



NIGERIA: 'BULLETS WERE RAINING EVERYWHERE'

DEADLY REPRESSION OF PRO-BIAFRA ACTIVISTS

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Cover photo: Hundreds of pro-Biafra supporters wave flags and chant songs as they march through the streets of Aba, southeastern Nigeria, to call for the release of a key activist on 18 November 2015.

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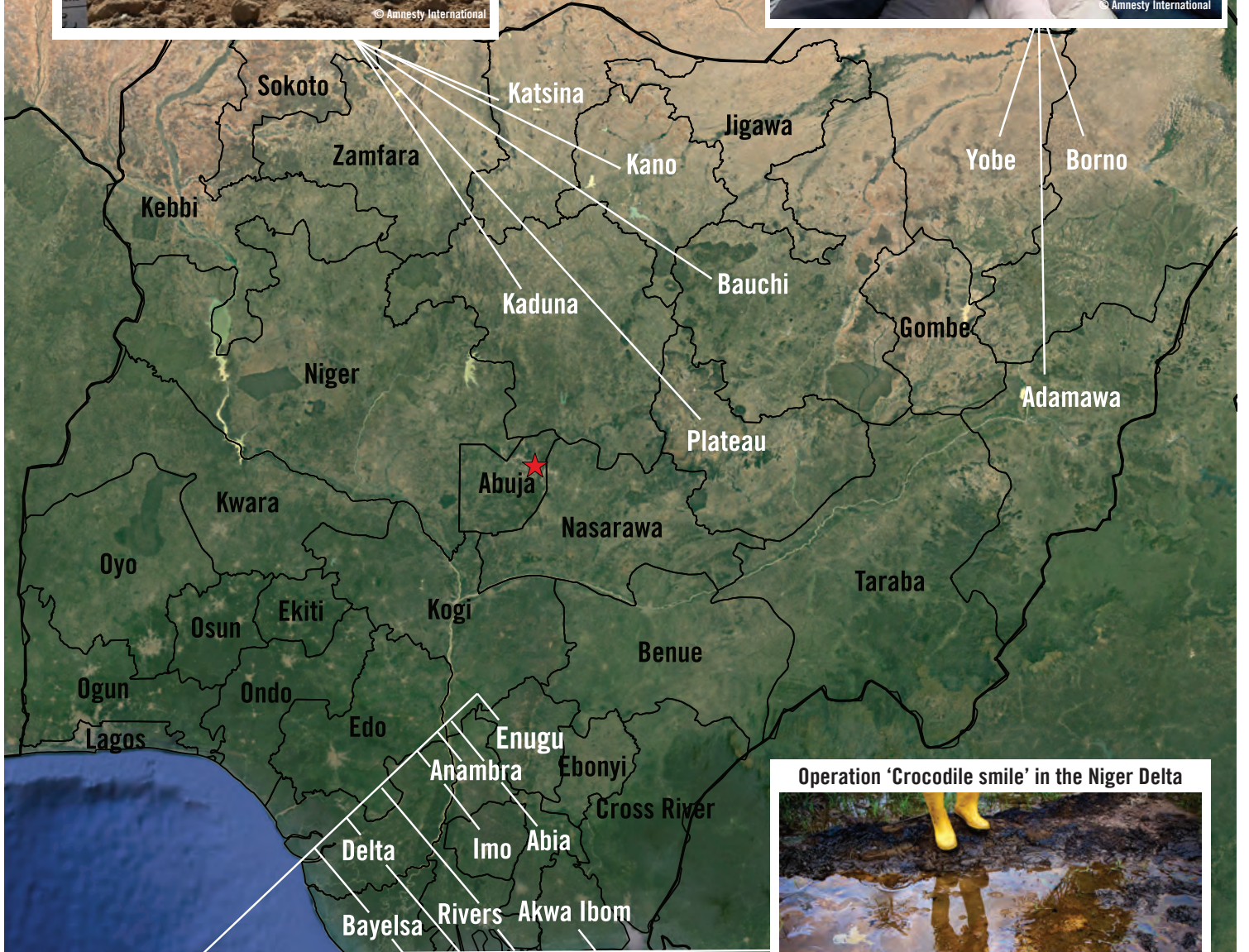
Nigeria: Mapping Human Rights Violations by Security Forces



**Crackdown on the Shi'ites
(Islamic Movement of Nigeria)**



**Armed Conflict Between Boko Haram and
Nigerian Security Forces**



Violent Repression of Pro-Biafra Activists and Supporters



Operation 'Crocodile smile' in the Niger Delta



© Michael Uwemedimo/cmapping.net

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EXECUTIVE SUMMARY

Since August 2015, the security forces have killed at least 150 members and supporters of the pro-Biafran organization IPOB (Indigenous People of Biafra) and injured hundreds during non-violent meetings, marches and other gatherings. Hundreds were also arbitrarily arrested.

This report focuses on the crisis brewing in the southeast of Nigeria, where IPOB campaigns for an independent state of Biafra.

Video footage and eyewitness testimony consistently show that the military, which has been deployed instead of police to control pro-Biafran events, has dispersed peaceful gatherings by firing live ammunition with little or no warning.

This report documents extrajudicial executions and the use of excessive force by military, police and other security agencies. It also shows a worrying pattern of arbitrary arrests and detentions, including soldiers arresting wounded victims in hospital, and of torture and other ill-treatment of detainees.

Hardly any allegations of crimes under international law and human rights violations by the Nigerian security forces, and in particular the military, are investigated. If an investigation is carried out, there is no follow up. Because no one has been seen to be held to account for serious human rights violations, an already pervasive culture of impunity within the military has been further strengthened.

The military is currently deployed in 30 out of Nigeria's 36 states and the Federal Capital Territory (FCT). The frequent deployment of soldiers has resulted in many cases of excessive use of force, extrajudicial executions and enforced disappearances throughout the country, and in particular in the northeast, southeast and north central regions.

Amnesty International has repeatedly called on the government of Nigeria to initiate independent and effective investigations into its evidence of crimes under international law committed by the military, especially in the context of the conflict in northeast Nigeria. In response, President Buhari has repeatedly promised that Amnesty International's reports would be looked into. However, no concrete steps have been taken to begin independent investigations.

As a result of the apparent lack of political will to investigate and prosecute perpetrators of such crimes, the military continues to commit human rights violations and grave crimes with impunity.

Despite persistent state repression, the IPOB movement has gained significant public attention in the last couple of years. Thousands of people frequently tune in to the clandestine radio station Radio Biafra, which is run from the UK and its broadcasts includes messages that may constitute incitement to violent acts against the Nigerian state. The authorities initially allowed IPOB rallies to take place, but from September 2015 onwards the authorities have claimed that IPOB is a threat to the security of Nigeria, despite the fact that the IPOB protests and gatherings documented by Amnesty International were largely non-violent. Since the IPOB leader and Radio Biafra director Nnamdi Kanu was arrested on 14 October 2015, the meetings and demonstrations calling for his release have increased and so have the violations committed by the military.



Protestors gather in Nkpor, Onitsha on 30 May 2016. © Private.

President Buhari has repeatedly expressed his opposition to Biafran independence. For example, in May 2016 he said: “We will not let that [division of Nigeria] happen. For Nigeria to divide now, it is better for all of us to jump into the sea and get drowned.” Similarly in September 2016 he said: “Tell your colleagues who want Biafra to forget about it.” Amnesty International itself takes no position on the political status of Biafra or any other question of self-determination or independence. However, it calls on states to comply with their international human rights obligations which include respect for the right of everyone to freedom of opinion and expression, including the peaceful expression of political views about the status of particular territories.

For this report, Amnesty International interviewed 193 people and analysed 87 videos and 122 photographs showing IPOB assemblies, members of the security forces in the process of committing violations and victims of these violations. On 30 September 2016, Amnesty International wrote to the Nigerian authorities including the military, police and officials of the State Security Service (SSS, also known as Department of State Security, DSS) to share the findings. Responses were received from the Federal Minister of Justice and Attorney General and Inspector General of Police but neither answered the questions raised in the letter.

EXTRAJUDICIAL EXECUTIONS

Since August 2015, the security forces have killed at least 150 IPOB members and supporters and injured hundreds during peaceful assemblies. The exact number remains unknown because the government has not independently investigated any of these incidents.

By far the largest number of pro-Biafra activists were killed on 30 May 2016, Biafra Remembrance Day, during events to mark the 49th anniversary of the declaration of the Republic of Biafra, when an estimated 1,000-plus IPOB members and supporters gathered for a rally in Onitsha, Anambra state. The night before the rally, a joint security force task force raided homes and a church where IPOB members were sleeping.

On Remembrance Day itself, the security forces shot people in several locations, predominantly in Nkpor, the venue for the gathering, and in Asaba. Amnesty International has not been able to verify the exact number of extrajudicial executions, but estimates that at least 60 people were killed and 70 injured in these two days. The real number is likely to be higher.

The military took the bodies of people killed and injured in Onitsha and Asaba to the military barracks in Onitsha. Video footage verified by Amnesty International shows soldiers loading dead and wounded people into their Hilux van. A man who was detained in the barracks and who saw the corpses dumped in front of the military mortuary said: “Initially, when they were still dumping corpses, I could see 10 to 12 lifeless bodies. That was in the morning. In the evening, there were more but I could not estimate.”

Chukwuemeka (not his real name), a 25-year-old trader, told Amnesty International that he was shot and taken along with corpses to the barracks. He explained what happened inside the military barracks: “They dumped us on the ground beside a pit. There were two soldiers beside the pit. The pit was very big and so many dead people were inside the pit. I cannot estimate the number of people in the grave. ... We were dumped on the ground.” He said that he escaped and hid in the bushes.

The deployment of the military to police public gatherings has directly contributed to the high numbers of casualties. Trained to eliminate enemies, the military clearly was unprepared to control a largely peaceful crowd with means other than force. Worse, in many of the incidents documented in this report, the military seems to have chosen tactics designed to kill and neutralize an enemy. Many of the shootings were clearly outside any concept of public order management and amounted to extrajudicial executions.

Eyewitness testimony and video footage of the rallies, marches and meetings demonstrate that the military used what should be their last resort in public order situations, force, at the first instance. The use of firearms was unlawful in almost all cases documented, as there was no threat to life. Time and again, people told Amnesty International that the security forces fired tear gas and at the same time or seconds later, they heard gunshots and had to run for their lives.

Witnesses told Amnesty International that in some cases, the military instructed those at the front of the gathering that they should leave, and that when they refused, they were shot. According to the witnesses, the military didn't use Public Address (PA) systems nor did they attempt to address the assembly as a whole.

In any case, the military should not have been used to police protests, given their clearly demonstrated inability to carry out proper law enforcement operations with due respect for the rights of the people affected, in particular the fundamental human right to life. Under international human rights standards the military should not, as a general rule, be used to police public protests and assemblies. In exceptional circumstances, if there is no alternative because the civilian police have insufficient personnel for this task, military personnel carrying out this task must be subordinate to and under the command of the civilian authorities. They must be fully trained in, adopt and be bound by international human rights law and standards applicable to law enforcement. They must be provided with all necessary instructions, training and equipment to enable them to act with full respect for this legal framework.

The government's decision to turn immediately to the military to control internal public order situations has seriously undermined the role of the Nigerian police and has led to unnecessary loss of lives. In all the cases documented by Amnesty International, the military failed to comply with international law and standards on the use of force.

EXCESSIVE USE OF FORCE, TORTURE AND OTHER ILL-TREATMENT, ARBITRARY ARRESTS AND DETENTION

Amnesty International has documented seven incidents in which Nigeria's military and police used arbitrary, abusive and excessive force to disrupt gatherings. In some cases the military and police were assisted by the DSS and other security agencies. In all of these cases, the research found a worrying pattern of arbitrary arrests and excessive use of force by Nigeria's military and police.

All IPOB gatherings documented by Amnesty International were largely peaceful. In those cases where there were pockets of violence, it was mostly in reaction to shootings by the security forces. Eyewitnesses told

Amnesty International that some protesters threw stones, burned tyres and in one incident shot at the police. Regardless, these acts of violence did not justify the level of force used against the whole assembly.

The high numbers of casualties in the incidents documented in this report demonstrate that the security forces were not seeking to maintain public order using the minimum force necessary. The force used was not justified, as it was not aimed at achieving a legitimate law enforcement objective.

The government's response to pro-Biafra activism has been to subject people to fear and silence. Relatives of those killed are mostly too frightened to speak out and accept that they will not find out what happened to their loved ones. As more IPOB leaders are arrested in their homes, the climate of fear is growing. Some of those arrested have been tortured or otherwise ill-treated. Others face treason charges, which carries the death penalty. Those who are lucky enough to be released come out traumatized and in fear of state surveillance.

Witnesses of the events documented in this report have told Amnesty International that after each incident, the military and police arrested tens of IPOB members and supporters. Rather than arresting everyone present in an organized way, they carried the arrests out randomly. Those arrested were taken to military barracks and in some cases later transferred to police stations or hospitals. In six cases, the military went from hospital to hospital to arrest injured victims.

The security forces have arrested hundreds pro-Biafra activists. In addition, DSS has arrested eight IPOB coordinators; some at IPOB events and others at their homes. While some have been released, many others were charged with treason, which carries the death penalty under Nigeria law. Amnesty International was not able to confirm the exact number of people who have been arbitrarily arrested and detained in connection with the Biafra independence campaign in various parts of southeast Nigeria.

Many of the people arrested after IPOB events have told Amnesty International that they were beaten or subjected to other forms of ill-treatment. Some were tortured in detention. In addition, there is a consistent pattern of the security forces denying injured victims medical treatment.

Vincent Ogbodo (not his real name) a 26-year-old trader from Abia state, said that he was shot on Remembrance Day in Nkpor and hid in a gutter. When soldiers found him, they poured acid on him. "He then started pouring acid on me. He wanted to pour it on my face, but I covered my face. I would have been blind by now. He poured acid on my hands. My hands and body started burning. The flesh was burning. The acid was burning my skin... I screamed until all the water in my system was draining. I stopped shouting... They dragged me out of the gutter. They said 'I'll die slowly. They dropped me on the floor, for me to die. I refused to die. One threatened to hit me with his dagger if I keep shouting."

PERVASIVE CULTURE OF IMPUNITY WITHIN THE MILITARY

Despite overwhelming evidence that the Nigerian security forces have committed human rights violations including extrajudicial executions, torture and other ill-treatment, there has been no action by the authorities to hold them to account. This report includes evidence of 87 videos of the events showing the killings of pro-Biafra activists and the immediate aftermath of these fatal shootings. Yet the Nigerian government has not done anything to end the unlawful and brutal crackdown. There has been no independent investigation nor has the President instructed the armed forces to comply with international human rights law in responding to IPOB protests.

The shooting on 9 February 2016 at Aba National High School, which bystanders and pro-Biafra activists filmed from the beginning till end, shows total disrespect for human rights on the part of the Nigerian military. The video footage, reviewed and verified by Amnesty International, shows that soldiers ran into the field and surrounded the pro-Biafra activists, who were unarmed and not violent – just singing and dancing. The military acted as if they were in combat and took up a crouched aiming position, establishing a perimeter. Although police were also present, they showed no intent to police the crowd, nor were they in charge of the operation. After the police withdrew, tear gas was fired and seconds later, the military fired live ammunition. The military made no attempt to move to the crowd to disperse it, but retained their position and continued firing. The video footage shows several people on the ground, while the majority ran away. A

35-year-old trader told Amnesty International: “As the IPOB coordinators were addressing us, the army surrounded us. The commander of the army came out and ordered the coordinators to come out and they were taken away. As this was going on we were praying. The soldiers did not leave the scene but were spreading out and encircling us. They were shooting live bullets.”

