

## **The security situation in Rivers State: an open letter from Amnesty International to Peter Odili, State Governor of Rivers State**

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15 September 2004

Dear State Governor Peter Odili,

Amnesty International is writing to express its deep concerns for the protection of human rights of civilians living in and around Port Harcourt in relation to the increasingly alarming security situation in Rivers State, due to fighting allegedly between rival armed groups. Amnesty International has learnt that the Joint Security Force with a mandate to combat the problems of these rival armed groups, set up in June 2004, following your request to the Federal authorities in Abuja for reinforcement, has subsequently been dissolved and replaced by a special joint task force named '*Operation Flush out 3*', under the command of Brigadier General Zakariah Yaduma, as announced on 9 September by the Federal Defence Quarters. Following this and after the emergency security meeting called by yourself in Port Harcourt on Monday 6 September 2004, resulting in a 24-hour ultimatum to the armed groups to surrender and reorganization of the security forces, Amnesty International has received reports that an unspecified number of additional troops, including armed forces, the navy, the air force, and mobile police, have been deployed to the area in order to restore law and order. The organization is seriously concerned that the reported order to 'use maximum force' in order to combat the problem without the necessary training or instructions could be misinterpreted and lead to human rights violations and abuses. Last weekend it was reported to the organization that air raids discriminately targeting areas known to be heavily populated were used in order to pursue this goal. However, no reports of civilian casualties have so far been received. The organization also has reason to believe that civilian property, including houses and fishing farms, has been destroyed in the process of both the air raids and the fighting between different armed groups.

In the last three weeks there has been a spate of violence in the riverine community of Ataba, in Andoni Local Government Area on 15 August, as well as in the Njemanze Water Front on 22 August, the Marine Base, Amadi Creek on 29 August and the attack on the Platform Restaurant on 31 August in Port Harcourt. Up to 500 civilians are thought to have been killed and an unconfirmed number of persons were injured in fighting between rival armed groups, as reported to Amnesty International by reliable sources. Weapons alleged to have been used in these attacks include AK47, sub-machine guns and dynamite. However, the armed groups are thought to also possess rocket propelled grenades, hand grenades, other sophisticated weapons and dynamite. Most of the victims were civilians, including an unconfirmed number of women and children, who had taken no part in the fighting and were killed or injured as a result of being targeted or indiscriminately shot at by members of the armed groups. The official number of deaths as confirmed by the Rivers State Police Command is 13 in the incident in Ataba, five persons in the incident at the Njemanze waterfront, three persons in the incident in the Marine Base, but no official figure was reported relating to the incident of the Platform Restaurant. Amnesty International's analysis on the other hand, as based on international and national media reports combined with statements from reliable sources, points to a figure of up to 500. These are only estimates due to the fact that access to the areas concerned is restricted and in some case denied altogether.

As a result of the recent deterioration of the security situation, tens of thousands of people have reportedly fled Ataba and the Marine Base as well as many other areas for fear of their safety, according to information received by Amnesty International. This has resulted in a deplorable situation of internally displaced persons who are now thought to have taken shelter under bridges and in churches in Port Harcourt and those who could afford a journey back to their villages are now being sheltered by their families.

In light of the above, Amnesty International is urging the Rivers State authorities to ensure adequate protection of civilians, including those internally displaced, from further attacks. Furthermore the Rivers State authorities should carry out thorough, independent and impartial investigations into all the incidents of killings, as has been initiated by the recently set up Judicial Commission of Inquiry relating to the incident in Ataba in Andoni Local Government Area. These investigations should also establish the exact number of deaths and the findings should be made public. Amnesty International furthermore calls on the Rivers State Government to bring the perpetrators to justice in trials which must meet international standards of fairness, in accordance with and including the International Covenant on Civil and Political Rights and the African Charter, both signed and ratified by Nigeria, and without recourse to the death penalty.

Additionally, the organization reminds the authorities of its duty to take steps to ensure the security and protection of internally displaced persons within its jurisdiction, in accordance with relevant international standards including the UN Guiding Principles on Internal Displacement<sup>1</sup>, a document which sets out the relevant rights of and obligations towards internally displaced persons under international human rights law and international humanitarian law. Principle 3 (1) of which states that “*National authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction*”. According to Principle 18 (1) “*All internally displaced persons have the right to an adequate standard of living*”, and Principle 18(2) determines the minimal content of the humanitarian assistance to be as follows: “*At the minimum, regardless of the circumstances, and without discrimination, competent authorities shall provide internally displaced persons with and ensure safe access to: (a) Essential food and potable water; (b) Basic shelter and housing; (c) Appropriate clothing; and (d) Essential medical services and sanitation*”.

The organization would also like to remind the Rivers State Government of the past deplorable conduct of the security forces in instances such as Odi in Bayelsa State, in 1999, and Zaki-Biam in Benue State, in 2001, where they have been called in to deal with clashes and where their actions have included excessive use of force and unlawful killings. Furthermore, human rights abuses, in which the Nigerian security forces have been implicated, have often been followed by impunity for the perpetrators.

Amnesty International is urging the security forces, in their attempts to restore law and order in and around Port Harcourt, to respect fundamental human rights, including by strictly adhering to the United Nations Code of Conduct for Law Enforcement Officials and the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Principle 4 of the latter instrument states that law enforcement officials shall, as far as possible, apply non-violent means before resorting to the use of force and firearms.

Amnesty International is concerned about the proliferation of illegal small arms in Nigeria. The whole of the West African region is awash with illegal arms, many of which are now found in Nigeria. According to media reports, the ECOWAS Executive Secretary, Dr Mohamed Ibn Chambas, has put the number of these firearms in West Africa at “over 8 million”.<sup>2</sup> Illegal weapons are

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<sup>1</sup> UN Doc E/CN.4/1998/53/Add.2, 11 February 1998.

<sup>2</sup> See IRINnews, ‘*ECOWAS seeks means to recover 8 million illicit arms in the region*’, as published on 26 March 2004.

reportedly manufactured locally but also enter the country through its porous borders. Some of the weapons originate in eastern European countries and come in to Nigeria via illegal import from other West African countries. Amnesty International urges the Nigerian authorities to uphold its commitment under the ECOWAS Moratorium on the Importation, Exportation and Manufacture of Small Arms and Light Weapons signed in 1998.

Yours sincerely,

Michael Hammer  
Acting Director Africa Program

cc:  
Police Commissioner, Rivers State Police Command  
His Excellency, President Olusegun Obasanjo  
His Excellency, Federal Minister of Justice  
His Excellency, Inspector General Police

The International Secretariat of Amnesty International would like to emphasize that statements by the Nigerian Amnesty International Group No. 17, as published in the online version of This Day on 15 September 2004, have not been authorized by the International Secretariat. Therefore, Amnesty International does not accept legal responsibility for the contents of that message.