

NATIONAL HUMAN RIGHTS COMMISSION

REPORT OF ALLEGED HUMAN RIGHTS VIOLATIONS RECORDED BETWEEN 4TH TO 21ST MAY, 2020 AFTER PARTIAL LIFTING OF THE LOCKDOWN BY GOVERNMENT

1.0 EXECUTIVE SUMMARY

President Muhammadu Buhari in his nationwide broadcast on 27th April 2020, announced a gradual, phased and partial lifting of Lockdown beginning from 4th May, 2020. This report therefore documents the various incidents of human rights violations allegedly perpetrated by security agencies and other actors after the partial lifting of lockdown commencing from 4th to 21st May, 2020.

The report also documents the various thematic areas in which the violations occurred, the nature of the violations, the disaggregated data on state reported violations, the agencies of Government responsible for the violations as well as the response/action taken to remedy the violations.

1.2 INCIDENTS OF VIOLATION OF HUMAN RIGHTS

1.3 The report shows that a total of 22 complaints were monitored/received from thirteen (12) States out of the 36 States of the federation namely: Edo; Taraba; Plateau; Zamfara; Anambra; Ogun; Bayelsa; Katsina; Bauchi; Borno; Nasarawa; and Enugu States.

1.4 It further shows a significant reduction in the total number of complaints on human rights violations received/documented by the Commission from 104 (as contained in the second report released by the Commission on 11th May, 2020) to 22 complaints. This shows an improvement of the state of human rights in the enforcement of Covid 19 Regulations by law enforcement officers, Task Forces on Covid 19 and other non-state actors. The improvement is attributed various factors such as: the increased level of awareness created by the Commission following the release of its reports of 14/4/2020 and 11/5/2020, partial lifting of the lockdown as well as efforts to ensure accountability and adherence to the rules of engagement on the part of Law Enforcement Agencies (LEAs).

1.5 Out of 22 complaints/incidents of human rights violation received and documented within the period, 11 complaints were received/documented within the first week of the partial lifting of lockdown (i.e. from 4th – 11th May, 2020); while 9 complaints were received during the 2nd week (i.e. from 12th – 19th May, 2020). During the 3rd week (i.e. from 20th May – 21st May, 2020), only 2 complaints/incidents were received/documented by the Commission. This shows weekly reduction in complaints received.

1.6 The report also shows that Plateau, Bayelsa and Zamfara States have the highest recorded cases with 3 incidents each unlike Enugu State that had

the highest cases with 13 incidents in the second Report released on 11/5/2020 by the Commission. This is followed by Edo, Taraba, Bauchi and Katsina States which had 2 incidents each.

1.7 Anambra, Ogun, Nasarawa, Borno and Enugu States recorded 1 incident each.

2.0 THEMATIC AREAS/TYPES OF VIOLATIONS

2.1 The complaints of human rights violations were received and documented in the following thematic areas: extra-judicial killings, violation of right to freedom of movement, unlawful arrest and detention, seizure/confiscation of properties, sexual and gender based violence (SGBV), torture, inhumane and degrading treatment and extortion.

2.2 There were 6 documented incidents of extra-judicial killing leading to 9 deaths. Out of this number, 4 deaths were recorded in Taraba State alone. Ogun, Anambra, Plateau, Edo and Zamfara States recorded 1 death each.

2.3 The report further shows that out of the 9 deaths, the Nigeria Army was responsible for 6 deaths, while the Nigeria Police Force was responsible for 2 deaths. Investigation was still ongoing as at the time of the report to unravel the perpetrator of the extra-judicial killing of a Police Officer that occurred in Edo State.

2.4 Other types of violation recorded within the period include 7 incidents of torture, inhumane and degrading treatment, 2 incidents of violation of right to freedom of movement, unlawful arrest and detention, 1 incident of seizure/confiscation/destruction of properties, 2 incidents of extortion and 4 incidents of SGBV.

2.5 The report finds that the Nigeria Police Force accounted for 40.9% of the total cases of violations followed by the Nigeria Army which accounted for 36.3% of the total cases. Non-State Actors (i.e. mostly private individuals in SGBV related cases) accounted for 18.2% of the cases while a perpetrator representing 4.5% was yet to be determined as at the time of this report.