Another 50-year-old eyewitness said: “I saw the army people shooting the IPOB people with their guns. They killed eight, which they took in their Hilux, they carried them in their Hilux and sat on top of them.”

The video evidence shows that this was not a law enforcement operation aimed at controlling the assembled crowd, instead it was a military operation with intent to kill and injure.

On 13 February, 13 corpses were discovered in a pit along the Aba – Port Harcourt expressway. According to local human rights defenders these were men who were taken away by the military on 9 February. Two weeks later the bodies were burned.

Despite the strong evidence of these extrajudicial executions in Aba, including video footage of the actual killings, there was no investigation into the incident and no military personnel were prosecuted.

This total lack of accountability is evident in all the cases documented by Amnesty International.

RECOMMENDATIONS

Amnesty International is calling on the government of Nigeria to immediately end the involvement of the military in public order operations throughout Nigeria. The Federal government must initiate independent investigations into the deadly repression of pro-Biafra activists by the Nigerian military and police with the aim of bringing suspects to justice in fair trials. The state governors of Abia, Anambra, Delta and Rivers states should set up judicial commissions of inquiry to investigate the allegations documented in this report. Nigeria’s military partners should ensure that any military co-operation with Nigeria does not contribute to the commission of human rights violations.



*Hundreds of pro-Biafra supporters wave flags and chant songs as they march through the streets of Aba, southeastern Nigeria, 18 November 2015.
© PIUS UTOMI EKPE/AFP/Getty Images*

RESEARCH METHODOLOGY

Amnesty International conducted a total of 193 interviews for this report. This includes 146 interviews with eyewitnesses and victims of seven major incidents of excessive use of force and five major cases of extrajudicial executions by the military and 16 interviews with relatives of those killed by the military. In addition, Amnesty International interviewed 15 IPOB officials and 16 human rights activists, doctors, journalists and lawyers. Between December 2015 and September 2016, Amnesty International researchers conducted seven field investigations in Aba (Abia state), Asaba (Delta state), Enugu (Enugu state), Onitsha, Nkpor and Nnewi (Anambra state), and Port Harcourt (Rivers state).

All interviews with victims and witnesses were conducted in person, in private and without any interference. Free, prior and informed consent was obtained from each interviewee prior to the start of the interview. No incentives were provided to interviewees in exchange for their accounts.

Interviewees were afraid of reprisals from government authorities if they were identified as having spoken to Amnesty International. Therefore, information that could identify victims and witnesses has been removed for their security, including their names, and in some cases details of what they saw, knew or experienced. Pseudonyms have been used in all cases.

Amnesty International also analysed 87 videos and 122 photographs showing IPOB gatherings, members of the security forces in the process of committing violations and victims of these violations. Amnesty International conducted an extensive content analysis of the videos, extracting and examining specific features depicted in them. The analysis included image enhancement techniques and reviewing the videos in slow motion. The content analysis has been supplemented by an analysis of the videos' metadata. Amnesty International also interviewed witnesses who could independently verify the content of the videos.

Moreover, Amnesty International shared the photos and videos of corpses deposited at a dumpsite in Aba with two internationally renowned forensic pathologists, to assess the possible circumstances and times of death.

In addition, Amnesty International examined reports by other NGOs, public statements, media reports, medical reports, court documents and legislation.

On 30 September 2016, Amnesty International wrote and shared the key findings of this report with the Federal Minister of Justice and Attorney General, Chief of Defence Staff, Chief of Army Staff, Minister of Foreign Affairs, Minister of Interior, Inspector General of Police and the Director-General of the State Security Service. Responses were received from the Attorney General and Inspector General of Police but neither answered the questions raised in the letter.

In researching this report, Amnesty International worked closely with Nigerian human rights NGOs and lawyers. Amnesty International wishes to thank all those who contributed information and otherwise supported the production of this report.

BACKGROUND

“The suffering is too much. If this marginalization goes on, our children will not have any hope... We do not have weapons and yet we are maimed and killed like animals.”

42-year-old businessman who was shot at Aba High School, 9 February 2016

Almost 50 years after the Nigerian civil war, the demand for a separate and independent Biafran state continues, as does the brutal and unlawful response, including excessive use of force, killings, arbitrary arrests and detentions by Nigerian security forces.

Research by other organizations¹ indicates that the current hostility of the Nigerian security forces towards those perceived as pro-Biafra activists, although alarming, is not new. Despite the official end of the Nigerian civil war in 1970, the relationship between the Nigerian security forces and pro-Biafrans, has been, at best, unfriendly. The historical mistrust between pro-Biafra supporters in the country's southeast Igbo-dominated states and the Nigerian army has been further exacerbated by recent socio-political and economic developments in the country. The mistrust predates IPOB's emergence and is deep-seated.²

Prior to the emergence of IPOB, the Movement for the Actualization of the Sovereign State of Biafra (MASSOB) was perhaps the most prominent pro-Biafra group in Nigeria. But due to state coercion³ and persecution, as well as infighting, allegations of misappropriation of funds and power tussles, the group's influence waned.

THE INDIGENOUS PEOPLE OF BIAFRA (IPOB)

IPOB emerged in 2012 and campaigns for an independent Biafran state. Through its London-based Radio Biafra station, IPOB reaches out to a growing number of disgruntled youths in the southeast and southern zones of Nigeria. Nnamdi Kanu, the leader of IPOB and Director of Radio Biafra, has used the station to transmit pro-Biafra messages to his many supporters and members in and outside Nigeria.

Thousands of people frequently tune in to the clandestine radio station Radio Biafra.⁴ The station broadcasts messages that may constitute incitement to violent acts against the Nigerian state. For example, on 31 August 2015, the day after the military killed two and injured 30 IPOB members in Onitsha, the station aired a message that threatened violent retaliation against the military.⁵

¹ International Crisis Group (ICG), *Nigeria's Biafran Separatist Upsurge*. <http://blog.crisisgroup.org/africa/nigeria/2015/12/04/nigerias-biafran-separatist-upsurge/> (accessed 22 August 2016).

² Oly Owen, Oxford Department of International Development, "The new Biafrans: Historical imagination and structural conflict in Nigeria's separatist revival", Paper presented on 8 March 2016 at a seminar in the Changing Character of War series hosted by Pembroke College, University of Oxford.

³ In May 2013, former President Goodluck Jonathan classified MASSOB as one of the three extremist groups threatening Nigeria's security.

⁴ Online the station has 15,900 followers, and the facebook Radio Biafra page has 567,367 likes.

⁵ On 31 August 2015, Nnamdi Kanu said on Radio Biafra: "I don't believe in the killing of innocent people ... but we shall hunt them down, the zoo soldiers, and kill them... They killed us first, they came after us, they came to kill us and we must retaliate, we must avenge the death of our people..." See <http://broadcast.radiobiafra.co/> 31 August 2015

In another example, an IPOB statement referred to President Buhari as “the Hitler of Nigeria.”⁶ Radio Biafra has also accused the Nigerian security forces of committing “genocide”.⁷

Similarly, some of Nnamdi Kanu’s interviews and speeches may constitute incitement to violence. For example, he said in March 2014: “Our promise is very simple. If they fail to give us Biafra, Somalia will look like a paradise, compared to what happened there. It is a promise, it is a threat and also a pledge... we have had enough of this nonsense...”⁸ In an address to the World Igbo Congress on 5 September 2015, Nnamdi Kanu told the audience “we need guns and we need bullets”.⁹

Despite these inflammatory statements, all the IPOB protests in Nigeria that Amnesty International researched and documented for this report were largely peaceful. IPOB members and coordinators in Nigeria that Amnesty International interviewed claimed that the IPOB leadership has instructed its members to make their demands without the use of force. According to a leading IPOB member, the movement is only opposing “orchestrated violence against the people of Biafra” with words, and the inflammatory remarks were made in the context of self-defence. He further stated that “despite the mass killings by the Nigerian army and police, we have remained calm and focused in the face of the provocation.”¹⁰

The movement’s activities are spearheaded at state level by state chapters headed by state coordinators, under the stewardship of the Coordinator of Coordinators. There are also representatives abroad, led by the Directorate of State.¹¹

As in other regions in Nigeria, there is a strong feeling of marginalization in the southeast.¹² Most of the IPOB members and supporters Amnesty International interviewed said they felt excluded by the Federal government of Nigeria. They claimed that without an independent Biafran state, the people of southeast Nigeria would not be able to realize their socio-economic and political aspirations.¹³ Many of them are young and unemployed, and have vested their hopes and aspirations in an independent Biafran state. They view the group’s leader as some kind of “redeemer” and follow him unquestioningly.¹⁴

NNAMDI KANU’S ARREST AND DETENTION

On 14 October 2015, the DSS arrested Nnamdi Kanu when he arrived at Lagos airport, transferred him to Abuja and charged him with criminal conspiracy, managing and belonging to an unlawful society and intimidation.

Amnesty International is concerned that over the next two months the DSS repeatedly failed to comply with court orders in this case. Following Nnamdi Kanu’s arrest on 14 October 2015, the Chief Magistrate Court in Abuja granted him bail on 19 October.¹⁵ He met the bail conditions but the DSS didn’t release him, and on 10 November the DSS obtained an order from a Federal High Court to detain him for 90 days “pending conclusion of on-going investigation of terrorism and terrorism financing”.¹⁶ On 23 November Kanu appeared in the Federal High Court in Abuja to challenge that order.

⁶ IPOB Press Release, THE UNSUCCESSFUL FRAMING UP OF IPOB AS A VIOLENT AND TERRORIST GROUP: BUHARI AND DSS SHOULD TRY HARDER NEXT TIME, 10 April 2016.

⁷ See for example: IPOB Press Release, NIGERIA’S SECOND GENOCIDE ON BIAFRA AUTHORIZED BY MUHAMMADU BUHARI, 28 April 2016, See <https://biatimes.com/2016/04/28/nigerias-second-genocide-on-biafra-authorized-by-buhari-ipob/> and <https://soundcloud.com/frontiere-news/interview-with-dott-clifford-iroanya-coc-of-ipob>

⁸ Interview with Sahara Reporters, 25 March 2014, <https://www.youtube.com/watch?v=XI95DOvNb8Y>

⁹ <https://www.youtube.com/watch?v=4fPQOPEH-0Y> (accessed 8 September 2016)

¹⁰ Amnesty International interview, January – August 2016.

¹¹ According to IPOB, it has 88 representatives around the world.

¹² Marginalization is also mentioned as one of the root causes for the emergence of Boko Haram in the northeast; other groups also claim they are marginalized, such as the Islamic Movement Nigeria (IMN).

¹³ Amnesty International takes no position on the political status of Biafra or any other territory.

¹⁴ Amnesty International interviews with IPOB officials, April – August 2016.

¹⁵ In the Chief Magistrate Court FCT, Wuse Zone 2, Abuja, 19 October 2015, suit no ABJ/ /CR/235/2015. On 21 October 2015, Nnamdi Kanu met the bail conditions.

¹⁶ In the Federal High Court of Nigeria, 10 November 2015, suit no FHC/ABJ/CS/873/2015.



*Pro-Biafra supporters hold a poster of jailed activist Nnamdi Kanu during a protest in Aba, southeastern Nigeria, calling for his release on November 18, 2015.
© PIUS UTOMI EKPE/AFP/Getty Images*

On 16 December, the DSS withdrew the charges of criminal conspiracy, managing and belonging to an unlawful society and intimidation against Nnamdi Kanu, and the Chief Magistrate Court in Abuja discharged him.¹⁷ The next day, the Federal High Court in Abuja ordered his release, without any conditions attached.¹⁸ However, the DSS refused to release him, but instead charged him on 21 December with treasonable felony.¹⁹ Nnamdi Kanu challenged the impartiality of the High Court judge and in December 2015 the judge withdrew from the case.

On 29 January 2016, the new High Court judge denied Nnamdi Kanu bail, which was confirmed by the Court of Appeal in May. On 26 September 2016, the second judge withdrew from the case, after Kanu filed a complaint with the National Judicial Council and asked for his withdrawal from the case.

¹⁷ In the Chief Magistrate Court FCT, Wuse Zone 2, Abuja, 16 December 2015, suit CR/21/2015.

¹⁸ In the Federal High Court of Nigeria, 17 December 2015, suit no FHC/ABJ/CS/873/2015.

¹⁹ The three charges are as follows: "That you, Nnamdi Kanu and other unknown persons, now at large, at London, United Kingdom, between 2014 and September, 2015 with intention to levy war against Nigeria in order to force the President to change his measures of being the President of the Federation, Head of State and Commander-in-Chief of the Armed Forces of the Federation as defined in Section 3 of the Constitution of the Federal Republic of Nigeria 1999 (as amended) by doing an act to wit: Broadcast on Radio Biafra your preparations for the states in the South-East geo-political zone, South-South geo-political zone, the Igala Community of Kogi State and the Idoma/Igede Community of Benue State to secede from the Federal Republic of Nigeria and form themselves into a Republic of Biafra, and thereby committed an offence punishable under Section 41(C) of the Criminal Code Act, CAP C38 Laws of the Federation of Nigeria 2004." They were further charged with unlawful society (under Section 63 of the Criminal Code Act, CAP C38, Laws of the Federation of Nigeria 2004) and importing a radio transmitter (under section 47(2) (a) of the Customs and Excise Management Act).

On 2 March 2016, Nnamdi Kanu filed a case before the ECOWAS Community Court of Justice, challenging his continued detention and the killings of his followers during assemblies, and to seek compensation.²⁰ On 8 November the case was adjourned until 9 February 2017 for hearing.

Nnamdi Kanu's co-defendants, David Nwawuisi²¹ and Benjamin Madubugwu²², who spent six and three months in DSS detention respectively, both filed cases at the Federal High Court in Abuja to challenge the lawfulness of their detention as well. All three continue to be detained in Kuje Prison.

On 8 November 2016, Nnamdi Kanu, his two co-defendants and the IPOB national coordinator, Chidiebere Onwudiwe, were re-arranged on amended charges.²³

The way a person is treated when accused of a crime provides a concrete demonstration of how well that state respects individual human rights and the rule of law. Every criminal trial tests the state's commitment to justice and respect for human rights – a commitment which is tested even more when a person is accused of serious crimes which threaten the security of a society or of those who hold power. Every government has a duty to bring to justice those responsible for crimes in independent, impartial and competent courts in a manner that respects international standards of fairness. Under international law and standards, all forms of detention or imprisonment, including in the pre-trial period, must be subject to the effective control of a judicial authority. This applies in all cases, irrespective of the gravity of the crimes of which an individual is accused.

CRACKDOWN ON FREEDOM OF EXPRESSION AND PEACEFUL ASSEMBLY

Throughout the country, the Nigerian government appears to be determined to silence dissent and restrict freedom of expression by violently repressing protests and arresting journalists and bloggers.²⁴ This has been the experience of pro-Biafra activists.

Since August 2015, there have been series of protests, marches and gatherings by IPOB members and supporters. In particular after the arrest of Nnamdi Kanu on 14 October 2015, the protests and assemblies were planned around his court appearances. According to an IPOB official responsible for security, the protests and assemblies were mostly peaceful. He said that in certain instances, however, "some hooligans" took over and threw stones or burned tyres.²⁵ Videos seen by Amnesty International confirm this. In several instances, after the military shot at protesters, youths barricaded the roads and burned tyres. None of the videos reviewed by Amnesty International showed that IPOB members and supporters were armed or that the crowd as a whole was violent. Only in a few videos were there pockets of violence.

