicial executions took place in public places like Okija filling station or Nnewi Market Triangle.

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<sup>14</sup> Agence France Presse (AFP): *Des miliciens volontaires Nigériens exécutent 36 voleurs présumés*. 30 May 2001.

- According to testimonies of witnesses collected by Amnesty International, on 5 February 2002, over **10 people** were allegedly publicly killed with machetes at Onitsha Main Market and other locations in town.
- The CLO reported to Amnesty International that over 20 people were dismembered and set alight in public at Onitsha main market between 18 March and 16 April 2002.

On 10 April 2002, an Amnesty International delegation witnessed members of the Anambra State Vigilante Service (AVS) trying to set alight a man inside the compound of the Government House of Anambra State, some 100 metres away from the state governor's own office. The armed men were surrounding a man, apparently some 50 years of age. The man was on his knees, his arms tied behind his back and his face disfigured by recent beatings. He was bleeding profusely. Members of the Vigilante Service were shouting at the man, apparently insulting him. Then one of them poured petrol over the man's body with the clear intention of setting him on fire. When they realised that strangers were watching the scene, they bundled their victim into a van, loaded the vehicle with machetes and guns, and drove away. The government of Anambra State refused to give an explanation of the incident and inform Amnesty International about the identity of the suspect and the treatment he received from the vigilante group afterwards.

The Anambra State branch of the Civil Liberties Organisation detected a reduction in the number of human rights violations committed by the Anambra State Vigilante Service since the visit of the Amnesty International delegation. However, reports of extra judicial executions attributed to members of the Anambra State Vigilante Service increased again in May 2002. Reportedly, 20 killings took place in Onitsha and environs on 29 May 2002. Eight more people were reportedly executed in public the following day. Previously, the Bakassi Boys of Anambra State between 24 and 26 May 2002 allegedly killed over 23 people.

The police have often fallen short of their duties towards the Anambra State Vigilante Service. They consistently fail to arrest suspects from these armed groups and carry out investigations of the numerous alleged crimes committed by them. Some members of the police, though, have clashed on several occasions with AVS members.

There are reports of members of the federal police in Anambra State acting in collaboration with the vigilante service in "anti-crime" operations in the area where extrajudicial executions at the hands of these combined groups have reportedly been committed.

- On 10 April 2000, **V.O.** (m), 20 years old, **O.Ok.** (m), 13 years old, **O.O.** (m), 32 years old, **Ch.b.** (m), 19 years old, **Ch.Ch** (m), 24 years old and **Ch.O.** (m), 22 years old were reported by CLO to have been killed in Inland Town, near Onitsha by a combined group of members of the federal police and Anambra State vigilantes; the bodies were later

dumped in the River Niger.<sup>15</sup>

According to official sources of the Nigerian police, there are no known records of the Anambra Vigilante Services delivering those they apprehend into police custody. An official source for Anambra State admitted in a meeting with a delegation from Amnesty International that there are detention centres kept by the Anambra State Vigilante Service and that the group routinely executes its victims without reference to any officially constituted police or judicial authority when “they think that the police will release a suspect they consider to be guilty”. The source also admitted that on a number of occasions they have disobeyed orders from the Chairperson of the group to release prisoners and that they are often drunk and intoxicated when performing their operations.

On 24 September 2002, Mobile Police officers attacked premises of Anambra State Vigilante Service in and around Onitsha. 100 members of the vigilante group were still in detention for interrogation as of 21 October 2002. The police found five illegal detention centres in Ihala, Nnewi, Onitsha, Awka and Ekulobia.<sup>16</sup>

Amnesty International considers that any armed vigilante groups conducting law enforcement functions in Nigeria who do not meet relevant human rights standards, including those on the use of force and firearms or is responsible for human rights violations and abuses should be permanently disbanded, and the individuals responsible should be brought to justice.

### **3.2. Abia State Vigilante Service (AVS)**

The Bakassi Boys originated in Abia State, where in 1998 a group of shoemakers at Ariaria market in the town of Aba organised an armed group to confront criminals in and around the market. The Bakassi Boys soon generated an aura of mysticism around them, as they were feared for their cruelty in dealing with suspected criminals, but also admired for their supposed effectiveness in curbing crime and believed to have magical powers. Bakassi Boys have operated in Abia State well before they expanded or were “invited” to neighbouring Anambra and Imo States.<sup>17</sup>

The relation between the Abia State government and the Bakassi Boys of Abia, also known as the Abia State Vigilante Service, has not been officially sanctioned. The chairperson of the Abia Vigilante Services has repeatedly expressed the connection between them and hinted that it is the government of Abia State that finances the operations of the armed vigilante group.<sup>18</sup> On 1 June 2002, the governor of Abia State, Orji Uzor Kalu,

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<sup>15</sup> Full names of victims in some of the cases in this document are withheld to protect the victims’ families.