2.6 The report also finds that 5 incidents of violations representing 22.7% of the total complaints have been resolved by different security agencies and the Commission.

2.6 The various human rights violations recorded during the period arose as a result of excessive or disproportionate use of force, abuse of power, corruption and non-adherence to international and national human rights laws and best practices by law enforcement agents.

3.0 ANALYSIS OF THE VIOLATIONS

Total Number of Violations

Twenty -two (22) incidents of human rights violations were reported/received by the Commission across 12 States after the partial lifting of the lockdown (i.e. from 4th to 21st May, 2020). Of this number, Plateau, Zamfara and Bayelsa States recorded the highest cases of human rights violations with 3 incidents each. This is followed by Edo, Taraba, Katsina and Bauchi States which had 2 incidents each.

Other states such as Anambra, Ogun, Borno, Nasarawa and Enugu States recorded 1 incident each.

4.0 Thematic/Types of Violations

a. Extra-Judicial Killing

There were 6 incidents of extra-judicial killing leading to 9 deaths. Out of this number, 4 deaths were recorded in Taraba State alone arising from 1 incident. Edo, Plateau, Zamfara, Anambra and Ogun States also recorded 1 death each. The report further shows that out of the 9 deaths, the Nigeria Army was responsible for 6 deaths, while the Nigeria Police Force was responsible for 2 deaths. Investigation was still ongoing as at the time of the report to unravel the perpetrator of the extra-judicial killing of a Police Officer that occurred in Edo State.

b. Violation of Right to Freedom of Movement, Unlawful Arrest and Detention

Two (2) incidents of violation of right to movement, unlawful arrest and detention were recorded within the period. They were recorded in Bayelsa and Katsina States.

The report also shows that the two (2) incidents were allegedly perpetrated by officials of the Nigeria Police Force.

c. Torture, Inhumane and Degrading Treatment

The report shows that 7 incidents of torture, inhumane and degrading treatment involving 51 victims were recorded within the period. Plateau State recorded 2 incidents - representing the state with the highest number of incidents of torture, inhumane and degrading treatment.

Other states such as Bauchi, Edo, Borno, Katsina and Nasarawa States recorded 1 incident each.

Officials of the Nigeria Army accounted for 4 of the reported cases on torture, inhuman and degrading treatment (representing 57.1%), followed by Nigeria Police Force which accounted for 3 of the reported cases (representing 42.9%). In one of the reported cases which occurred in Edo State, officials of the Nigeria Security and Civil Defence Corps allegedly joined officials of the Nigeria Police

Force to perpetrate acts of torture, inhuman and degrading treatment on a soldier for failing to wear face mask.

d. Extortion

Two (2) incidents of extortion by security officials and other actors were recorded within the period. The acts of extortion involved demand for payment of various sums of money ranging from N100 to N20,000 by security officials and other actors to secure passage of motorcycle/bus operators, the release of persons arrested and properties seized as a result of violation of the stay-at home order of Government or failure to wear face masks.

Both Enugu and Bauchi States recorded 1 incident each which were all perpetrated by officials of the Nigeria Police Force.

e. Seizure/Confiscation/Destruction of Properties

The report shows that only 1 incident of seizure/confiscation/destruction of properties was recorded within the period. This occurred in Zamfara State and it was perpetrated by officials of the Nigeria Army.

f. Sexual and Gender Based Violence (SGBV)

The report shows that 4 incidents of SGBV were recorded within the period. Bayelsa State recorded the highest with 2 incidents, while Taraba and Zamfara States recorded 1 incident each. The report notes that majority of the incidents of SGBV were allegedly perpetrated by private individuals.