Video footage also showed that during most gatherings and marches, IPOB members acting as stewards helped maintain order among the crowd. A leading IPOB member also told Amnesty International that their teams informed the authorities in advance of their events and that they always tried to ensure there would be no acts of violence.²⁶

While initially the state authorities and police allowed gatherings and marches to take place, after 30 August 2015, when the military killed at least two protesters and injured 22, the state authorities tried to prevent them.

In the key states where IPOB protests have taken place, bans have been imposed. For example, on 23 October 2015, the Anambra state Commissioner of Police said the police would no longer allow protests by

²⁰ In the Community Court of Justice of the Economic Community of West African States, Abuja, Nigeria, between Nnamdi Kanu, Plaintiff and 1. The Federal Republic of Nigeria, 2. The Attorney General of the Federation and Minister of Justice, 3. Director general, State Security Service, filed on 2 March 2016.

²¹ David Nwawuisi, an Enugu-based engineer linked to Radio Biafra, was arrested on suspicion of installing a Radio Biafra transmitter on an MTN mast in Enugu. He was arrested on 15 July 2015 and detained for six months by the DSS before he was charged in court.

²² Benjamin Madubugwu was arrested on 28 October 2015 on suspicion of holding Radio Biafra transmitters. He was detained in DSS custody for nearly three months before he was charged in court.

²³ In the Federal High Court of Nigeria in the Abuja Judicial Division, charge number FHX/ABJ/CR/383/2015, 7 November 2016.

²⁴ See Amnesty International, Nigeria: Crackdown on journalists and assault on protests shrinking civic space, 28 September 2016. <http://amnesty.org.ng/news/185/nigeria-crackdown-journalists>

²⁵ Amnesty International interview, Lagos, April 2016.

²⁶ Amnesty International interview, Port Harcourt, May 2016

MASSOB and IPOB members.²⁷ Similarly, in November 2015 the Governor of Rivers state banned public protests “associated with the agitation for secession”.²⁸ The Governor of Abia state also banned all public protests. After the killing of pro-Biafra protesters on 18 January 2016, the Abia state government released a statement in which they condemned the violence by pro-Biafra supporters and reiterated the ban on all protests. The state government declared that “all forms of protest by any group or persons remain banned in the state.”²⁹ Similarly the Delta state government banned the protests.

Many officials depicted the protests as generally violent, referring to violence and the use of weapons by IPOB members to justify their orders to clamp down on protesters, despite the fact that the gatherings were mostly peaceful. The authorities stressed that IPOB was a threat to the security of Nigeria. For example, on 15 September 2015, the Inspector General of Police (IGP) ordered “an immediate clamp down” on anyone “inciting violence and social disorder”. He cited “recent activities” of MASSOB and IPOB as reason and ordered the police to arrest anyone “fomenting any act of violence or disorder, or any act inimical to the security of the nation.”³⁰

On 6 November 2015, the IGP told IPOB members not to “embark on ill-advised protest, using dangerous weapons across some southeastern states... For the avoidance of doubt, no one should attempt to test the law.”³¹ On 2 December, after pro-Biafra demonstrators blocked the Niger Bridge in Onitsha, the IGP deployed the mobile police to “reinforce security”. He called on police authorities in the region to “maximally exercise their statutory mandate” against threats to “public order and national cohesion”.³² On 18 February 2016, the IGP stated that the Nigeria Police Force “complemented by other security forces” worked towards “eliminating any threat to internal security and social disorder”.³³

While the authorities have an obligation to maintain public order and prevent violence, they also have an obligation to facilitate the right to freedom of peaceful assembly (See page 22). The authorities' overall approach to policing of assemblies should be guided by the concept of facilitation of the assembly and should not from the outset be shaped by the anticipation of violence. The policing of assemblies should always seek to prevent the need to resort to force. If there is a need for law enforcement officials to respond to violence by demonstrators, they must distinguish between the individuals who are engaged in violence and those who are not (such as peaceful demonstrators or bystanders), and carefully aim such force only at those engaged in violence. The violence of a few individuals must not lead to a response that treats the whole assembly as violent.

The authorities appear to have focused on what the gatherings were calling for, in particular the call for an independent Biafra which they considered a threat to security, rather than the question of whether the conduct at the gathering was lawful. This is reflected, for example, by President Buhari who, on 5 March 2016, said: “... to try and interfere with movement of troops, with [the] economy, looking for Biafra after losing two million people, I think they are joking with Nigerian security and Nigeria will not tolerate it.”³⁴

Amnesty International believes that these various pronouncements by the authorities may have provided grounds for the often violent responses by the security agencies to IPOB gatherings and assemblies. They have essentially adopted a military approach to assemblies and gatherings promoting Biafran independence, instead of a law enforcement approach.

²⁷ See Channels news, 23 October 2015, <https://www.youtube.com/watch?v=-MrhryJeybg>

²⁸ Rivers state Government, speech by the Governor of Rivers state On 10 November, available at: www.youtube.com/watch?v=WD5ulsD8D6A

²⁹ Abia state, Abia state governor condemns attempt to disturb the peace in the state, 19 January 2016, Available at: www.abiastate.gov.ng/news/abia-state-governor-condemns-attempt-to-disturb-the-peace-in-the-state/

³⁰ Nigeria Police Force, Press Release 8 September 2015, “IGP directs operation round up persons inciting violence nationwide”, press release on file with Amnesty International.

³¹ See: <http://www.premiumtimesng.com/news/top-news/192735-police-warn-biafran-group-against-planned-protest.html>

³² Nigeria Police Force, press release <https://www.facebook.com/ngpolice/>

³³ Press release, IGP warns members of the IPOB against unauthorized bearing of firearms. <https://www.facebook.com/ngpolice/>

³⁴ During an interview on Al Jazeera on 5 March 2016.

MILITARIZATION OF ROUTINE POLICE FUNCTIONS

The military is currently involved in security operations in 30 out of Nigeria's 36 states and the Federal Capital Territory (FCT), often taking over ordinary policing functions.³⁵ The frequent deployment of soldiers has resulted in many cases of excessive use of force, unlawful killings and extrajudicial executions throughout the country.³⁶ The government's decision to turn immediately to the military for internal public order situations has also seriously undermined the role of the Nigerian police.³⁷ In all the cases documented by Amnesty International, the military did not comply with international law and standards on the use of force in law enforcement.

In the southeast, the security forces have responded with violence to peaceful gatherings, protests and prayer sessions of IPOB members and supporters. In all incidents documented in this report, the military was deployed and in most cases they used lethal force to stop gatherings and protests. It is evident that the constant deployment of soldiers for what should be routine policing functions is contributing to the increased level of unlawful killings by state officials in Nigeria. The military also often claim to have used their "rules of engagement for internal security operations", which contain provisions reflecting international law enforcement standards, but it is clear from witness testimony and video evidence that they did not comply with their own rules of engagement.

The military operations in southeast and south-south Nigeria fall under the responsibility of the 82 Division, headquartered in Enugu. The following troops have been involved in the cases documented in this report:³⁸

- 14 Brigade, Ohafia Abala, Abia state, including the 144 Battalion, which uses various camps and outposts, including in Asa and Osisioma, near Aba, Abia state
- 302 Artillery Regiment, Onitsha, Anambra state
- 2 Amphibious Brigade, headquartered in Bori Camp, Port Harcourt, Rivers state.

In Anambra state, the operations are mostly carried out by a joint security operation called *Operation Kpochapu* (Operation Wipe Out in the local language), consisting of the army, navy, police, DSS and National Drugs Law Enforcement Agency. The Anambra state Governor set up this operation in March 2014 to reduce crime.³⁹

Like all other joint security operations, this is led by the military, which suggests that the civilian agencies such as the police and civil defence corps involved in the joint operations take directives from the military commanders. This is contradictory to the principle clearly stipulated by UN human rights experts⁴⁰ that if, exceptionally, military personnel are deployed in law enforcement they must be subordinate to and under the command of the civilian authorities.

Under international human rights standards, if the military is used to police public protests and assemblies in exceptional circumstances, the military personnel must be fully trained in, adopt and be bound by international human rights law and standards applicable to law enforcement, in particular the UN Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law

³⁵ SBM Intelligence, How can we salvage Nigeria's deteriorating security situation? August 2016, <http://sbmintel.com/2016/08/03/how-can-we-salvage-nigerias-deteriorating-security-situation/>

³⁶ For example, between 12 and 14 December 2015, the military unlawfully killed more than 350 people following a confrontation between members of the Islamic Movement of Nigeria (IMN) and soldiers in Zaria, Kaduna state. Some people were killed as a result of indiscriminate fire. Others appeared to have been deliberately targeted. All available information indicates that the deaths of protesters were the consequence of excessive, and possibly unnecessary, use of force. Amnesty International, *Unearthing the truth: unlawful killings and mass cover up in Zaria*. <https://www.amnesty.org/en/documents/afr01/3883/2016/en/>

³⁷ The Commission of Inquiry into the clashes between the Islamic Movement of Nigeria (IMN) and the Nigerian military concluded in July 2016 that the police were not adequately equipped to perform their law enforcement duties. See: Report of the judicial commission of inquiry into the clashes between the Islamic movement in Nigeria (IMN) and the Nigerian army (NA) in Zaria, Kaduna state between Saturday 12th and Monday 14th December 2015, <http://kdsg.gov.ng/wp-content/uploads/2016/08/Report-of-the-Judicial-Commission-of-Inquiry-into-the-Zaria-Clashes1.pdf>

³⁸ Amnesty International research and interview with one military source based in the southeast.

³⁹ In a speech held at an Abuja town hall meeting in July 2016, Governor Obiano said that with Operation Kpochapu, the state "launched an all-out war against crime and criminality". The Anambra state government donated 25 cars to the police and a gunboat to the Nigerian Navy.

⁴⁰ See: Joint report to the Human Rights Council of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions on the proper management of assemblies, UN Doc. A/HRC/31/66, 4 February 2016, para 66, and UN Code of Conduct for Law Enforcement Officials, Article 1 and commentary.

Enforcement Officials, as well as any national law enforcement policy, guidelines and ethics. They must be provided with all necessary instructions, training and equipment to enable them to act with full respect for this legal framework.

In Nigeria, the military should not be used to police protests, given their clearly demonstrated inability to carry out proper law enforcement operations with due respect for the rights of the people affected, in particular the fundamental human right to life. In all the cases documented by Amnesty International, the military failed to comply with international law and standards on the use of force.



TIMELINE

- 30 August 2015: protest in Onitsha – two dead and 22 injured
- 5 September 2015: Nnamdi Kanu called for “guns and bullets” at the World Igbo Congress in the USA
- 15 September 2015: Inspector General of Police ordered “immediate clamp down” on anyone “inciting violence and social disorder”
- 14 October 2015: DSS arrested Nnamdi Kanu in Lagos
- 19 October 2015: Nnamdi Kanu granted bail by the Magistrate Court, Abuja
- 19 October 2015: women marched to government house Aba to ask for Nnamdi Kanu’s release, march violently dispersed using tear gas
- 20 October 2015: women marched to government house Awka to ask for Nnamdi Kanu’s release, march violently dispersed using tear gas and live ammunition
- 6 November 2015: protest in Bayelsa – one killed, several disappeared
- 10 November 2015: DSS obtained a Federal High court order to detain Nnamdi Kanu for 90 days
- 10 November 2015: protests in Port Harcourt – tear gas and live bullets used to disperse protest, one killed, seven injured
- 2 December 2015: shooting at Head Bridge Onitsha, six dead and 12 injured
- 16 December 2015: criminal charges against Nnamdi Kanu dropped
- 17 December 2015: Federal High Court announced the unconditional release of Nnamdi Kanu, but he was not released
- 17 December 2015: Shooting at Head Bridge Onitsha: five dead and 30 injured
- 22 December 2015: Nnamdi Kanu charged with treasonable felony, maintaining an unlawful society and illegal possession of items
- 18 January 2016: Aba shooting, three killed and at least five injured
- 20 January 2016: Nnamdi Kanu arraigned in court, charged with treason and remanded in prison custody
- 29 January 2016: Nnamdi Kanu denied bail
- 29 January 2016: Aba shootings, at least five shot
- 9 February 2016: Aba National High School shooting, at least 17 killed and 30 injured
- 30 May 2016: Remembrance Day, at least 60 IPOB members killed in Onitsha and Asaba and 70 injured

LEGAL FRAMEWORK

Nigeria has ratified or acceded to several international and regional human rights instruments that contain international law obligations relevant to public order and policing. These include the International Covenant on Civil and Political Rights (ICCPR); the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol; the International Convention for the Protection of All Persons from Enforced Disappearance; and the African Charter on Human and Peoples' Rights.

The Constitution of the Federal Republic of Nigeria (1999) recognizes the rights to life (Section 33) and personal liberty (Section 35), freedom from torture (Section 34.1.a), the presumption of innocence (Section 36.5), freedom of expression (Section 39) and freedom of assembly and association (Section 40). While torture is prohibited in Nigeria, torture has not to date been established as a crime under domestic law, as Nigeria is required to do as a state party to the Convention against Torture.

PROHIBITION OF ARBITRARY DEPRIVATION OF LIFE, INCLUDING EXTRAJUDICIAL EXECUTIONS

Extrajudicial executions are unlawful and deliberate killings carried out by order of a government or with its complicity or acquiescence. They violate the right to life, as guaranteed by the ICCPR, the African Charter on Human and Peoples' Rights and Nigeria's Constitution.

The ICCPR, which Nigeria acceded to in October 1993, provides that "every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life" (Article 6.1). Further, as provided by Article 4 of the ICCPR, states cannot derogate from their obligations under this provision, even "in time of public emergency which threatens the life of the nation". The African Charter on Human and Peoples' Rights, ratified in June 1983, also includes the right to life (Article 4). In addition, the Charter prohibits torture and other ill-treatment (Article 5) and provides the right to liberty and security of person (Article 6).

Nigeria's Constitution and the Nigeria Police Force Order 237 (Rules for guidance in use of firearms by the police) provide much broader grounds for the use of lethal force than is permissible under international law and standards. In July 2015, the Inspector General of Police (IGP) ordered a review of the Force Order 237 of Nigeria's police regulations, but to date this regulation has not yet been amended. Section 6 of Police Force Order 237 instructs police officers that, in "riot" situations, "[a]ny ringleaders in the forefront of the mob should be singled out and fired on". A "riot" is defined as a situation in which "12 or more people must remain riotously assembled beyond a reasonable time after the reading of the proclamation".

USE OF FORCE DURING ASSEMBLIES

Law enforcement officials must comply with their obligations under international law. At all times they must respect and protect the right to life and physical integrity and security of all – including protesters and bystanders.



Pro-Biafra supporters hold a placard as they march through the streets of Aba, southeastern Nigeria, on 18 November 2015. © PIUS UTOMI EKPEI/AFP/Getty Images

Under the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (Basic Principles), police may use force only when strictly necessary and to the extent required for the performance of their duty. Basic Principle 9, which reflects the international law obligation to respect and protect the right to life, expressly stipulates that they must not use lethal force (firearms) unless it is strictly necessary – that is only when less extreme means are insufficient – to defend themselves or others against the imminent threat of death or serious injury or to prevent a grave threat to life; intentional lethal force should not be used except when strictly unavoidable in order to protect life. Firearms should never be used to disperse an assembly and indiscriminate firing into a crowd is always unlawful. Tear gas may only be used for the purpose of dispersing a crowd in a situation of more generalized violence.

