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Nigeria: Human rights violations by the military continue in the absence of accountability for crimes under international law

Written statement to the 32nd session of the UN Human Rights Council (13 June – 1 July 2016)

President Buhari came to office in May 2015 promising to defeat the armed group Boko Haram and end human rights violations by the military. While Boko Haram appears less able to kill and abduct civilians than it was a year ago, little progress has been made to end violations by Nigerian armed forces or provide accountability for crimes under international law.

Between 12 and 14 December 2015, the Nigerian Army unlawfully killed more than 350 men, women and children, supporters of the Islamic Movement in Nigeria (IMN), a Shi'ite Muslim minority group, in Zaria city, Nigeria.¹

In 2016 at least 168 people died in the military detention centre in Giwa barracks, Maiduguri city. Among the dead were 12 babies and children under six years old. It is likely that these detained men, women and children died of starvation, dehydration and disease, linked to overcrowding at the detention facility.²

No steps have been taken to begin independent investigations into evidence of crimes under international law by the Nigerian military.

Amnesty International urges the Human Rights Council to renew its request to the High Commissioner for Human Rights to monitor and report to the Council on violations of human rights and international humanitarian law (IHL) committed in the context of the conflict with Boko Haram. The Council should urge Nigeria to independently investigate crimes under international law and bring to justice all those responsible in fair trials without recourse to the death penalty.

ZARIA: UNLAWFUL KILLINGS AND MASS COVER-UP

On 12 December 2015, hundreds of IMN supporters, some wielding batons, knives and machetes, blocked a section of road in front of the IMN headquarters in Zaria, Kaduna state, and refused to clear the road to allow the convoy of the Chief of Army Staff to pass.

¹ Amnesty International "Nigeria 'Unearthing the Truth': Unlawful killings and mass cover-up in Zaria" 22 April 2016 (AFR 01/3883/2016) <https://www.amnesty.org/en/documents/afro1/3883/2016/en/>.

² Amnesty International "'If you see it, you will cry' Life and death in Giwa barracks" 11 May 2016 (AFR 44/3998/2016) <https://www.amnesty.org/en/documents/afr44/3998/2016/en/>.

After failed attempts by army officers to convince IMN protesters to clear the road, soldiers opened fire with live ammunition, killing at least seven protesters and injuring several others. A soldier was also reportedly killed in the clashes.

Hours later, soldiers were deployed to other locations in the city where IMN members were gathered and shot dead hundreds of people between the evening of 12 December and the morning of 14 December. The Secretary to the Government of Kaduna State admitted on 11 April 2016 that they had secretly buried the bodies of 347 people in a mass grave two days after the massacre.

All available information indicates that the military used unlawful and excessive force against IMN supporters, unlawfully killing hundreds of unarmed men and women who posed no threat to their lives or the lives of others. More than five months after the incident, the families of those killed have neither received the remains of the dead nor been informed of where they were buried.

After the incident the military meticulously destroyed most of the evidence at the scenes of the clashes. Soldiers sealed the areas around the IMN headquarters and other sites from 12 December for several days. Other sites belonging to the IMN in Zaria were also completely or partially destroyed in the days following the incident, destroying evidence which could have been crucial for any investigations into the incident.

The National Human Rights Commission (NHRC) has set up an investigation into the Zaria incident. The draft report was submitted to its Executive Secretary in May 2016.

A Judicial Commission of Inquiry was established by the Kaduna State Governor in January 2016 to investigate the incident and make recommendations for prosecution or further investigation, as well as on policies to prevent future incidents. The Commission is yet to complete its report.

DEATHS IN MILITARY CUSTODY

Since January 2016 at least 168 people have died in the military detention facility at Giwa barracks, Maiduguri; a significant increase in the rate of deaths in the barracks compared with the second half of 2015.³ Their bodies were deposited at a mortuary in Maiduguri and then buried in the city's cemetery.

Among the dead were at least 12 babies and children under six years old, and one boy of approximately 15 years. Children under five years old were detained in extremely overcrowded and unsanitary women's cells. Many of the young children were detained when their mothers were arrested, while others were born in detention. Two witnesses told Amnesty International that three of the babies and children died as a result of measles.

Amnesty International believes it is likely that detainees died of starvation, dehydration and disease, linked to overcrowding at the detention cells in Giwa barracks. No autopsies or investigations into the deaths have been conducted.

³ Since the publication of Amnesty International's briefing on 11 May 2016, an additional 19 people, including a one-year-old boy, died in Giwa barracks. This brings the total number of deaths to 168 in 2016.

Witnesses described cells as too crowded for detainees to lie down properly. They also report that detainees, especially men, were provided with insufficient amounts of food and water. Instead of toilets, there were two communal buckets in each cell for faeces and urine, which were emptied once a day. Cells were infrequently cleaned and detainees were rarely allowed to wash. Many detainees fell ill, yet access to medical assistance was scant.

More than 120 boys, between five and 16 years old, were detained in a separate cell at Giwa barracks. They were held incommunicado and not even allowed access to their relatives detained in other cells.

Detainees in Giwa barracks lack any access to their families or lawyers. They are not brought before a judge and no charges are filed against them. While some independent monitors have access to Giwa barracks, none has published information about the conditions they encountered. Amnesty International has never been granted access to the facility.

ACCOUNTABILITY FOR VIOLATIONS BY THE MILITARY

In June 2015 Amnesty International published evidence of war crimes committed by the Nigerian military. President Buhari promised that this evidence would be investigated. One year later, no steps have been taken to begin independent investigations into these crimes.

Some steps have been taken by the Nigerian military to introduce internal accountability structures. The Army informed Amnesty International that the Military Police has investigated cases of indiscipline by soldiers, including human rights abuses, since at least October 2015. In February 2016 the Army announced the creation of a human rights desk, which will handle complaints from members of the public. Amnesty International was not able to establish whether any soldiers have been held accountable for recent cases of human rights violations or violations of IHL, or how the human rights desk will function.

RECOMMENDATIONS

In the last six months, Nigeria's military has unlawfully killed at least 350 people and allowed more than 168 people, including babies and children, to die in military detention. In the absence of independent investigations, violations of human rights and IHL continue to be perpetrated by the Nigerian military.

The Human Rights Council must ensure that the UN system is adequately equipped to monitor the human rights situation in Nigeria. In September 2015, the Office of the High Commissioner for Human Rights (OHCHR) reported to the Council that states, including Nigeria, may have committed serious violations of human rights and IHL in the context of their response to Boko Haram.⁴ The report called for "prompt, thorough and independent investigation" of evidence of such crimes. Despite the severity of the violations documented, the Council has not requested further reports from the High Commissioner, nor discussed the human rights situation in affected states. This represents a serious gap in the Council's, and the United Nation's, response to the conflict.

Amnesty International urges the Human Rights Council to:

- Request OHCHR to resume monitoring and reporting to the Council on violations of human rights and IHL

⁴ "Report of the United Nations High Commissioner for Human Rights on violations and abuses committed by Boko Haram and the impact on human rights in the affected countries" 29 September 2015 (A/HRC/30/67).

committed in the context of the conflict with Boko Haram;

- call upon the Nigerian Government to immediately close military detention facilities and either release or transfer detainees to civilian authorities. Children below the internationally accepted minimum standard age for criminal liability must be released to their relatives or child protection authorities; and
- call on the Nigerian Government to urgently initiate thorough, independent, impartial and effective investigations into crimes under international law by all parties to the conflict in north-east Nigeria, and bring those responsible for these crimes to justice before civilian courts in fair trials without recourse to the death penalty.