<sup>16</sup> Interview with Mr. Chris Alkpe, Force Police Relation Officer. The News 21 October 2002.

<sup>17</sup> See chapter 3.1. Anambra State Vigilante Service (AVS) in the present document.

<sup>18</sup> See Post Express, 29 September 2001.

reportedly said: “No law can stop us from having the vigilante group in Abia. Even if the National Assembly passes the law, it is not going to work in Abia.”<sup>19</sup>

- Amnesty International received reports from eyewitnesses that on 30 October 2001 at least **25 people** were killed in three-day clashes between traders and Bakassi Boys of Abia State (the Abia Vigilante Service) in Ariaria market, in the city of Aba. According to reports, the violence started when members of the armed group attacked a shoe trader with a machete over rent payments, which were allegedly late.
- Witnesses reported to Amnesty International that about **10 suspected armed robbers** were tortured to death at Umilery Community, in Anambra State on 25 January 2002. The perpetrators are believed to be Bakassi Boys based in Abia State.

On 8 August 2002, members of the Mobile Police (MOPOL), a special unit within the Nigeria Police Force, raided five bases of operation of the Bakassi Boys in Abia State, and liberated 46 prisoners held in cells by the vigilante group in those bases. During the operation, the police also arrested 33 alleged members of the Bakassi Boys.<sup>20</sup>

Amnesty International welcomes the federal government’s initiative to put an end the human rights violations committed by state-endorsed vigilante groups in Abia and Anambra States. However, Amnesty International is concerned that this initiative might prove insufficient and that, in the run-up to presidential elections, due in April 2003, tacitly or expressly state-endorsed vigilante groups still carry out human rights violations in the context of struggle for power.<sup>21</sup>

The dismantling of the Bakassi Boys is still challenged by some state governors. The governor of Abia State stated in an interview for the state-owned Radio Nigeria in October 2002 that: “Nobody has the power -unless they want to cause problems- to stop us from having the vigilante services”<sup>22</sup>

### 3.3. Imo State Vigilante Service (IVS)

On 22 December 2000, the Imo State House of Assembly passed a bill recognising the Bakassi Boys in the State as the Imo State Vigilante Service (IVS), apparently with the opposition of the governor of the state, who has not signed the bill into law. Nevertheless, the IVS operates today with a high level of endorsement by state legislative institutions.

- According to the Civil Liberties Organization (CLO), on 3 January 2001, the Bakassi

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<sup>19</sup> See Vanguard newspaper, 1 June 2002.

<sup>20</sup> Vanguard newspaper (Lagos): Police raid Bakassi Boy’s HQ. 5 August 2002

<sup>21</sup> See chapter 4: Vigilante violence in view of forthcoming elections

<sup>22</sup> IRIN, 10 October 2002.

Boys of Imo State publicly executed **an alleged criminal** in front of St. Paul's Catholic Church, near Owerri Main market. The victim was killed with machetes and the body was later set on fire. On the same day, **another person** was reportedly executed at Ogboshishi (wood market) in Owerri. The victim was set on fire until he died.

- Eyewitnesses reported to an Amnesty International delegation that, also in January 2001, over a **dozen** criminal suspects were mutilated in public, executed and incinerated by the Bakassi Boys in Owerri, Imo State.

In February 2001, the police arrested 46 members of the armed vigilante group along with some suspected criminals held in an illegal detention centre. According to the Commissioner of the police of Imo State, the Imo Vigilante Service had "created illegal detention camps and were killing innocent people in the streets without proper investigation and even carrying prohibited arms." The arrested members of the vigilante group were released on bail early March 2001.