Firearms must never be used as a tactical tool for the management of public assemblies. They may only be used for the purpose of saving another life in line with Basic Principle 9. The use of firearms during public assemblies increases the risk of injuring or killing peaceful participants or bystanders or causing further escalation of the violence with even more casualties.⁴¹ Automatic weapons are not suitable for normal law enforcement situations, in view of their inaccuracy and the impossibility of being able to account for each

⁴¹ Amnesty International has developed guidelines on principles of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. These guidelines – Use of Force: Guidelines for Implementation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials – provide a comprehensive overview of the considerations national authorities should take into account when developing a framework on the use of force and firearms. They also include, in Chapter 7, detailed instructions on how the policing of public assemblies should be approached. Available at www.amnesty.nl/sites/default/files/public/ainl_guidelines_use_of_force_0.pdf

and every shot. They should not be used in the policing of crowds under any circumstances.⁴² In Nigeria, however, both the police and the military routinely use automatic weapons.

Law enforcement officials should be guided by the concept of facilitation of assemblies and seek to avoid the need to resort to force, even if the assembly is considered unlawful. If the authorities decide that dispersal is necessary, they have to inform those present and allow them time to leave.

If law enforcement officials use force to respond to violence by protesters, they must use only such force as is necessary and proportionate to contain the violence or to carry out lawful arrests. They must aim their actions at those engaged in violence and not treat all participants as violent, and should also take into consideration the risk that their use of force may exacerbate an already tense situation.

When a public assembly does end in violence, this should to a certain extent be considered a failure of the police: they have failed to facilitate the assembly, failed to prevent violence, failed to protect those who wished to participate peacefully and failed to succeed in a conflict resolution process with those who were likely, or even intending, to engage in violence.

MILITARY DEPLOYMENT IN LAW ENFORCEMENT OPERATIONS

Under Nigerian law, maintaining law and order and protecting public safety are police responsibilities.⁴³ Section 4 of the Police Act, which is currently under review, describes the duties of the police, including “the preservation of law and order, the protection of life and property and the due enforcement of all laws and regulations”. In addition, the police can perform military duties, under the command of the military.⁴⁴

The role of the military is described in Nigeria’s Constitution. It is to defend Nigeria from “external aggression”, to secure the borders, to suppress “insurrection” and to support civilian authorities to restore order if requested by the President. However, the National Assembly has to pass an act describing the conditions of such deployment.⁴⁵ The President, as commander in chief, is responsible for the operational use of the armed forces, but he can also delegate this to the service chiefs.

Under international human rights standards the military should not as a general rule be used to police assemblies.⁴⁶ In exceptional circumstances if this becomes necessary – that is, if there is no alternative because the civilian police do not have sufficient personnel to carry out this task – military personnel must be fully trained and equipped for the task and operate under the command of the civilian authorities. This requires a complete shift in the operational approach and mentality, from a “fight-the-enemy” approach to a law enforcement one. To achieve this, clear instructions must be given, appropriate law enforcement equipment must be available, and soldiers must be fully trained in operational public order management. When authorities are not in a position to ascertain the capability of the military to carry out such a law enforcement operation in compliance with international human rights rules and standards, they should not deploy military armed forces in public order situations.

Deploying the military in situations of public order increases the risk of use of excessive force, simply because the use of lethal force is the first choice of action for the military, which is equipped and trained to neutralize the enemy. It is a complex and challenging transition for the military to handle public order. It requires a revision of the operational mindset and procedures (from “shoot to kill” to “non-violent means first”).

All military armed forces deployed for law enforcement operations therefore must be thoroughly trained in a law enforcement approach, focusing on de-escalation, communication, avoiding the use of force and

⁴² Use of Force: Guidelines for Implementation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Chapter 5.5 and The joint special rapporteur report A/HRC/31/66, para 67(e).

⁴³ The Nigeria Police Force was established under Section 214 of the 1999 Constitution. The Police Act (1990) describes the function, structure and operation of the NPF. The President of Nigeria holds operational control of the NPF and appoints the Inspector General of Police (IGP), who is responsible for the command of the police “subject to the directive of the President” and for public safety and public order. The administrative, financial and logistics management of the NPF falls under the authority of the Federal Ministry of Interior.

⁴⁴ Nigeria Police Act, Section 12.

⁴⁵ Nigeria Constitution, Section 217.

⁴⁶ See A/HRC/31/66, para 66.

minimalizing damage and injury. They must be equipped with protective gear and batons and other appropriate less lethal weapons and equipment, instead of fully automatic rifles or similar military weapons, and should be fully trained in how and when to use them in law enforcement situations.

PROHIBITION OF ARBITRARY ARRESTS AND DETENTION

International law, including the ICCPR, prohibits arbitrary arrest and detention.⁴⁷ An arrest or detention without a basis in law is *per se* arbitrary. In addition, an arrest or detention that is permitted under domestic law may nonetheless be arbitrary under international law. Examples include where the law is vague, over-broad, or incompatible with other human rights such as the rights to freedom of expression, assembly or belief or the right to be free from discrimination. Arrest or detention is also arbitrary if it is a response to the exercise of human rights including the rights to freedom of expression, association and peaceful assembly.

International law and standards also set out clear procedural requirements for any detention. The ICCPR expressly stipulates that anyone who is arrested must at the time of arrest be told the reasons for arrest and must be promptly informed of any charges against them; they must also be entitled to take proceedings before a court which can decide on the lawfulness of the detention and order their release if it is not lawful. In any event, international standards require that a person must not be kept in detention without being given an effective opportunity to be heard promptly by a judicial or similar authority which must be empowered to review as appropriate the continuance of detention.

Anyone charged with a criminal offence has the right to be given a fair trial before an ordinary civilian court within a reasonable time, or released. Further, anyone whose rights or freedoms have been violated must have access to an effective remedy.⁴⁸

FREEDOM OF EXPRESSION AND PEACEFUL ASSEMBLY

The right to freedom of expression is set out in Article 19 of the ICCPR and Article 9 of the African Charter on Human and Peoples' Rights.⁴⁹ The right of peaceful assembly⁵⁰ is protected by Article 21 of the ICCPR and by Article 11 of the African Charter on Human and Peoples' Rights. These rights can only be restricted if such restrictions are strictly necessary and proportionate for the protection of certain specified public interests, which include national security, public safety, and protection of the rights of others.

Any restrictions imposed on the exercise of the right to peaceful assembly must have a legitimate and formal basis in law, and must be demonstrably necessary and as non-intrusive as possible to achieve the specified legitimate aim. Authorities should have in place a range of measures they can use for this purpose, which could include, for example, certain restrictions on the time or place where an assembly takes place; assemblies should only be banned as a last resort. If the authorities restrict or ban an assembly on any of the permitted legitimate grounds, including national security, they should specify more precisely the particular public interest or rights of others which would be at risk if the restriction were not imposed.

Under international law and standards it is a positive duty of the authorities to facilitate and protect peaceful assemblies. As freedom of peaceful assembly is a right, the authorities should not require organizers to obtain official permission. The authorities can however require them to give advance notification, which enables the law enforcement agencies to take the necessary steps to facilitate the protest. Failure to notify the authorities does not make an assembly unlawful under international law and should not be used as a reason to disperse an assembly.⁵¹

⁴⁷ Article 9 of the Universal Declaration of Human Rights, Article 9(1) of the ICCPR, Article 37(b) of the Convention on the Rights of the Child, Article 6 of the African Charter on Human and Peoples' Rights.

⁴⁸ See Amnesty International, Fair Trials Manual, second edition (AI Index: POL 30/002/2014).

⁴⁹ It states: "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."

⁵⁰ An assembly is defined as "an intentional and temporary gathering in a private or public space for a specific purpose, and can take the form of demonstrations, meetings, strikes, processions, rallies or sit-ins with the purpose of voicing grievances and aspirations or facilitating celebrations." Joint report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions on the proper management of assemblies, A/HRC/31/66, 4 February 2016, para 10.

⁵¹ A/HRC/31/66, 4 February 2016, para 23.

Before 2007, Nigerian law required that those planning to hold an assembly obtained prior authorization, but this is no longer required.⁵²

The mere fact that an assembly is considered unlawful under domestic legislation does not justify the use of force by law enforcement officials.

If there are acts of sporadic violence during an assembly, these should not be attributed to those people who are not violent.⁵³ In addition, no one should be held criminally responsible for organizing or participating in a peaceful protest.⁵⁴

ACCOUNTABILITY

Comprehensive internal and external accountability mechanisms are key to ensuring that policing, military and security operations carried out in a professional manner which respects human rights. Under international law, governments are obliged to bring to justice all those who have been identified as having participated in extrajudicial executions and other unlawful killings. Moreover, this applies not just to those who are suspected of committing killings, but also to those superior officers who knew or should have known that their subordinates “are resorting, or have resorted, to the unlawful use of force and firearms, and they did not take all measures in their power to prevent, suppress or report such use”.⁵⁵

As part of the state’s obligation under international law to respect and protect the right to life, and to ensure the right to a remedy and reparation for violations of this right, the authorities must ensure that prompt, effective, independent, and impartial investigations are carried out into deaths resulting from the use of force by state agents.

A failure by a state to ensure such investigations may in itself constitute a violation of the right to life. Where an investigation reveals evidence that a death was caused unlawfully, the state must ensure that those suspected of criminal responsibility are prosecuted and, where appropriate, punished through a fair judicial process.⁵⁶

The UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials also require that when force and firearms are used, relatives or close friends of a person who is injured or affected should be notified at the earliest possible moment.⁵⁷ Any person affected by the use of force or firearms, including dependents or family of someone killed, or their legal representatives, is also entitled to an independent process, including judicial process.⁵⁸

Under Nigerian law, security officials are required to keep records of every death in custody. Records must include the name of the deceased, date and cause of death, and the outcome of the coroner’s inquest.⁵⁹ The Coroner’s Law, which is in force in most Nigerian states, obliges the state authorities to investigate and determine the circumstances of all unnatural, sudden or violent deaths through an open, public inquiry.

⁵² In 2007, the Appeal Court confirmed a Federal High Court judgment that “no police permit or any authority is required for holding a rally or procession in any part of the Federal Republic of Nigeria.” Until then, the Public Order Act gave the Governor of each state power to approve any meetings or processions and instruct the police to issue a licence for such a meeting. The Police Commissioner had the power to end any meeting for which no licence was issued or which violated the conditions as agreed in the licence.
http://www.lawpavilionpersonal.com/lawreports/summary_ca.jsp?suite=olabisi@9thfloor&pk=CA/A/193/M/05&apk=48024

⁵³ A/HRC/31/66, 4 February 2016, para 20.

⁵⁴ A/HRC/31/66, 4 February 2016, para 27.

⁵⁵ Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Principle 24. Similarly, Principle 19 of the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions states: “Superiors, officers or other public officials may be held responsible for acts committed by officials under their authority if they had a reasonable opportunity to prevent such acts.”

⁵⁶ See also UN Commission on Human Rights, Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity, UN doc. E/CN.4/2005/102/Add.1, 8 February 2005.

⁵⁷ UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Principle 4(d).

⁵⁸ UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Principle 23; see also UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Principle 23.

⁵⁹ Police Act, Form 3, Sudden and unnatural deaths register.

EXTRAJUDICIAL EXECUTIONS AND OTHER UNLAWFUL KILLINGS

“They didn’t give us any warning that they were going to shoot us. Some of the soldiers were lying down with their guns pointed at us, some were crouching, some were kneeling, some of the soldiers were standing. But they were all in readiness to shoot.”

Vincent Ogbodo, 26-year-old trader, who was shot on 30 May 2016

MARCHERS SHOT, HEAD BRIDGE, ONITSHA, 2 DECEMBER 2015

On 1 December, thousands of IPOB members and supporters held a protest on the Niger Bridge, also known as Head Bridge, a main bridge connecting Anambra and Delta states. They blocked all traffic, causing major disruption. The next day all banks and businesses were closed and the protest continued.

One eyewitness, Uzor Otimpi (not his real name), a 21-year-old businessman, told Amnesty International what happened on 2 December: “We had a peaceful protest at the Head Bridge. Everybody marched and sang Biafran songs. We were headed towards the statue of our great leader, Odumegwu Ojukwu... A few meters away from the statue, we sighted a huge number of heavily armed police, army, navy and civil defence personnel. One of the military men addressed us and requested we go home. We insisted that we must get to the statue before going home. They asked us to all raise our hands to prove we had no weapons. We complied and as we got closer, the naval personnel started shooting at us.”⁶⁰

He further said: “One of the military men pointed his gun at me and shot me. I fell down immediately and my intestines popped out. Everyone started running. The military men came and started loading the wounded into the Hilux truck but when they got to me, one of them asked them to leave me that I would not survive it, so they left me. That was when some IPOB members rushed and took me to Multicare Hospital.”⁶¹

Eyewitness accounts and verification of video footage indicates that at least six people – three women and three men – were killed and 12 injured. According to one eyewitness, several bystanders were shot: “They even shot and killed one guy standing beside a petrol station, close to the Head Bridge. The man was not part of the protest but they still killed him.”⁶²

⁶⁰ Amnesty International interview, Onitsha, May 2016.

⁶¹ Amnesty International interview, Onitsha, May 2016.

⁶² Amnesty International interview, Onitsha, May 2016.

A human rights defender told Amnesty International that the military took the corpses away.⁶³ According to Amnesty International's research, the government has not carried out an independent investigation into this incident.



Statue of Biafra leader Chukwuemeka Odumegwu-Ojukwu on Bridge Head in Onitsha, Anambra State, Nigeria. © Amnesty International

⁶³ Amnesty International interview, Lagos, April 2016.

A CELEBRATION TERMINATED: FIVE PROTESTERS KILLED AND 20 INJURED IN ONITSHA

On 17 December 2015, soldiers of the 302 Artillery Regiment based in Onitsha killed five and injured at least 20 people, at Head Bridge, Onitsha. Amnesty International interviewed 15 people, including 11 people who witnessed the shooting, two witnesses who went to the hospitals to document the number of dead and injured and two relatives of the deceased.

This protest started spontaneously as IPOB supporters came out to celebrate when a Federal High Court in Abuja granted bail to Nnamdi Kanu. They marched to the statue of Biafran leader Chukwuemeka Odumegwu-Ojukwu on Head Bridge. According to a human rights defender who was monitoring the assembly, there were around 300 people in this march. He said: "They were largely peaceful, singing, dancing and jubilating in the street. They occupied one side of the road and allowed cars to use the other side."⁶⁴ All witnesses told Amnesty International that early in the afternoon soldiers from 302 Artillery Regiment, who were guarding the bridge, stopped them and 25-year-old Mathew Kanu stepped forward to explain their intentions. He was beaten by soldiers and shot. The military said they reacted in self-defence, but all witnesses told Amnesty International that none of the protesters were armed.

Chimanda Okoro (not his real name), a 25-year-old civil servant and IPOB member, told Amnesty International what happened when they were stopped at Head Bridge: "A soldier stopped us and asked us to go back. We just stood there. Our coordinator moved forward to explain to the soldier. But the officer hit him with a stick and he fell down. On getting up the soldier gave the signal to his men and they started shooting at us. We started running away. They were shooting indiscriminately. Some people who were not part of us [bystanders] were shot."⁶⁵ One of the IPOB coordinators told Amnesty International that Mathew Kanu and two others were killed on the spot.⁶⁶

Chimso Anyanwu (not his real name), a 30-year-old contractor and IPOB member, told Amnesty International that he was in the second row of protesters. "Almost everyone on the first row had been hit. I saw many people falling down ... Bullets were raining everywhere in the market and people were running away."⁶⁷

All people interviewed for this incident confirmed that Mathew Kanu tried to talk to the soldiers and a soldier beat him. He was then shot.⁶⁸ Witnesses also told Amnesty International that they saw the soldiers taking away the bodies of dead protesters.⁶⁹ A hospital source told Amnesty International that the military brought three corpses.⁷⁰ Their bodies were released to relatives in March 2016.

