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## **Nigeria: State of emergency must not lead to more human rights abuses**

Nigerian authorities must not use the state of emergency imposed in the north of the country as an excuse to commit human rights violations, Amnesty International urged today as the military continued its assault on Islamist armed group Boko Haram.

Several people have reportedly been killed and hundreds arrested since a state of emergency was declared in the northern states of Adamawa, Borno and Yobe on 14 May. The military reportedly claim those targeted are suspected members of Boko Haram.

Some 2,400 people have fled the region for neighbouring Niger, according to a statement released on Tuesday by the International Committee of the Red Cross.

"Issues of national security and the state of emergency do not give the military carte blanche to do whatever they want," said Lucy Freeman, Amnesty International's Deputy Director for Africa.

"The onus is on the state to prove that they are not using an emergency as justification to run roughshod over people's human rights."

Over the past three years, Amnesty International documented grave human rights violations committed by security forces in their response to Boko Haram, including extra-judicial executions, enforced disappearances, indiscriminate torching of civilian housing and arbitrary detention.

In recent weeks, residents of Borno state in northern Nigeria have told Amnesty International that mass arrests in the state capital Maiduguri have increased.

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

Individuals in military vehicles have been depositing bodies on an almost daily basis at mortuaries in the town. The government does not appear to carry out any investigation into these deaths, and has not released any information pertaining to those deceased and deposited at the mortuaries.

"The government must immediately launch a full and effective investigation into the many recent deaths and disappearances in Borno state, including looking closely at how dead individuals end up in the back of military vehicles," said Lucy Freeman.

Many people have fled their homes, with some areas of the city gradually becoming 'ghost towns.' Public schools have closed as parents are too scared to send their children to school.

A dusk-to-dawn curfew has been imposed in some areas, which the Special Advisor to the President on Public Affairs said would facilitate house-to-house searches.

Over the past two years, Amnesty International has received consistent accounts from witnesses who have seen people summarily executed outside their homes by soldiers during operations in the area, including house searches.

"Given the history of human rights violations by the security forces during house-to-house searches, any escalation of such operations is extremely concerning," said Lucy Freeman.

"The security forces appear to have repeatedly used firearms against people when there is no imminent threat of death or serious injury."

The Special Advisor added that the curfew would mean only "troublemakers or those that want to confront the military" would break the curfew, and that those people "will be dealt with summarily".

"The Special Advisor seems to suggest a 'shoot on sight' approach to anyone who breaks the curfew," said Lucy Freeman.

"Whatever the emergency, a state can never derogate from the fundamental principle of the presumption of innocence."

The Nigerian government has rarely carried out investigations into allegations of human rights violations by the security forces.

"President Goodluck Jonathan must order the military to respect human rights and the rule of law. The military is not above the law," said Lucy Freeman.

"The government has an obligation to ensure the safety of all Nigerians, firstly by addressing the attacks from Boko Haram, but also by eliminating the human rights violations carried out by the very state security forces who are supposed to provide protection."

#### Background

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

In cases of armed conflict, international humanitarian law applies, prohibiting indiscriminate or disproportionate attacks, or the attack on civilians.

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

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