- The Bakassi Boys of Imo State were reported in the press to have publicly executed **four suspected armed robbers** along the Owerri-Port Harcourt road on 29 July 2001. The robbers were allegedly killed with machetes before their dismembered bodies were set ablaze.<sup>23</sup>

The Nigerian police announced on 9 February 2002 that they would dismantle illegal detention centres run by vigilante groups, especially those of the Bakassi Boys in south-eastern Nigeria where an estimated 1,000 persons were then held in cells. There are still reports of illegal detention by the Bakassi Boys in Imo, Abia and Anambra States.<sup>24</sup>

### 3.4. Other vigilante groups in the south

#### 3.4.1. Ethnic armed vigilante groups

Ethnic militia have existed in Nigeria, a country of over 250 ethnic groups, since long before the return to civil rule and at times, they have reportedly been linked with other ethnic militias and some factions of the police and the Armed Forces in inter-communal disputes; allegations of such links resulting in massive blood-shed are being made even today.<sup>25</sup>

Local ethnic militia groups have been held responsible for killings in the country over the past three years. As a matter of example, the Mambilla militia group, also known as

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<sup>23</sup> Agence France Press (AFP): *Vigilantes kill four suspected robbers in Nigeria*. 31 July 2002

<sup>24</sup> The Guardian newspaper (Nigeria): *Detention by vigilance groups illegal. Say Police*. 10 February 2001

<sup>25</sup> See AI press release: Reports of Reprisal killings must be investigated (AI Index: 22/006/2001)

“Ashana-no case to answer” reportedly killed more than 96 Fulani herdsmen in Taraba State between 1 and 7 January 2002, accused of “settling” in a land that belongs to the Mambilla.

A variation of ethnic armed groups has emerged over the past few years in Nigeria as a result of ethnic-based political groups combining their political activities with security operations to curb common criminality in the areas they operate in, in the shape of vigilante groups.

The fact that some of these ethnic vigilante groups are usually armed and therefore susceptible to carrying out human rights abuses, is exacerbated by their political and ethnic affiliation, which increase the risk of being manipulated by politicians and social groups, not just to curb common criminality but also as a weapon to intimidate political opponents and individuals who do not belong to their ethnic groups.

As in the case of other vigilante groups, ethnic vigilante groups often escape the control of the federal government. Some of these groups enjoy the tacit endorsement of state and local governments, particularly in those states where there is a certain ethnic homogeneity among the population.

Although both the police and the federal government have consistently confirmed the unlawfulness of armed vigilante groups, they have been accused of an unwillingness to abolish them and to prosecute the alleged perpetrators of human rights abuses among them.

Many of these state-endorsed ethnic vigilante groups carry out serious human rights abuses, including unlawful detention, extrajudicial executions, torture and other cruel, inhuman or degrading treatment of suspected criminals.

The most prominent ethnic-based vigilante movement in Nigeria is arguably the O’odua Peoples Congress (OPC). There are also other important vigilante groups or movements with ethnic affiliation occasionally carrying out certain vigilante activities, such as MASSOB (Movement for the Actualisation of the Sovereign State of Biafra), which seeks to revive the secessionist state created in 1967 in the south east by the Igbo ethnic group and defeated after three years of civil war in 1970; the Egbesu Boys of Africa, created in the early 1990s to demand the development of the oil-rich Delta Region and campaign for the interest of the Ijaw ethnic group and MOSOP (Movement for the Survival of the Ogoni People) which started its operation in Rivers State in the late 1980s, with an alleged endorsement by certain local and state governments.

On 18 October 2000, the federal government announced a ban on “ethnic militias”. The government however, failed to specify what it meant by this term. The ban was not backed by a bill to be tabled to the National Assembly until 10 April 2002 after the government tabled a bill entitled “Prohibition of Certain Associations Act”.<sup>26</sup>

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<sup>26</sup> See chapter 2: vigilante phenomenon in Nigeria

### **3.4.2. The O'odua Peoples Congress (OPC)**

The OPC was created in 1995. It was first conceived as a movement to promote Yoruba cultural values and heritage and campaign for larger autonomy for the south-western region from Nigeria. There are reports of several policemen being killed in encounters with members of the OPC. However, the Nigerian authorities have done little to put an end to the activities of the OPC. The leaders of the two factions of the OPC, Fredrick Fasehun and Ganiyu Adams, have been detained repeatedly over the past two years, they were quickly released without charge of trial.

On 20 February 2001, two policemen and three members of the OPC were killed in clashes between police officers and members of the OPC in the Ikotu-Egbe district of Lagos, after the police tried to dispersed a meeting of the OPC which was considered illegal.