According to Amnesty International's research, the government has not carried out an independent investigation into this incident.

PEACEFUL IPOB MEMBERS GUNNED DOWN IN ABA, 9 FEBRUARY 2016

On 9 February 2016 Nnamdi Kanu appeared at the Federal High Court in Abuja. On the same day at around 8am, a four-day prayer session started, organized by the Abia state IPOB leadership within the compound of the National High School in Aba, Abia state. They had invited IPOB members from Akwa Ibom, Anambra, Delta, Ebonyi, Enugu, Imo, Rivers and Bayelsa states.

⁶⁴ Amnesty International interview, Lagos, April 2016.

⁶⁵ Amnesty International interview, Onitsha, February 2016.

⁶⁶ Amnesty International interview, Onitsha, February 2016.

⁶⁷ Amnesty International interview, Onitsha, February 2016.

⁶⁸ Mathew Kalu, Chigozie Ezeji and Akweke were shot dead during the demonstration at Head Bridge Onitsha on 17 December 2015.

⁶⁹ Amnesty International interviews, Onitsha, February and May 2016.

⁷⁰ Amnesty International interview, Onitsha, February 2016.



Aba High School, 9 February 2016. Stills taken from a video showing the peaceful IPOB members and supporters and the arrival of the security forces. © Private

Vincent Ekene (not his real name), an IPOB security officer, told Amnesty International that the Abia state IPOB coordinators had held two meetings with the Abia state police to announce the gathering and request police protection.⁷¹ They also appointed members as stewards to ensure crowd control.

Vincent Ekene told Amnesty International: “On the very day, however, the police came with over 20 vehicles and surrounded the entrance of the school compound. And the school session was on, that day. We thought they came to give us protection. We didn’t know they came to kill us.”⁷²

Amnesty International has interviewed 28 eyewitnesses and six relatives of those killed, and reviewed 15 video clips of the incident and its aftermath. Witnesses told Amnesty International that shortly after 9am on 9 February 2016, scores of policemen arrived in 15 vehicles at the venue and blocked the gates.⁷³ They first asked the IPOB state coordinators to come with them to discuss the gathering, but then allowed them to go back and join the gathering to continue their speeches. Around noon, soldiers arrived at the scene in at least six Hilux vans.⁷⁴

Video footage shows that approximately 200 people dressed in Biafra T-shirts and holding flags were singing, dancing and praying, while the stewards are seen controlling the crowd. There was no sign of violence, and all eyewitnesses interviewed confirmed that none of the protesters were armed or even aggressive. Witnesses told Amnesty International that the police arrived first and then the soldiers surrounded them. At around 12.30pm, four policemen and several soldiers came to the stage where the coordinators were addressing the crowd, arrested them and took them away. Several eyewitnesses told Amnesty International that soldiers tried to arrest a cameraman and anyone else they saw filming. Immediately after the coordinators left the field, shooting started.

⁷¹ Amnesty International interview, Lagos, April 2016. On 1 February, IPOB coordinators met with the Commissioner of Police, who, according to them, said they should organize their gathering in a confined space and recommended they spoke with the relevant police commanders. They held a second meeting three days later with the Umuahia Area Commander, the MOPOL Commander, Aba Area Commander and the Chief Intelligence Officer of the Abia State Police Command, to request police protection and share the plans for the gathering. According to the IPOB officials, the police officials said that only the Commissioner of Police could approve this request.

⁷² Amnesty International interview, Lagos, April 2016.

⁷³ Video footage shows that they arrived in at least 15 police vehicles, including from Abia State command, Area command Aba, and vehicles called Dragon and robot 21.

⁷⁴ Video footage shows that they arrived in at least seven Hilux trucks, including from battalion 144 (vehicles marked with numbers 144/47C, 144/52, 47A, 53 and 55).



Without warning, the police shot teargas and immediately after, soldiers shot live ammunition. © Private

“The way they squatted with guns pointing directly at the crowd, I was terrified. I kept praying I make this one out alive. The first attack was tear gas... I was still struggling with the tear gas when I saw them shooting. These soldiers were shooting close range. Everybody ran in different directions.”

A trader described the moment the military started shooting⁷⁵

Onyemaobi Okechukwu (not his real name), a 30-year-old man who was at the prayer session, told Amnesty International: “The police came around the area... We thought they came for inspection to know if we were violent and what we were doing and to know if we had any weapons. But we had no weapons. We only had our bibles and our flags... I heard a noise approaching, so I looked around and saw the soldiers were coming in with speed, surrounding us, as if they were sent to finish us. They pointed guns at us. I left them and went back to my prayers. I heard a gunshot sound. It was tear gas at first... I was down, but my brothers were running for their lives, some falling down dead.”

A 35-year-old trader told Amnesty International: “As the IPOB coordinators were addressing us, the army surrounded us. The commander of the army came out and ordered the coordinator to come out and they were taken away. As this was going on we were praying. The soldiers did not leave the scene but were spreading out and encircling us. They were shooting live bullets.”

Chi Nwachukwu (not his real name) said: “People started panicking... I heard the sound of gun, powpowpow. I saw my brother falling down... I saw three of them falling down.” Another 50-year-old eyewitness said: “I saw the army people shooting the IPOB people with their guns. They killed eight which they took in their Hilux, they carried them in their Hilux and sat on top of them.”⁷⁶

⁷⁵ Amnesty International interview, Aba, March 2016.

⁷⁶ Amnesty International interview, March 2016.

VIDEO EVIDENCE OF THE INTENT TO KILL AND INJURE

Videos of the killings on 9 February reviewed by Amnesty International show that approximately 50 soldiers and officers ran into the field where the IPOB members had assembled and surrounded them.⁷⁷ They established a perimeter and crouched down, aiming their firearms. After the military surrounded the crowd, four policemen can be seen walking into the field to talk to the protesters. The policemen were not in formation and showed no intent to control the crowd. When the police officers withdrew, what appears to be tear gas was fired into the crowd and seconds later, the soldiers fired live ammunition. Several people can be seen falling to the ground, while the majority ran away. The soldiers continued to shoot at the fleeing crowd. After the shooting, the soldiers secured the area; there was no indication of any intention to control or police the crowd. Soldiers are seen arresting several IPOB members who didn't run away or were wounded, apparently at random, as others can be seen leaving the field. Videos show those arrested being taken to military Hilux vans, and soldiers beating them while loading them on the vans. One injured man can be seen crawling towards the entrance gate of the school; no police or military officer appears to offer help. At least three people can be seen lying motionless in the field where the shooting happened.

The video evidence shows that this was not a law enforcement operation aimed at controlling the assembled crowd, instead it was a military operation with intent to kill and injure.

“One of the soldiers said, ‘If you know you are alive in this vehicle, get down. I carry only dead bodies’”

Trader described what happened after the shooting⁷⁸

Mrs Mary Chukwu (not her real name), a trader and mother of six, said she laid flat on the ground when the shooting started. She was then arrested and beaten by a soldier. She said the soldiers told her to enter a military Hilux vehicle and sit on top of severely injured people, and when she refused, they took her to another vehicle. “I was directed to enter another Hilux with lifeless looking bodies in them. I was about to jump in when one of the soldiers said, ‘If you know you are alive in this vehicle, get down. I carry only dead bodies’. I was transferred to another vehicle.” She estimated there were 10 corpses in the Hilux. Another witness who was also asked to enter the same Hilux with corpses estimated there were eight.⁷⁹

Another eyewitness told Amnesty International that he saw a soldier shoot a man who tried to escape: “I started crawling towards the fence. On getting to the fence, I saw a guy trying to scale the fence and [he] was shot down by one of the military men. That made me think of not going towards the fence.”⁸⁰

Amnesty International has not been able to confirm the exact number of deaths. All eyewitnesses interviewed by Amnesty International said they saw a number of people killed and taken away in a military Hilux vehicle.

The videos analysed by Amnesty International also show a white police van being driven onto the field, possibly to collect the dead and injured. The videos further show that after all the IPOB members had left, soldiers set fire to the field. Eyewitnesses said they burnt all the blood and belongings left in the field in what they believed was an effort to destroy evidence.⁸¹

⁷⁷ Amnesty International received 15 video clips of the gathering at National High School and its aftermath.

⁷⁸ Amnesty International interview, Aba, March 2016.

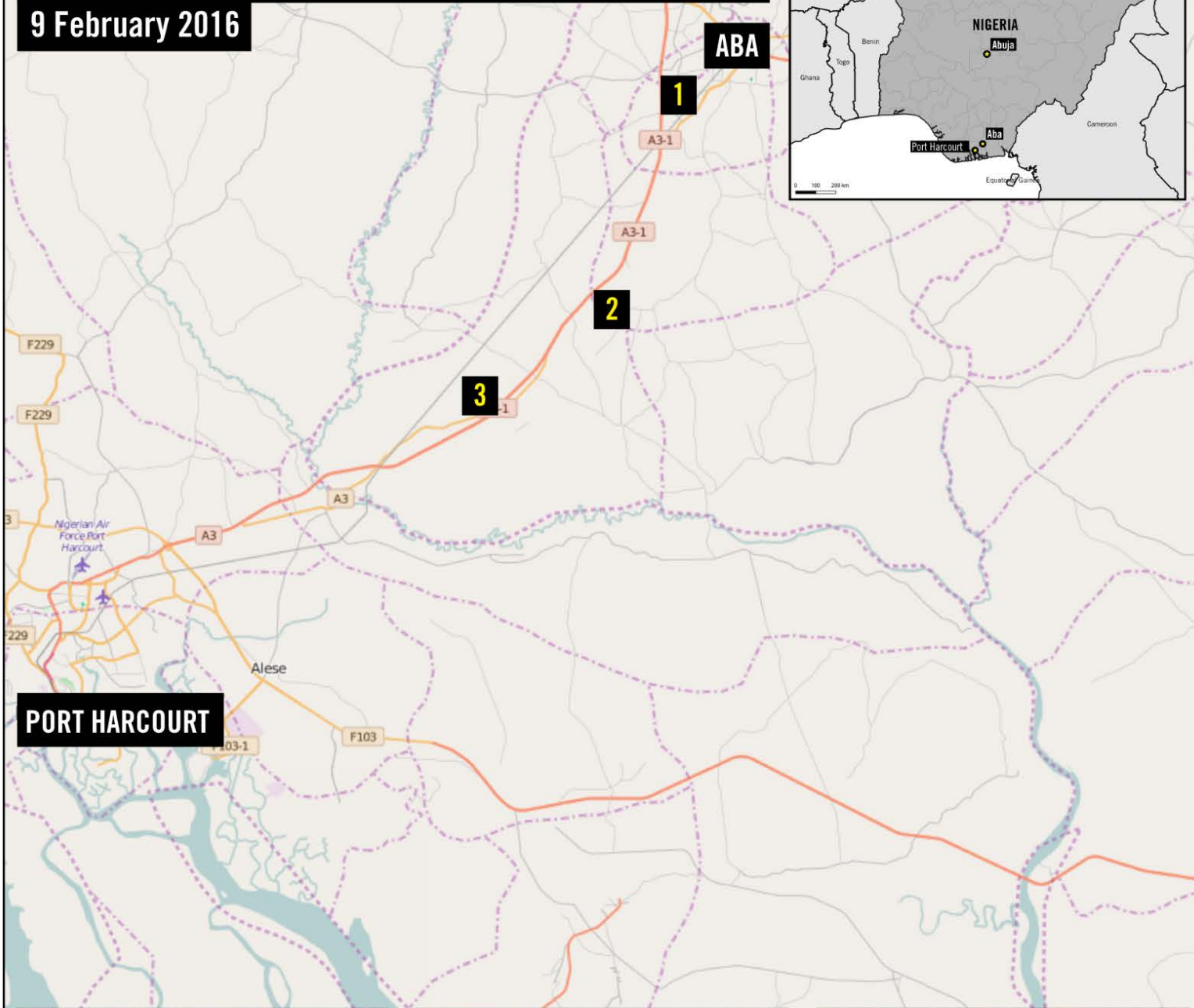
⁷⁹ Amnesty International interviews, Aba, August 2016.

⁸⁰ Amnesty International interview, Aba, August 2016.

⁸¹ Video footage also shows the fire on the field.

The Killing of Pro-Biafra Activists in Aba

9 February 2016



PORT HARCOURT

ABA



1 Aba High School, where the military shot at pro-Biafra activists on 9 February 2016.



2 Dumping ground, where 13 corpses were discovered on 13 February 2016.



3 144 Battalion Barracks, Asa, Nigeria.

In addition, witnesses said four people died before they reached hospital. Amnesty International has received a list with 10 names of men who, according to the IPOB leadership, were killed in this incident.⁸²

Amnesty International has also interviewed six relatives of these men and has reviewed a video showing two men who died before they reached hospital. In addition, an estimated 30 people were injured.

On 20 April 2016, the Police Force Criminal Investigation Department (FCID) met with an Amnesty International delegate to discuss the shooting. The FCID mentioned they could not send a team to Aba to investigate because of financial constraints. According to Amnesty International's research, the government has not carried out an independent investigation into this incident.

MILITARY'S ACT OF KILLING AMOUNTS TO EXTRAJUDICIAL EXECUTIONS

When policing a crowd, law enforcement officers should first approach any situation with non-violent means such as de-escalation, negotiation and mediation. Their actions should be driven by an approach of facilitation.⁸³ Moreover, the decision to resort to the use of force (and what level of force) must comply with the principles of necessity and proportionality.⁸⁴

In this case, however, the videos show that the crowd did not pose a threat at all. All witnesses interviewed by Amnesty International confirmed that they were unarmed and did not engage in confrontation with the security forces. Their own stewards controlled the crowd. Consequently, the use of firearms was not only unlawful, the killings by the military were clearly intentional and amount to extrajudicial executions.



Police and military as they leave Aba High School. © Private

⁸² List on file with Amnesty International.

⁸³ Amnesty International, Use of Force: Guidelines for Implementation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials

⁸⁴ See UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and Amnesty International, Use of Force: Guidelines for Implementation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.



13 corpses were found on 13 February in a borrow pit along the Aba – Port Harcourt expressway. According to local human rights defenders, these were men who were taken away from the school by the military on 9 February. On 2 March the corpses had been burned. © Private

THIRTEEN CORPSES BURNED

On 13 February 2016, four days after the shootings at the National High School in Aba, residents in the area discovered 13 corpses in a borrow pit⁸⁵ along the Aba – Port Harcourt expressway. According to local human rights defenders, these were men who were taken away from the school by the military on 9 February. An Amnesty International researcher visited the site on 18 February and saw 13 corpses of men lying in two locations; eight had their hands tied behind their back, three of whom were blindfolded. The bodies displayed a dried appearance evinced by leathery, wrinkled skin overlying their skeletal structure. The researcher saw a Biafra flag and some belongings lying close to the corpses. There was no insect activity and there was no strong smell, which could indicate that a chemical substance had been applied.⁸⁶

On 20 February, a coalition of human rights groups sent a letter to the Minister of Interior and Chief of Defence Staff to request an investigation.⁸⁷ On 21 February, the Army Headquarters announced they would investigate the allegations.⁸⁸ Amnesty International also wrote to the Inspector General of Police to request an investigation into these allegations.⁸⁹

When a human rights defender returned to the site on 2 March, he saw that the corpses had just been burned.⁹⁰ Amnesty International has video footage showing the remains of the burned corpses.