5.0 Analysis of Violating Agencies, Resolved and Unresolved Cases

Table 1 show Cases of Alleged Extra-Judicial killings which occurred during the first week after the partial lifting of lock down (i.e. 4th – 11th May, 2020)

State	Reported Cases	Alleged Violating Agencies/Others	No. and Gender of Victims	Resolved	Un-Resolved
Edo	1	Un-identified persons	1 Male	0	1
Taraba	1	Nigeria Army	4 Males	0	1
Total	2		5	0	2

Table 2 shows Cases of Alleged Extra-Judicial killings which occurred during the 2nd week after the partial lifting of lockdown (i.e. 12th – 19th May, 2020)

State	Reported Cases	Alleged Violating Agencies/Others	No. and Gender of Victims	Resolved	Un-Resolved
Plateau	1	Nigeria Army	1 Male	0	1
Zamfara	1	Nigeria Army	1 Male	0	1
Total	2		2	0	2

Table 3 shows cases of Extra-Judicial killings which occurred during the 3rd week after partial lifting of lockdown (i.e 20th May – 21th May, 2020)

State	Reported Cases	Violating Agencies/Others	No. and Gender of Victims	Resolved	Un-Resolved
Anambra	1	Nigeria Police Force	1 Male	0	1
Ogun	1	Nigeria Police Force	1 Female	0	1
Total	2		2	0	2

Tables 1, 2 and 3 above show that 6 incidents of extra-judicial killings leading to 9 deaths were recorded from 4th – 21st May, 2020. None of the cases has been resolved.

Table 4 shows Cases of Violation of Right to Freedom of Movement, Unlawful Arrest and Detention which occurred during the 2nd week after partial lifting of the lockdown (i.e. 12th – 19th May, 2020)

State	Reported Cases	Violating Agencies/Others	No. and Gender of victims	Resolved	Un-Resolved
Bayelsa	1	Nigeria Police Force	1 Male and 2 Females	1	0
Katsina	1	Nigeria Police Force	1 Male	1	0
Total	2		3	2	0

Table 4 above show that 2 incidents of unlawful arrest, detention and violation of right to freedom of movement were recorded from 4th – 21st May, 2020. The 2 cases have been resolved.

Table 5 shows Cases of Torture, Inhumane and Degrading Treatment which occurred during the first week after partial lifting of lockdown (i.e. 4th – 11th May, 2020)

State	Reported Cases	Violating Agencies/Others	No. and Gender of Victims	Resolved	Un-Resolved
Bauchi	1	Nigeria Police Force	2Males, 3 Females and 36 ors whose gender could be ascertained at the time of report	0	1
Edo	1	Nigeria Police Force and Nigeria Security and Civil Defence Corps (NSCDC)	1 Male	0	1
Borno	1	Nigeria Police Force	1 Female	0	1
Total	3		42		3

Table 6 shows Cases of Torture, Inhumane and Degrading Treatment which occurred during the 2nd week after partial lifting of lock down (i.e. 12th – 19th May, 2020)

State	Reported Cases	Violating Agencies/Others	Gender of Victims	Resolved	Un-Resolved
Katsina	1	Nigeria Army	1 Male	1	0
Nasarawa	1	Nigeria Army	1 Male	0	1
Plateau	2	Nigeria Army	7 Males	0	2
Total	4		9	1	3

Tables 5 and 6 above, show that 7 cases on torture, inhumane and degrading treatment involving 51 victims were recorded from 4th – 21st May, 2020. Out of the 7 cases, only one case has been resolved.

Table 7 shows Cases of Extortion which occurred during the first week after partial lifting of lockdown (i.e. 4th – 11th May, 2020)

State	Reported Cases	Violating Agencies/Others	No. and Gender of victims	Resolved	Un-Resolved
Enugu	1	Nigeria Police Force	Both males and females	0	1
Bauchi	1	Nigerian Police Force	2Males, 3 Females and 36 ors whose gender could be ascertained at the time of report	0	1
Total	2		Over 41	0	2

Table 7 above, show that 2 cases of extortion were recorded from 4th – 21st May, 2020 involving over 41 victims. Out of the 2 cases, none has been resolved.