Governors from 19 states in northern Nigeria called in a meeting in Kaduna on 23 January 2001 for justice against the OPC accused by the governors of engaging in a campaign to kill northerners. The governors were “dissatisfied with the manner the case against the OPC killings of northerners was handled by the judiciary which ought to enforce justice”.

Some of the governors of the south-western states where the OPC operates have been ambiguous about the legitimacy of such an armed vigilante group patrolling the streets of the cities in their states. Lagos State governor, Bola Tinubu, reportedly admitted on 14 June 2001 that OPC might be a valuable option to reduce the crime wave in the state. He was reported as saying: “the return of the OPC is one of the options... Any means necessary to step down the crime wave in the state will be adopted”.<sup>27</sup>

On 25 June 2001, the governor of Lagos State announced plans to “turn OPC into the Lagos State security system”. In a ceremony at the commissioning of the Kudirat Abiola Housing Estate, he was reported to say that the OPC would not pursue any ethnic agenda and that its introduction would be for the protection of lives and property of all Lagosians<sup>28</sup>. The following day, the police reacted to Governor Tinubu's plans reminding him that “The OPC is banned by the federal government and it remains so. Any attempt to use the group to combat crime is a violation of the law”.<sup>29</sup>

On July 26, 2001 the Lagos State Office of the Public Defender (OPD) released and discharged unconditionally more than 100 suspected members of the OPC who had been detained for various alleged crimes, including armed robbery and arson.

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<sup>27</sup> Reuters: *Lagos considers vigilantes to fight crime wave*. 14 June, 2001

<sup>28</sup> This Day, Lagos: *OPC won't pursue ethnic agenda, says Tinubu*. Lagos. 26 June, 2001

<sup>29</sup> News Agency of Nigeria: *OPC Remains Banned*. 26, June 2001.

The leader of the more moderate wing of the OPC, Frederick Fasehun, reportedly announced in May 2001 that the group would shift its focus away from vigilante activities to its main goal of defending the interests of Yorubas.

- On 10 August 2001 a group of people who claimed to be OPC members set on fire **Said Akanbi** (m), alleging that he was an armed robber. Said Akanbi died soon after as a result from the injuries sustained. The incident took place in the Agege area of Lagos State.
- On 15 August 2001, **Akanni Arikuyeri** (m) was killed by alleged OPC members and nailed to a cross in the Idi-Oro area of Mushin in Lagos State. His body was later lowered from the cross and burnt to ashes, his alleged offence being that he had killed several members of the OPC and policemen for daring to stop him from committing armed robbery.
- Between 1 and 13 January 2002, **36 people** were killed in clashes between OPC members and the guards of the palace of the traditional king of Owo, Oba Folagbade Olateru-Olagbeji, in Ondo State. As a result of the clashes, Ganiyu Adams, leader of the radical wing of the OPC was declared wanted by the police.<sup>30</sup>

Amnesty International considers that any persons conducting law enforcement policing functions must be trained in policing, and specifically in relevant human rights standards, including those on the use of firearms. They must be held individually, criminally responsible for any violations and abuses. At the same time, the Nigerian authorities, both at federal and state levels, are fully accountable for any human rights violations and abuses committed during law enforcement duties.

#### **4. VIGILANTE VIOLENCE IN VIEW OF FORTHCOMING ELECTIONS**

Amnesty International has witnessed with concern the formation of vigilante armed groups throughout the country responding in many cases, to a variety of interests. The absence of legally binding explicit endorsement from known public or private institutions, except in the case of the government of Anambra State, makes it difficult to assess the reasons behind their formation.

This contains the risk of political manipulation of vigilante groups by state politicians and economic groups of interest during forthcoming election campaigns, especially the

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<sup>30</sup> Reuters: *Nigeria on alert for reprisal killings after riots*. 4 February 2002.

presidential elections planned for April 2003. They may be used to commit further human right violations and abuses in order to intimidate political opponents, social leaders or simply, voters.

An example of how these groups can be used for political purposes is illustrated by the alleged attack on March 2000 on the Abia State House of Assembly by an armed group suspected to be the Bakassi Boys amid rumours that the Assembly was debating the possibility of an impeachment action against the governor for alleged financial mismanagement.