⁸⁵ A pit from which soil, sand or gravel has been excavated to build an embankment.

⁸⁶ Amnesty International field investigation, Aba, February 2016.

⁸⁷ Letter from International Society for Civil Liberties and the Rule of Law (Intersociety) and the South East Based Coalition of Human Rights Organizations (SBCHROs) to the Minister of Interior and Chief of Defence Staff, 20 February 2016, "Pictures & Video Clips Of How Nigerian Military Massacred 22 Unarmed IPOB Members & Dumped 13 Of Them In Aba Borrow Pit: Why Security Chiefs Must Desist From Provoking More Insurgencies Capable Of Plunging Nigeria Into Syrian Style Violence".

⁸⁸ "We have sent an investigative team to ascertain the issue in Abia State about the complaint that our men shot some people involved in peaceful protests. I have confidence in our team and I know this was a joint operation but since we are part of it, we still need to verify. We investigate and at the end of the day prosecute the culprits." <http://www.premiumtimesng.com/investigationspecial-reports/204902-special-report-inside-massive-extrajudicial-killings-nigerias-south-east.html>

⁸⁹ Amnesty International letter to the IGP, 29 February 2016, ref: AIN/411/0058/2016.

⁹⁰ Amnesty International interview, 2 March 2016.

While there is no evidence indicating who burned the corpses, Amnesty International considers it likely that whoever was responsible for their deaths was attempting to destroy evidence.

Amnesty International asked two forensic experts to analyse video footage and pictures independently to determine the post-mortem interval. They both said that, taking into consideration the temperature in Aba between 9 and 18 February, it was possible that the men were killed on 9 February. The forensic anthropologist said the corpses were moved after death and further questioned the lack of insect activity, unusual for decomposing corpses. On the other hand, the forensic pathologist suggested that there was no insect activity because the corpses had been dry embalmed.⁹¹

A military source confirmed confidentially that after the shooting at the National High School in Aba, the military had taken the corpses of those shot at the scene as well as some injured detainees to the military barracks in Asa. He said that some of the injured detainees bled to death while in the military vehicle. All the corpses were then dumped in the nearby borrow pit. He said they had not embalmed the corpses but had poured some chemicals on them.⁹²

AT LEAST 60 KILLED AROUND BIAFRA REMEMBRANCE DAY, 29 AND 30 MAY 2016

On 30 May, Biafra Remembrance Day, more than 1,000 IPOB members and supporters gathered for a rally in Onitsha, Anambra state, to mark the 49th anniversary of the declaration of the Republic of Biafra. The night before, security officers of the joint task force '*Operation Kpochapu*' started a joint security operation which continued throughout 30 May.⁹³ The task force included members of the Nigerian army, navy, police, DSS and National Drugs Law Enforcement Agency. One week before the march, on 23 May, IPOB leaders had written to the Anambra State police asking them to "provide the enabling environment for a peaceful May 30th 2016 Remembrance rally".⁹⁴

On 29 May, the night before the rally, members of the army and police raided homes and a church in Nkpor where IPOB members were staying. The next day, the security forces shot people at several locations, predominantly in Nkpor, the venue for the rally, and in Asaba. Amnesty International has not been able to verify the exact number of killed and injured, but confirmed that at least 60 people were killed and 70 injured on and around 30 May. The real number is likely to be higher.

Between June and October 2016, Amnesty International researchers interviewed 51 people who witnessed the shootings in Onitsha, were injured or lost their relatives.⁹⁵ The organization also verified and reviewed 30 videos showing IPOB activities, joint security force operations and victims in the hospital.⁹⁶ Days after the shooting, an Amnesty International researcher visited three hospitals in Onitsha and saw 41 men being treated for gunshot wounds in the stomach, shoulder, leg, back and ankle. The researcher also visited three mortuaries in Onitsha and saw five corpses with bullet wounds, all brought in by IPOB members on 30 May. Some of the dead and injured IPOB supporters seen by the researcher had been shot in the back, an indication that they were fleeing the scene when they were shot.

In addition, Amnesty International interviewed 15 eyewitnesses to the shootings in Asaba and three relatives of those killed. The Nigerian army has said in a statement that it acted in self-defence, and that only five IPOB members were killed.⁹⁷ However, Amnesty International has seen no evidence that the killings were necessary to protect life, as required under international standards on the use of force. All the witnesses and victims that the organization interviewed said, independently, that the protesters were not armed. However, witnesses told Amnesty International that some protesters responded to the security operation with violence.

⁹¹ Amnesty International interviews.

⁹² Amnesty International interviews, Aba, June 2016.

⁹³ Amnesty International interviews, May – October 2016, and analysis of video footage.

⁹⁴ Letter from IPOB to the police on file with Amnesty International

⁹⁵ Amnesty International interviewed 46 eyewitnesses and injured people and five relatives.

⁹⁶ Videos on file with Amnesty International.

⁹⁷ Premium Times, 'Why protesting MASSOB, IPOB members were killed — Nigerian Army', 31 May 2016. Available at: www.premiumtimesng.com/news/headlines/204410-protesting-massob-ipob-members-killed-nigerian-army.html

Asaba and Onitsha, Nigeria



Asaba



Federal Medical Centre

Federal College of Education

Onitsha

Nkpor Motor Park

Nkpor

Head Bridge

302 Barracks

Medical Centre

St. Edmund's Catholic Parish

Crown Hospital

SOUTHEAST NIGERIA



0 1 2 km

For example one young man said that he threw stones at the police and military after they fired tear gas at the IPOB members. He said the military then fired live ammunition in return. There also was one isolated incident of violence in Asaba, where a man with an IPOB cap shot at the police. Witnesses said that the soldiers loaded corpses onto their vehicles and took them to Onitsha military barracks. Video footage also shows members of the security forces taking injured as well as possibly dead people.

ONITSHA: PEOPLE GATHERING FOR THE REMEMBRANCE RALLY TARGETED



Stills from video footage showing an operation by security officers of the joint task force Operation Kpochapu in Nkpor, Obosi Road. © Private

On the night of 29 May, soldiers and police stormed the compound of St Edmunds Catholic church in the Nkpor area of Onitsha, where hundreds of people who had come from neighbouring states were staying for the night ahead of the Remembrance rally. A 32-year-old hair-dresser who was in the church compound told Amnesty International: “At about midnight we heard someone banging the door. We refused to open the door but they [the soldiers and police] forced the door open and started throwing tear gas. They also started shooting inside the compound. People were running to escape. I saw one guy shot in the stomach. He fell down but the tear gas could not allow people to help him.”⁹⁸ Amnesty International interviewed seven people who stayed in the church that night. They all said that at least one person died and four were injured during this incident. One of the injured men later died of his injuries in hospital.⁹⁹ The soldiers and police left without making any arrests.¹⁰⁰

Witnesses told Amnesty International that later that night the soldiers and police also shot at people who were spending the night at Nkpor Motor Park. One eyewitness told Amnesty International: “In the night, soldiers came to the park and started shooting. We all ran away. Nobody was killed but six people sustained injuries.”¹⁰¹

The next morning, the army, navy and police were deployed throughout Onitsha.¹⁰² Amnesty international documented killings in four locations during the day.¹⁰³ Witnesses told Amnesty International that the soldiers gave no warning before opening fire. After the shootings, the security officers of the

joint task force swept the streets, as video evidence confirms. A witness who was shot and detained by the military and driven around the town before the soldiers took him to the Onitsha Barracks also told Amnesty International that soldiers shot several people while going round the town: “They shot a man who was hiding in a nearby gutter. They shot at him and killed him because he was filming them. They also shot at people who were filming from a window.”¹⁰⁴

There were at least two separate shooting incidents at Nkpor Motor Park, the venue of the rally. The security forces arrived at around 8am and around 11am. According to eyewitnesses, the security forces killed people in both incidents but they thought the second attack caused more casualties. Around 8am, soldiers opened fire on a group of around 20 men and boys aged between 15 and 45 at Nkpor Motor Park.

⁹⁸ Amnesty International interview, June 2016.

⁹⁹ Amnesty International interviews, June and August 2016.

¹⁰⁰ Amnesty International interviewed seven people who witnessed this attack.

¹⁰¹ Amnesty International interviews, June and August 2016.

¹⁰² Amnesty International interviews and review of video footage.

¹⁰³ These include e-Nkpor/ Nkpor market, Nkpor Motor Park, Limca road Onitsha/ Nkpor Junction and Flyover Bridge. According to a *Premium Times* investigation there were shootings at eight different locations. See: www.premiumtimesng.com/investigationspecial-reports/205176-special-report-onitsha-massacre-pro-biafra-supporters-coordinated-sss-operative.html

¹⁰⁴ Amnesty International interview, Port Harcourt, August 2016.

An eyewitness told Amnesty International that five of them were killed. “I stood about two poles [approximately 100 metres] away from where the [five] men were being shot and killed. I couldn’t quite hear what they were asking the boys, but I saw one boy trying to answer a question. He immediately raised his hands, but the soldiers opened fire... He lay down, lifeless. I saw this myself.”¹⁰⁵

The same witness said that military officers loaded men with gunshot wounds into one van, and what appeared to be corpses into another.

Amnesty International has received and verified two video clips which show security officers of the joint task force *Operation Kpochapu* in Nkpor, Obosi Road, at around 11am. The videos shows the troops discovering two injured men hiding in a gutter and dragging them out. As the men disappear from view, gunshots can be heard. While it is unclear if the men were in fact shot, an eyewitness told Amnesty International that he later saw their motionless bodies in a military Hilux van.¹⁰⁶

Video footage of injured people taken just after the 11am shootings at Nkpor Motor Park and when wounded people were taken to four hospitals¹⁰⁷ give an indication of the impact of the shootings. Scores of wounded and dead people can be seen. The hospitals appeared not to have sufficient capacity to treat all the victims. The videos show victims with bullet wounds, some of whom appear to be seriously injured, receiving treatment on the ground in the courtyard of the hospital.



Victims in an Onitsha based hospital. The hospitals appeared not to have sufficient capacity to treat all the victims. These pictures are stills of videos which show victims with bullet wounds, some of whom appear to be seriously injured, receiving treatment on the ground in the courtyard of the hospital. © Private

ASABA: IPOB MEMBERS KILLED TO PREVENT THEM REACHING THE RALLY

In Asaba (Delta State), on the other side of the river Niger, the army, police and navy were also patrolling the streets on 30 May to prevent hundreds of IPOB members and supporters from crossing the bridge to Onitsha to attend the Remembrance Day rally. Eyewitnesses said that the military and police told the protesters to disperse, but when they refused, they started shooting. Amnesty International received reports of at least three different shooting incidents in Asaba that day.¹⁰⁸ Amnesty International received a list with 29 names of people reportedly shot dead in Asaba that day, but was unable to verify the identities of the victims.

¹⁰⁵ Amnesty International interview on the phone, June 2016.

¹⁰⁶ Amnesty International interview, October 2016 and review of videos.

¹⁰⁷ Multicare hospital, Our Ladies hospital Owka Etiti, Crown hospital and Nnewi Teaching Hospital.

¹⁰⁸ Amnesty International interviewed 15 eyewitnesses and four relative of those killed.

The first incident happened at around 7am at Abraka road/Nnebisi junction, where approximately 200 people were assembled. According to eyewitnesses, the police blocked the road and initially shot tear gas. Without any warning, they subsequently shot live ammunition directly at the protesters, who then fled. Approximately six people were shot and at least one died.¹⁰⁹

Around 7.30 am, there was another shooting at Federal College junction, where according to the police, two police officers were killed.¹¹⁰ An eyewitness told Amnesty International that police officers asked the protesters to leave and when they refused, they shot at them. According to the witness, in reaction to the shooting, one of the protesters, who was wearing an IPOB cap, shot at the police, took a police officer's gun and left via Abraka market. Other eyewitnesses interviewed by Amnesty International confirmed that two or three police officers were killed, although they said they assumed it was by stray bullets.¹¹¹

On 31 May, the IGP released a statement condemning the killings of policemen and ordered all IPOB members to be disarmed.¹¹²

“He shouted ‘fire them’ and they started shooting at us.”

Chukwubuike Nwachukwu, 46-year-old civil servant, who witnessed the shooting in Asaba

THE KILLING OF BYSTANDERS

Soldiers also killed bystanders. In one such case, Ngozi Uche (not her real name), a 28-year-old mother of one, told Amnesty International that her husband left in the morning to go to work. At 9.45 he called her to say that the military had shot him in his abdomen. He said he was in a military Hilux with six others, four were already dead, on the way to Onitsha barracks. Ngozi Uche told Amnesty International: “He said I should take good care of myself and our daughter as he was not sure he would make it... he started whispering and said they just stopped the Hilux. He was scared they would kill the remaining three of them that were alive... He paused and told me they were coming closer. I heard gunshots and I did not hear a word from him after that.”¹¹³

The next day Ngozi Uche, friends and relatives searched for her husband and finally found his body in a mortuary in Asaba. The mortuary attendants told her that the military had brought him and six others. She saw three gunshot wounds: one in his abdomen and two in his chest, which confirmed her fear that the military had executed him. The mortuary refused to release the corpse, saying it belonged to the military, and several weeks later the military collected all seven corpses.¹¹⁴ To date, she has still not received the body, but she is too frightened to complain.

The third incident of the day happened at around 9am, when IPOB members and supporters, who had regrouped at the Toll Gate/Okoko Junction, along the highway between Delta and Anambra states, were stopped by the army and police. According to one eyewitness, who was at the front of the rally, a military commander told the protesters in the front that the Governor of Anambra state had instructed the military not to allow the protesters to cross the bridge to Onitsha. Chukwubuike Nwachukwu (not his real name), a 46-year-old civil servant who was at the front of the protest, said: “We told him that since we are not armed, why should he not allow us enter Anambra state? The man then ordered the soldiers to start shooting. He shouted ‘fire them’ and they started shooting at us.”¹¹⁵ Other witnesses confirmed that the shooting started after the police and soldiers told the IPOB members at the front of the rally that they had to leave. As one

¹⁰⁹ Amnesty International interviews with eyewitnesses, July and August 2016.

¹¹⁰ *Premium Times*, Many killed, police officers thrown into River Niger as MASSOB protests in Delta, 30 May 2016. Available at: www.premiumtimesng.com/news/headlines/204396-many-killed-police-officers-thrown-river-niger-massob-protests-delta.html

¹¹¹ Amnesty International interviews, July-September 2016.

¹¹² Nigeria Police Force press release, 31 May 2016, Police to Disarm IPOB Activists, Condemns Killing of Officers.

¹¹³ Amnesty International interview, Onitsha, September 2016.

¹¹⁴ Amnesty International interview, September 2016.

¹¹⁵ Amnesty International interview, Asaba, July 2016.

witness said: “The soldiers then started shooting at us. The police were shooting tear gas at the same time.”¹¹⁶

An additional witness told Amnesty International: “When we came back to the main road, I saw six corpses [being] taken away by the soldiers. Our leader instructed everyone to go back to his house.”¹¹⁷ Another man who was there said: “They open fire at us face-to-face. A friend of mine who was standing by my side was hit in his stomach. When I tried to drag him away, I was then hit by the bullet [in my hand]. So I left the body there and ran away. He was later taken by the police and army.” He said he hid in a swampy area close to the junction, from where he could see the military take the injured and dead away. According to witnesses, most of those killed by the military that day died at this location.¹¹⁸

VICTIMS BURIED IN A MASS GRAVE?