Table 8 shows Cases of Seizure/Confiscation of Properties which occurred during the first week after partial lifting of lockdown (i.e. 4th – 11th May, 2020)

State	Reported Cases	Violating Agencies/Others	Gender of Victims	Resolved	Un-Resolved
Zamfara	1	Nigeria Army	Both males and females	0	1
Total:	1			0	1

Table 8 above, show that only 1 case of seizure/confiscation of properties were recorded from 4th – 21st May, 2020 and it has not been resolved.

Table 9 shows Cases of Sexual and Gender Based Violence (SGBV) which occurred during the first week after partial lifting of lockdown (i.e. 4th – 11th May, 2020)

State	Reported Cases	Violating Agencies/Others	Gender of victims	Resolved	Un-Resolved
Bayelsa	1	Non State Actor	1 Female	1	0
Taraba	1	"	1 Male	0	1
Zamfara	1	"	1 Female	1	0
Total:	3		3	2	1

Table 10 below shows cases of Sexual and Gender Based Violence (SGBV) which occurred during the 2nd week after partial lifting of lockdown (i.e. 12th – 19th May, 2020)

State	Reported Cases	Violating Agencies/Others	Gender of victims	Resolved	Un-Resolved
Bayelsa	1	Non State Actor	1 Female	0	1
Total:	1		1	0	1

Tables 9 and 10 above show that 4 cases of SGBV were recorded from 4th – 21st May, 2020. Out of the 4 cases, 2 have been resolved, while 2 cases remain unresolved.

6.0 CONCLUSION

The Report details complaints of human rights violations received/monitored by the Commission after the gradual/phased/partial lifting of lockdown which occurred between 4th – 21st May, 2020.

It shows that a total of twenty -two (22) incidents of human rights violations were reported/received by the Commission across 12 States during the period. Plateau, Zamfara and Bayelsa States recorded the highest cases of human rights violations with 3 incidents each. This is followed by Edo, Taraba, Katsina and Bauchi States which had 2 incidents each.

Other states such as Anambra, Ogun, Borno, Nasarawa and Enugu States recorded 1 incident each.

Out of the total number of complaints received, 6 were on the extra-judicial killings of 9 persons particularly in Plateau, Taraba, Anambra, Edo, Ogun and Zamfara States.

The Report also showed that out of the 22 complaints recorded, 5 have been resolved, while 17 complaints remain unresolved.

The report shows some improvement and restraint on the part of law enforcement officials following the public outrage and condemnation by all levels of authorities in the government, Judiciary, the Legislature and the Executive.

Accordingly, a protocol has been established between the Presidential Task Force on Covid-19 and the Commission to ensure accountability for the violations in line with the statement of the President that all alleged human rights violations will be investigated and accountability brought to bear for them. To date, all the alleged violations have been communicated to the oversight Ministries of the law enforcement agencies for full investigation and accountability. These are namely, Ministries of, Police Affairs, Defence and

Interior. The accountability steps taken by each of the law enforcement agencies should be communicated to the Commission within one month of the release of this report, and subsequently on monthly basis. The Commission will henceforth give monthly update on the reports from the various Law Enforcement agencies of accountability steps taken as well report where no action is taken.

The Commission commends all law enforcement officers who have shown restraint and professionalism in the face of provocation by members of the public during the lockdown. The report of human rights violations for the period of 4th to 21st May, 2020 show some restraint and regards for the human rights of citizens by law enforcement agents. This is the standard expected of all officers.

We have also seen cases where law enforcement agents are victims of human rights violations like in Edo State where a soldier was beaten for failing to wear face mask and a Police Officer was killed while enforcing lockdown orders. We therefore call on relevant security agencies to intensify investigations into these cases with a view to bringing the culprits to book.

We also admonish that as professionals, where citizens are unruly to security agents in the course of law enforcement, the rules of engagement do not envisage or permit use of torture or inhuman and degrading treatment on the part of professional law enforcement officials. No matter the provocation, the Anti Torture Act of 2017 states that there is no excuse to use torture. Any citizen who is unruly to a law enforcement agent while enforcing the law, should be arrested professionally without torture, inhuman or degrading treatment, and prosecuted, not extorted. That is what the law says and law enforcement officials must be seen to be obeying the law themselves and not resort to self-help, impunity and disregard for human rights.