- On 8 June 2001, according to testimonies collected by Amnesty International, **Alex Ezeugo Ekewuba**, was detained and tortured by the Bakassi Boys of Imo State, Imo State Vigilante Services, on account of his relation with Rochas Okorochoa, a prominent politician opposed to the Imo State government. He was taken to the compound of Concord Hotel in Owerri where his arms and legs were tied with electric cable. He was tortured and his head hit against a wall before he was released.
- The well-known lawyer **Gani Fawehinmi**, claimed that he was attacked by members of the O'odua Peoples Congress (OPC) in December 1999, at the premises of the Lagos High Court, in Ikeja, after attending a hearing of a legal action to compel the former Inspector General of the police, M.K. Smith to investigate allegations of perjury and forgery levelled against the governor of Lagos State, Bola Tinubu.
- The Minority leader of the House of Assembly of Anambra State, **Ifeanyi Ibegbu**, told an Amnesty International delegation that he was arrested on 20 August 2000 by the Anambra Vigilante Service for interrogation together with his driver and his personal aide. He was stripped naked, his hands and feet bound, his mouth gagged with electric wire, and dragged on the ground. Members of the group played with his intimate parts threatening to cut his penis in front of a crowd of traders and other citizens. He was taken to a hidden place in Onitsha main market and severely beaten until the following day. They told him that he would be executed. Eventually, the Commissioner of police in Anambra State intervened to secure his release. When the AI delegation visited him, injuries were still visible on his arms and back. The Operational Secretary of the AVS declared to an Investigation Committee of the Anambra State House of Assembly that Ibegbu would in effect have been killed had the intervention by the police not taken place. On 31 December 2001, Ibegbu was attacked again with 9 other deputies within the premises of the House of Assembly of Anambra State. He was stripped naked and beaten, allegedly because he and the other members of the State House of Assembly opposed the governor's supplementary budget proposals.
- On 1 September 2002, **Barnabas Igwe**, president of the Nigerian Bar Association in Anambra State, and his wife were brutally killed by a group of people armed with

machetes. Mr. Igwe had publicly expressed his opposition to the existence of the Bakassi Boys and had openly criticised the performance of the governor of the state on a number of occasions.

Amnesty International calls on the Nigerian government to initiate a prompt, impartial and comprehensive investigation on Barnabas Igwe and his wife's case and the possible political motivation in the killing.

## **5. CONCLUSION**

Despite recent efforts by the Nigerian authorities to put an end to human rights violations and abuses committed by armed vigilante groups in south and south-eastern Nigeria, the danger of these violations continuing persists.

The existence of armed vigilante groups in Nigeria is explained to a large extent by the poor performance of the security forces of Nigeria with regard to law enforcement, the generalised corruption in the Nigeria Police Force and a dramatic increase in crime throughout Nigeria in the past three years.

Police officers are often accused of extrajudicial executions, torture, as well as the illegal detention and "disappearance" of suspected criminals; in fact, the same kind of human rights violations often attributed to armed vigilante groups. Without a profound reform in the police to protect and respect human rights and improve their performance against crime, vigilante groups will still enjoy a great deal of popular support.

The popularity of armed vigilante groups has eased the way for state governments and state houses of assembly, especially in the south-east, to provide a status to these groups which amounts to official recognition. The government of Anambra State went as far as to officially consider the Bakassi Boys of Anambra State as the state-controlled security force, under the name of Anambra State Vigilante Service. Abia and Imo States also gave the group a cover of legitimacy within the boundaries of the respective state.

Amnesty International welcomes recent operations by the Nigeria Police Force to tackle human rights violations by the Bakassi Boys in Anambra and Abia States. The release of dozens of people illegally detained by the vigilante groups and the arrest of at least a hundred members of the Bakassi Boys is a step forward to protect Nigerians and ensure that they are not subject to human right violations by vigilante groups.

However, the risk of armed vigilante groups continuing to violate human rights remains high particularly in view of presidential elections, planned for April 2003. State authorities in Abia, Anambra and Lagos publicly defend the necessity of using vigilante groups as a complement to the Nigeria Police Force in their law enforcement duties and vigilante groups are still active in Lagos, Ebonyi, Imo, Enugu and other states. Furthermore, allegations of the use of armed groups, including vigilante groups, to foment political violence at local and state levels are mounting across Nigeria. Amnesty International fears that unless immediate and sustained action is taken to prevent human rights violations by vigilante and other armed groups, further human rights violations and abuses are inevitable.