Fifteen witnesses told Amnesty International that they saw military officers and soldiers taking bodies of people killed and injured in Onitsha and Asaba to the military barracks in Onitsha. Video footage verified by Amnesty International also shows military officers and soldiers loading what appear to be dead and wounded people into an army Hilux van. A man who was detained on 30 May in Onitsha barracks and saw corpses dumped in front of the military mortuary inside the barracks said: “I could see 10 to 12 lifeless bodies. That was in the morning. In the evening, there were more but I could not estimate.”¹¹⁹ Another man who was detained on 30 May in Onitsha barracks and stayed in the military hospital from where he could see the compound said: “They buried many of the people they killed on Monday, on Wednesday. A nurse told me that the mortuary in the military hospital in the barracks was packed with corpses.”¹²⁰

Chukwuemeka, a 25-year-old trader, told Amnesty International that he was shot and taken alongside corpses to Onitsha barracks. He explained what happened inside the military barracks: “They dumped us on the ground beside a pit. There were two soldiers beside the pit. The pit was very big and so many dead people were inside the pit. I cannot estimate the number of people in the grave... We were dumped on the ground. The vehicle that brought us left. There were only the newly brought victims and the two soldiers guarding the grave.” He said that when the soldiers left to collect acid, he escaped and hid in the bushes. From his hiding place he saw how they poured acid¹²¹ on the corpses and threw them into the pit. He waited until night and left the barracks.¹²²

Amnesty International was not able to verify independently Chukwuemeka’s allegations of a mass grave, but they do confirm what others have said. For example, days after the shootings, civil society organizations reported that the corpses of those killed were buried in a mass grave in the Onitsha army barracks. An organization based in Anambra, the International Society for Civil Liberties and the Rule of Law (Intersociety), said that it had spoken with three sources from the DSS, military police and military who all said that 90 people were buried in 15 graves inside the military barracks.¹²³ Similarly, a *Premium Times* investigation, based on a DSS officer who witnessed the burial, revealed that on Wednesday 2 June the victims were buried in a mass grave inside the military barracks, at the cemetery close to Yahweh Church.¹²⁴

¹¹⁶ Amnesty International interview, Asaba, July 2016.

¹¹⁷ Amnesty International interview, Asaba, July 2016.

¹¹⁸ Amnesty International interview, Asaba, July 2016.

¹¹⁹ Amnesty International interview, Onitsha, September 2016.

¹²⁰ Amnesty International interview, Port Harcourt, August 2016.

¹²¹ This is known to be a common practice on the part of the security forces in some parts of Nigeria, possibly to destroy evidence. A forensic pathologist has confirmed to Amnesty International that this is a practice that is often used to prevent odour.

¹²² Amnesty International interview, Enugu, August 2016.

¹²³ See International Society for Civil Liberties & the Rule of Law (Intersociety) “Genocide Across The Niger: How Over 90 Biafran Heroes Day Activists Were Massacred By Security Forces & Buried In Military Cemetery Inside Onitsha Army Barracks”, 6 June 2016.

¹²⁴ See SPECIAL REPORT: How the Onitsha massacre of pro-Biafra supporters was coordinated — SSS operative, 13 June 2016 <http://www.premiumtimesng.com/investigationspecial-reports/205176-special-report-onitsha-massacre-pro-biafra-supporters-coordinated-sss-operative.html>

A PATTERN OF EXCESSIVE USE OF FORCE

“They didn’t give warning. They just started to shoot.”

Eyewitness to the 10 November 2015 shooting in Port Harcourt

Amnesty International has documented seven incidents in which Nigeria’s military and police used arbitrary, abusive and excessive force to disrupt gatherings (in addition to the incidents reported in the previous chapter).¹²⁵ From all of these incidents, a pattern emerged of arbitrary arrests and excessive use of force by the military and police.

In all cases documented by Amnesty International, the security forces used excessive force against protesters; moreover, the force was unnecessary as the protesters as a whole were not violent. Amnesty international did document some isolated cases of violence and damage to property, most frequently the burning of tyres and blocking of roads. In one case a participant took a gun from a soldier and in another, a person killed a policeman. However, the gatherings were generally non-violent and these pockets of violence and disorder could have been addressed differently. Witnesses told Amnesty International that in some cases, security forces instructed those at the front of the assembly to disperse, and that when they refused, they were shot at. According to witnesses, only in one case did the security forces use a PA system to address the assembly as a whole.

The military and police often used excessive, and sometimes also unnecessary, force to disperse gatherings using not only tear gas, but also firearms, which, as noted above (see Legal Framework, page 2), should never be used for this purpose.

One of the earliest shootings of IPOB members and supporters took place on **30 August 2015** in Onitsha, after IPOB members held a spontaneous march through the town early in the afternoon to distribute flyers about Biafra and talk to people about their cause. One man said: “We only had our bibles and flyers. No one was armed, we were so peaceful, and we didn’t even block the roads.”¹²⁶ Eyewitnesses said the first group of police officers they met were friendly and did not stop them. A military patrol also stopped to talk to them and took their flyers. At Uga junction however, a combined team of police, navy, army and civil defence personnel blocked the road with three Hilux vans and told those in front to turn around. According to eyewitnesses, the hundreds of marchers were not given enough time to organize themselves and turn around. The police and military shot teargas and live ammunition at the marchers, killing at least two and injuring 22.¹²⁷

On **19 October 2015**, approximately 50 women gathered around midday in Umuahia, at Abia state government house (the official residence of the state Governor), to protest against Nnamdi Kanu’s arrest five days earlier. They were stopped at the entrance by the police and DSS officers, who told them to wait. Video footage secured and analysed by Amnesty International shows that the women were not armed and were non-violent. They were singing and crying.¹²⁸ However, the police and DSS officers dispersed them with tear gas and beat them. An eyewitness told Amnesty International: “They did not give any warning. They just started tear gassing us. I saw a police with a handheld tear gas and shooting it directly at a women’s face... About five women were wounded. I sustained injury in my right leg.”¹²⁹ Uju Eze (not her real name), a 30-

¹²⁵ There have been more incidents. The cases documented in this report are only those that Amnesty International was able to verify.

¹²⁶ Amnesty International interview, Onitsha, May 2016.

¹²⁷ Amnesty International interviews with eyewitnesses, Onitsha, May 2016. Amnesty international also reviewed two videos.

¹²⁸ Amnesty International reviewed eight videos of the protest.

¹²⁹ Amnesty International interview, Aba, July 2016.

year-old trader, was there with her 11-month-old baby. She told Amnesty International how a DSS officer shot tear gas directly at her and the baby; the canister hit the baby on his eye. She said: “The canister hit my son’s eyes and I could hear him scream and cry at my back. I was finding it so hard to breathe at the point. The gas was painful. I felt my lungs were being burnt. I kept gasping for air but mostly I was worried about my baby.” She took her son to a hospital where he received treatment. She said that according to a doctor who treated the baby, he is losing his sight.¹³⁰

The next day, on **20 October**, another peaceful protest was held, this time by women in Awkawho, who marched to Anambra state government house to protest at the continued detention of Nnamdi Kanu.¹³¹ Security forces shot live ammunition at them to disperse the crowd. Chinwe Ogbodo (not her real name), a 41-year-old trader, told Amnesty International: “We marched towards the government house, singing and dancing. I was in front because I figured they would not hurt unarmed women. Around midday, we were almost at government house when I saw some military men and policemen. They surrounded us. Our women leaders asked us to kneel down and express our emotions the best way we can... We did just that until they started shooting directly at us. It was a horrible and sad sight to see the mothers with children run for their lives. I did not come with any of my children and I think it made escaping easier for me. I thought I had almost gotten away from the violence when a bullet hit my foot. The pain was excruciating.”¹³²

Amnesty International was not able to verify the number of women injured during this incident. Eyewitnesses said they saw five injured women and also confirmed the arrest of some protesters.

In another incident, on **6 November**, IPOB members from several states were shot after a combined protest was organized in Bayelsa state.¹³³ People travelled by bus from Port Harcourt to Bayelsa to join the march. At around 10am, some of the buses were stopped at Mbiamo, Rivers state, and a joint task force of soldiers and police arrested scores of IPOB members. One of them told Amnesty International that the police detained 80 people; all were released the same day.

Another eyewitness told Amnesty International that those who were not taken to detention were kept at Mbiamo for several hours. She said that soldiers pointed their guns at the remaining IPOB members, causing panic. She said: “Around 5pm the Army commander started addressing us saying “we are not here to kill you, we are just advising you to go home”. Just as we got up to go, he then said we had just three minutes to disperse. In what felt like a few seconds after the commander spoke, I saw men fall lifelessly with the rattling sound of military rifles. People took to their heels, most of us running into the swamps.”¹³⁴ Amnesty International was not able to confirm the number of people killed during this incident.

On **10 November**, after a Federal High Court ordered the detention of Nnamdi Kanu for 90 days, there was another march in Port Harcourt. According to eyewitnesses, hundreds of women, men and children were marching and singing peacefully. IPOB members who had marched from Aba to Port Harcourt the day before joined this demonstration. Video clips of their march from Aba to Port Harcourt, secured and analysed by Amnesty International, shows that thousands of people marched peacefully.¹³⁵

In the morning, just before Eleme junction in Port Harcourt, where the two groups of marchers would join together, they were stopped by a joint taskforce of navy, army, mobile police and police with two armoured tanks.¹³⁶ They shot tear gas and live ammunition at the marchers.¹³⁷ One eyewitness who was at the front of the demonstration told Amnesty International that some members of the security forces asked the marchers to turn back. But they didn’t use a loudspeaker and only spoke to the people at the front. According to the eyewitness: “They didn’t give warning. They just started to shoot. Many people were shot on their legs and they chased us away.” He said he was shot in his left hand and after a tear gas canister hit his head, he lost consciousness. When he recovered, the police took him to a hospital.¹³⁸

¹³⁰ Amnesty International interview, Aba, July and September 2016.

¹³¹ Amnesty International interviews, Port Harcourt, May 2016.

¹³² Amnesty International interview, Port Harcourt, May 2016.

¹³³ Amnesty International interviewed three eyewitnesses.

¹³⁴ Amnesty International interview, Port Harcourt, March 2016.

¹³⁵ Amnesty International interviewed 11 eyewitnesses and reviewed and verified seven videos.

¹³⁶ Videos verified by Amnesty International show the soldiers and police as well as Hilux vans from 144 Battalion.

¹³⁷ Amnesty International interviewed six eyewitnesses who all confirmed that the marchers were not violent before the police and military shot them.

¹³⁸ Amnesty International interview, Port Harcourt, March 2016.

Kenechukwu Onyinye (not his real name), a 25-year-old tricycle driver, was shot in the knee. He told Amnesty International: “I was frightened and confused because I did not expect an attack. The military man a few meters from me aimed and shot my knee, I thought I was going to die.”¹³⁹

According to another eyewitness who was shot in the hand: “I witnessed two people killed in front of me. The first person was shot in the head. The second person was shot in the back. They both died on the street. More than 20 people were wounded.”¹⁴⁰ Amnesty International has not been able to verify the total number of people killed or injured on this day.

On **18 January 2016**, IPOB members and supporters marched in Aba towards the National High School for a prayer session for the release of Nnamdi Kanu.¹⁴¹ Eyewitnesses said they were unarmed. According to an IPOB official in charge of security, the state coordinator called off the meeting at 9am when the military and police arrived at the National High School.¹⁴² Several protesters instead went to the Aba-Enugu expressway and burnt tyres. Eyewitnesses said that the police and military went after them and shot tear gas and live ammunition.¹⁴³ According to the IPOB security official, peaceful protesters were also shot at near Ariaria market the same day.¹⁴⁴

Videos¹⁴⁵ of that day and verified by Amnesty International show hundreds of IPOB members and supporters marching through the streets of Aba. IPOB security members can be seen trying to control and direct the protest. Soldiers from 144 Battalion can be seen blocking Port Harcourt road. Other video footage shows two men lying dead on the ground. One was shot in his back and a large hole can be seen on his chest where the bullet exited his body. The other one appears to have been shot in his head – he was lying in a pool of blood. A third man, shot in the stomach and also captured on video, died in hospital. At least five people were injured on this day, including two women. They were shot in their head, hand, leg, foot and stomach.¹⁴⁶ According to eyewitnesses, the protests and shooting continued until around 3pm. The governor reiterated the ban on protests but later distanced himself from the shooting of IPOB members and supporters.¹⁴⁷

Similarly, on **29 January**, there was a gathering at the National High School in Aba to pray for the release of Nnamdi Kanu. An IPOB security official who was there told Amnesty International that the organizers received calls at around 9am warning that the police and military were on their way, so everyone tried to leave the compound. He said: “We came out briefly and the military started shooting. We ran in all directions. They shot directly at some of our coordinators.”¹⁴⁸

Another eyewitness told Amnesty International that first the police shot tear gas and as the crowd dispersed, the military shot at them. He was shot in the back of his leg. He said he saw two people lying lifeless on the ground.¹⁴⁹ The protesters reconvened at Orata old expressway, where according to him, the military shot at them again. “At first the army was shooting up in the air, but the protesters continued to protest. The military retreated, one of their soldiers fell down and his gun also fell to the ground. One of the hooligans took the soldier’s gun and didn’t return it.”¹⁵⁰ A military source confidentially told Amnesty International that protesters pulled one soldier out of their Hilux van and took his gun. According to him, this incident had provoked the military saying: “the captain gave orders to shoot if there would be any resistance.”¹⁵¹

¹³⁹ Amnesty International interview, Port Harcourt, March 2016. IPOB members helped him and took him to a hospital, but because he didn’t have money for surgery he went to a traditional doctor. He told Amnesty International that he is still in pain and walks with a stick.

¹⁴⁰ Amnesty International interview, Port Harcourt, March 2016.

¹⁴¹ Amnesty International interviewed seven eyewitnesses, including one relative of a man who was killed. The organization also reviewed five videos.

¹⁴² Amnesty International interviews, January – July 2016.

¹⁴³ Amnesty International interviews, April – July and review of video footage.

¹⁴⁴ Amnesty International interview, Lagos, April 2016.

¹⁴⁵ Amnesty International analysed and verified five videos.

¹⁴⁶ Amnesty International interviews and review of video footage.

¹⁴⁷ Press release Abia State government, 18 January 2016, THE ARMY DON’T TAKE ORDERS FROM GOVERNOR IKPEAZU, <http://abiaonline.gov.ng/?p=3097> “It must also be noted that Governor Ikpeazu does not have the powers to order or mobilize the Armed Forces to shoot at any group. The Army takes its orders directly from the military high command and from the Federal government. The Army exist to protect the territorial integrity of the country and wade off external aggression and only intervene when there is a high level of threat to peace and breakdown of law and order.”

¹⁴⁸ Amnesty International interview, Lagos, April 2016.

¹⁴⁹ Amnesty International interview, Aba, March 2016. He said he didn’t go to a hospital because he heard that the military went to the hospitals to arrest people with gunshot wounds. The bullet was removed by a traditional doctor.

¹⁵⁰ Amnesty International interview, Lagos, April 2016.

¹⁵¹ Amnesty International interview, Aba, June 2016.