Amnesty International reminds the Nigerian authorities that any decision by a state of federal government to include vigilante groups in law enforcement functions must be made exclusively on the basis of their ability to respect and protect the human rights of individuals where they operate.

The federal government and the state governments of those states where armed vigilante groups carry out law enforcement duties must also ensure restitution, rehabilitation, satisfaction and guarantees of non-repetition for the victims of human rights violations and that those responsible for such violations are brought to justice in accordance with international standards of fair trial and without recourse to the death penalty.

## **6. AMNESTY INTERNATIONAL RECOMMENDATIONS**

Amnesty International urges the federal and state governments to give to the protection and promotion of human rights highest possible priority in all aspects of decisions relating to policing and security issues. The protection and promotion of human rights is central to providing justice and security through the work of police and security forces.

In all but exceptional situations, policing functions must be carried out by state agents. In any case, the federal government is directly responsible and accountable for the actions of all those who perform law enforcement functions, including any private groups to whom these functions have been devolved, and for ensuring that standards of human rights protection are met.

Amnesty International specifically recommends that:

**6.1. In relation to the right to life and the right freedom from torture and cruel, inhuman and degrading treatment:**

- the Nigerian government ensures that any groups carrying out law enforcement duties in any part of the Nigeria territory do not deprive citizens-whether they are criminals or not-of the right to life, freedom from torture, cruel, inhuman and degrading treatment, protection from unlawful detention and right to a fair trial. These groups must respect the presumption of innocence at all times and should immediately hand over to the police the alleged criminals they may apprehend to the police. They should not maintain suspects in detention or conduct trials, and should never torture or dispense a cruel, inhuman or degrading treatment to the people they apprehend.

**6.2. In relation to investigation of human rights violations and the right to compensation**

- in line with articles 12, 13 and 16 of the Convention against Torture, the federal government ensures the initiation of prompt, impartial and comprehensive individual investigations of all complaints of extrajudicial executions, torture, and cruel, inhuman or degrading treatment by any group carrying out law-enforcement duties in Nigeria. The investigations should determine the identities of the victims, the circumstances of the violation of their rights and where responsibility lies for any human rights violations. All those charged with recognisable criminal offences must be brought to justice and promptly judged in a fair trial;
- the federal government ensures restitution, rehabilitation, satisfaction and guarantees of non-repetition for the victims of human rights violations committed by armed vigilante groups officially endorsed by federal or state authorities and human rights abuses by those armed vigilante groups that carry out law enforcement duties, in accordance with article 14 of the Convention against Torture. The federal government must dismantle immediately all the detention centres kept by armed vigilante groups and free and provide medical and psychological assistance to all those illegally detained;

**6.3. In relation to the legal and judicial framework of vigilante groups**

- any decision by state or federal government to include unofficial groups in law enforcement functions be made on the basis of their ability to respect and protect human rights of individuals where they operate, on the basis of systematic and wide consultation with civil society, and in particular, human rights groups;

- the authorities of those states that have tacitly or openly endorsed vigilante groups ensure that such vigilante groups do not violate human rights of any individual, including the right to life, freedom from torture, cruel, inhuman and degrading treatment, the right to a fair trial and protection from unlawful detention. The state authorities must ensure that these groups respect the presumption of innocence at all times and immediately hand the alleged criminals they may arrest to the police. These groups should not keep suspects in detention or judge them, and should never torture or dispense a cruel, inhuman or degrading treatment to the people they arrest;
- the federal government disbands and dismantles any armed vigilante groups conducting law enforcement functions in Nigeria who do not meet relevant human rights standards, including those on the use of force and firearms;
- together with the federal government, the state governments should establish transparent, accountable and law-abiding law enforcement independent of political motivations; define clearly the division of duties between the federal police and the vigilante groups; establish strict codes of conduct for these groups and require adequate levels of police and human rights formation of their members. All those conducting law enforcement functions must be subject to clear and transparent command structures and to independent judicial and civilian oversight.

#### **6.4. In relation with standards of law-enforcement**

- All state governments should make all necessary provisions to guarantee that all practices of law enforcement throughout the territory of the state are consistent with the laws of Nigeria and international human rights standards, ensuring that the United Nations Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials are fully implemented by all security officials at all times;
- The federal and state governments must ensure that any persons conducting law enforcement functions within the territory over which they rule are trained in policing and specifically in relevant human rights standards, including the use of force and firearms. They must be held individually, criminally responsible for any human rights violations.