VICTIMS DENIED LIFE-SAVING TREATMENT

Amnesty International has documented a consistent pattern of hospitals facing pressure from the security forces to refuse to treat people with gunshot wounds, contrary to the Basic Principles which require that “assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment”.¹⁵²

In Onitsha, for example, after the shooting at Head Bridge on 17 December, at least 20 protesters were injured and received treatment in Multicare hospital. Seven injured people told Amnesty International that the staff at other hospitals would not treat them unless the victims had a letter of authorization from the police.¹⁵³

Emeka Nwachukwu (not his real name), who was shot on 17 December, told Amnesty International that he first went to Paragon hospital. “We were three injured people at the hospital but the hospital staff were afraid to treat us. We were then taken to Multicare hospital where we were attended to.”¹⁵⁴

Similarly, in Aba, after the 18 January shooting, hospitals refused to treat victims with gunshot wounds. Kenneth Okonkwo (not his real name), a 29-year-old trader, told Amnesty International that his brother was shot by a soldier at St. Michaels Road: “We watched as one of the military guys bent his knee, aimed and shot directly at the small crowd. At this point, everyone took to their heels. I was shocked. I immediately heard a louder gunshot and looked back to find my brother on the ground. He had his intestines gushing out of his belly. I became confused. I began to shout and panic before I covered his wound with my palm.” He first went to Wimpole hospital but hospital staff refused to treat his brother without a letter from the police. They then went to a teaching hospital, where staff advised them to go to the teaching hospital at Umueze. “At this point, my brother was still alive and talking. The nurses put him on a stretcher and carried him to the emergency room. He died before they could perform any surgery. The doctor just came and told me my brother is gone.”¹⁵⁵

Likewise, another man told Amnesty International how an injured IPOB member died on Remembrance Day in Asaba because he was not accepted by any hospital: “One of our members was shot in the stomach. We took him to several [private] hospitals but they rejected him. He died when we were taking him from one hospital to another.”¹⁵⁶

People shot in Port Harcourt in November 2015 also told Amnesty International that hospitals refused to treat them without a police report.¹⁵⁷ A 35-year-old welder said: “The hospitals were afraid of the police. I was bleeding but no hospital agreed to treat me. The hospitals said they do not treat bullet wounds.” He was eventually admitted to Heritage hospital, where he received treatment.¹⁵⁸

Hospitals often refuse to treat people with gunshot wounds because, in the past, the police insisted that doctors need a police report before treatment.¹⁵⁹ As far as Amnesty International could ascertain, there is no such provision in Nigerian law. Already in 2006, after a country visit to Nigeria, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions concluded that: “police have systematically encouraged a practice whereby medical personnel will not treat individuals reporting with bullet or knife wounds before receiving police authorization. Since permission is often delayed or withheld, many casualties occur.”¹⁶⁰ While the Nigeria Police Force claims it has called on hospitals to treat victims with gunshot wounds,¹⁶¹ many hospitals still ask for police reports.

In 2009, the National Assembly discussed a bill to make the treatment of gunshot victims compulsory in hospitals; it did not pass. A similar bill was reintroduced in November 2015 and in June 2016 the House of

¹⁵² Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, principle 5 (c).

¹⁵³ Amnesty International interviews with eyewitnesses, injured people and hospital workers, February 2016.

¹⁵⁴ Amnesty International interview, Aba, February 2016.

¹⁵⁵ Amnesty International interview, Aba, July 2016. Amnesty International also received a video of him just after he was shot and photos of him in the emergency room, showing his intestines out of his body.

¹⁵⁶ Amnesty International interview, Asaba, July 2016.

¹⁵⁷ Amnesty International interviews, Port Harcourt, May 2016.

¹⁵⁸ Amnesty International interview, Nnewi, August 2016.

¹⁵⁹ See for example Amnesty International, *Killing at will*, 2009, available at www.amnesty.org/en/documents/AFR44/038/2009/en/

¹⁶⁰ UN Doc: E/CN.4/2006/53/Add.4.

¹⁶¹ *Premium Times*, Police IG: Hospitals free to treat all accident, gunshot victims, 21 August 2015, available at www.premiumtimesng.com/news/top-news/188795-police-ig-hospitals-free-to-treat-all-accident-gunshot-victims.html

Representatives passed it.¹⁶² The Federal Ministry of Health has also frequently announced that hospitals must treat gunshot victims.¹⁶³

Amnesty International has also received reports that the police and military denied injured detainees medical care. Among those arrested on 9 February in Aba, there were many injured people. One eyewitness told Amnesty International: “Almost everyone was bleeding but there were certain people with worse conditions. We begged the military to take the badly wounded to the hospital. They did not listen to us.”¹⁶⁴ Eventually, four were transferred to the Federal Medical Centre Umuahia I, but the remaining 20 were all detained overnight, and the next day they were remanded in prison. Another eyewitness told Amnesty International: “After a while, we were thrown into the cell to spend the night. I still think the cell was the worst of the whole torture. It was a tiny cell with about 22 people in it. There was no space to neither sit nor lay down. A lot of people were bleeding so the room was nauseating.”¹⁶⁵

“The soldier said they will not treat us. That we’ll die painfully.”

Former detainee and torture survivor, who was arrested by the military on Remembrance Day



IPOB members in Nkpor, 30 May 2016, Onitsha. © private

¹⁶² National Assembly, House of Representatives, ‘Compulsory treatment and care of victims of gunshots bill’. The Senate will have to pass the bill as well before the President can sign it into law.

¹⁶³ In May 2016, the Minister told medical doctors to treat gunshot victims, available at www.vanguardngr.com/2016/05/fg-removes-restraints-treating-gun-shot-victims/

¹⁶⁴ Amnesty International interview, Aba, August 2016.

¹⁶⁵ Amnesty International interview, Aba, August 2016.

TORTURE AND OTHER ILL-TREATMENT

Most of the people arrested after IPOB assemblies have told Amnesty International that they were beaten or subjected to other forms of ill-treatment – men and women alike. Some were tortured while in detention. In addition there is a consistent pattern of people in need of medical care being refused medical treatment by both hospitals and the security forces.

During and after most incidents documented by Amnesty International in which protests were dispersed, the military and police beat scores of Biafra supporters. Video evidence confirms this pattern. For example, in Aba on 9 February (see page 26) a group of soldiers took five IPOB coordinators to a Hilux van and beat them with an iron rod. They were then taken to Asa military barracks, where the soldiers continued beating them.¹⁶⁶ Later in the afternoon, the soldiers took the coordinators to Aba Central Police Station, where they joined other arrested people and all were then taken to Zone 9 Headquarters in Umuahia. According to eyewitnesses, most were injured.¹⁶⁷ Four of them, all critically injured, were that same day transferred to hospitals and later released.

One of those arrested said: “I heard them trying to force one of our women to admit that we were at National High School to make trouble. I did not like the way the soldiers were badgering her. I told them to take it easy on her, that she is a woman. The soldiers got very agitated at this. They hit me with an iron till I could not scream any more. All this while, I kept shielding my face with my hand. This led my thumb to be broken until now.”¹⁶⁸

Video evidence of the shooting at National High School, Aba, as well as eyewitness testimonies confirm that the soldiers beat women and men alike. A trader and mother of five told Amnesty International that she fell on the field and a soldier started beating her: “A soldier hit the butt of his gun on my head... He commanded me to stand up. I struggled and finally got up. I had blurry vision. He said he noticed I was shaking my butt while I was dancing in the crowd. I did not say anything to him. He urged me to shake my butt for him. When he noticed I was ignoring him, he slapped me and started hitting me with an iron rod. Later, he asked me to enter a Hilux vehicle... They took my earrings, necklace, wrist watch and sunglasses.”¹⁶⁹

Another 48-year-old woman who was also arrested at Aba National High School told Amnesty International: “I was still lying flat on the ground when someone kicked my behind with so much force. I would never forget the pain. I turned to look and it was a soldier. He asked why an old woman like me would be part of a trouble making association. I told him I have not committed any offence. This infuriated him more. He kept beating me with a big iron rod. The beating was getting almost unbearable when another soldier asked him to take it easy on me. He reminded him that I am an old woman.”¹⁷⁰

¹⁶⁶ Amnesty International interviews with eyewitnesses, February - August 2016.

¹⁶⁷ Amnesty International interviews with eyewitnesses, February - August 2016.

¹⁶⁸ Amnesty International interview, Aba, August 2016.

¹⁶⁹ Amnesty International interview, Aba, August 2016.

¹⁷⁰ Amnesty International interview, Aba, August 2016.



Soldiers and police just after they shot at the peaceful IPOB members and supporters. They beat those who did not run away. © Private

Similarly, other people detained by the military told Amnesty International that they were beaten and ill-treated. A man who was detained in Onitsha Barracks after the Remembrance Day shooting on 30 May 2016 told Amnesty International: “Those in the guard room [detention] were flogged every morning. The soldiers tagged it ‘Morning Tea’.”¹⁷¹

Four people told Amnesty International that the military used an unidentified form of acid on injured IPOB members and supporters.

Vincent Ogbodo (not his real name) a 26-year-old trader from Abia state, said that he was shot on Remembrance Day (30 May 2016) in Nkpor and hid in a gutter. When soldiers found him, he said they sprayed acid on him. “A naval officer came close to where I was lying. He asked me to shut up my mouth. I kept pleading, please don’t kill me. I am not a criminal. I’m a freedom fighter. He then started pouring acid on me. He wanted to pour it on my face, but I covered my face. I would have been blind by now. He poured acid on my hands. My hands and body started burning. The flesh was burning. The acid was burning my skin... I screamed until all the water in my system was draining. I stopped shouting...They dragged me out of the gutter. They said I’ll die slowly. They dropped me on the floor, for me to die. I refused to die. One threatened to hit me with his dagger if I keep shouting.”¹⁷² Amnesty International has also reviewed three videos showing a victim who says the military poured acid on him. The videos show serious burning wounds.¹⁷³ A man who received treatment in Onitsha military barracks hospital said he saw soldiers bringing “more people with gunshots and acid bath”.¹⁷⁴

Some IPOB members told Amnesty International that they had been forced to sign a statement. Samson Kanayo (not his real name), a 38-year-old trader who was arrested on 9 February, told Amnesty International: “After some hours they asked us to give oral statements which the Investigating Police Officer wrote down as I spoke. In the course of the statement, I was beaten. The policeman told me that the government does not wish to hear anything about Biafra. He asked me if we were armed or violent, I said we were not but he kept saying we must have been armed but I insisted that we were peacefully praying for the actualization of Biafra. He got infuriated and started hitting me and asked me to sign my statement.”¹⁷⁵


¹⁷¹ Amnesty International interview, Onitsha, September 2016.

¹⁷² Amnesty International interview, Port Harcourt, August 2016.


¹⁷³ Video footage on file with Amnesty International. Amnesty International showed the video footage to a medical expert, who concluded that the wound patterns are consistent with acid wounds.

¹⁷⁴ Amnesty International interview, Onitsha, September 2016.

¹⁷⁵ Amnesty International interview, Aba, August 2016.



“[The soldier] poured acid on my hands. My hands and body started burning. The flesh was burning. The acid was burning my skin...”



Two photos of an acid victim. © CMAP/cmapping.net

UNLAWFUL ARREST AND DETENTION

Witnesses told Amnesty International that after each of the incidents documented in this report, the military and police arrested tens of IPOB members and supporters. Rather than arresting everyone present in an organized way, they carried the arrests out randomly. Those arrested were taken to military barracks and in some cases later transferred to police stations or hospitals. In six cases, the military went from hospital to hospital to arrest injured victims.

The security forces have arrested a significant number of IPOB officials; some were arrested at IPOB events while others were arrested at their homes. While some have been released, many others were charged with treason, punishable by the death penalty under Nigerian law. The precise number of people who have been arbitrarily arrested and detained in southeast Nigeria because of their supposed links to IPOB or support for Biafra is unknown.

ARBITRARY ARRESTS AND DETENTION

In most cases, the police and military carried out arrests after violently disrupting pro-Biafran gatherings. Since August 2015, hundreds of IPOB members and supporters have been arrested. **On 18 January in Aba**, for example, the military and police arrested at least 83 people at different locations, possibly to prevent or disrupt an IPOB gathering planned that day at Aba National High School.

A man who was arrested at Aba High School said: “We were not armed. We only came with flags and bibles.”¹⁷⁶ Others told Amnesty International they were arrested on their way to the High School, possibly because they carried a flag or wore a pro-Biafra cap.¹⁷⁷ For example, Chisorom Chineme (not his real name), a 35-year-old barber, was arrested while on his way to the High School. He believes it was because he had a Biafra flag. “They took us to Central Police Station at about 9am where they paraded us and videotaped us. They took a machete and placed it beside us while they videoed us and claimed that we were armed with the machete while protesting.”¹⁷⁸

The next day, the police brought 26 people – 23 men and three women – to court and charged them with membership of an unlawful society, blocking the highway and carrying illegal arms. Those arrested said the lawyer who represented them was not their own choice; one man told Amnesty International that he thought he worked with the police because he saw that the lawyer shared money with the police. Another man told Amnesty International that the case was adjourned three times because the police did not appear. In August, the judge struck out the case.¹⁷⁹

The army also detained at least 57 people in their barracks on 18 January. Christopher Eze (not his real name), a 26-year-old trader, told Amnesty International that soldiers arrested him without any reason around 11am at Ngwa Road. According to him, all passers-by raised their hands in the air, but the soldiers picked him and took him to the barracks at the former Ngwa High School. He said: “They picked up a few more people on our way, by the time we got to Ngwa High School Barracks, there were 57 of us. They insisted we had to meet their commander before we were released. The next day, one of their commanders came and interviewed us individually. After the interview you were either asked to join group 1 or 2.”¹⁸⁰

He said 37 people were released. He was among the remaining 20, who were detained at the barracks until 25 January when they were transferred to Ohafia Barracks, Abia State. After 13 days, he and three others

¹⁷⁶ Amnesty International interviewed six people who were at Aba National High School or were arrested at other locations in Aba.

¹⁷⁷ Amnesty International interviews, Aba, July 2016.

¹⁷⁸ Amnesty International interview, Aba, July 2016.

¹⁷⁹ Amnesty International interviews, July – August 2016.

¹⁸⁰ Amnesty International interview, Aba, August 2016. This practice shows similarities with the pattern of arbitrary arrests in northeast Nigeria, commonly referred to as screening.

were transferred to the Abia State Criminal Investigation Department (CID) detention, where they were held for an additional three days until they were handed over to Zone 9 Police Headquarters in Umuahia. There they joined a group of 16 people arrested at a different incident on 9 February (see page 26). They were charged with treason on 10 February.¹⁸¹ Amnesty International could not confirm what happened to the 16 people detained at Ohafia Barracks.

“A lot of security men including the police and DSS came here in the hospital. When they came here they were mocking us... They took all of us including the ones that are critically ill. We were put in two ambulances and driven away. We were all lying on the floor of the ambulance... They later drove us back to the hospital.”

36-year-old tailor who was shot in his leg on Remembrance Day

There are also consistent reports that after six of the incidents documented by Amnesty International, the military went to the hospitals to arrest people receiving treatment for gunshot wounds. For example, on the evening of **17 December**, soldiers from Onitsha Military Cantonment went to Multicare hospital and seized 11 wounded people. Amnesty International interviewed six men who were in the hospital that night. They all confirmed that at around 10pm the soldiers came and took 11 injured people away, including some who were still recovering from surgery to remove bullets. Two men said they were not taken because their beds were on a different floor. The soldiers took the injured men to the hospital in the Onitsha Military Cantonment barracks.

The soldiers did not inform the men in detail why they were being arrested, although they made it clear it was because of their pro-Biafra activism. Johnson Onye (not his real name), a 26-year-old trader, who was shot in his chest and had surgery at Multicare hospital to remove the bullet, told Amnesty International: “The soldiers were mocking us and telling us that they will deal with us for advocating for Biafra. One soldier pointed at one sick boy and told him ‘I will use your skull for football, your own is finished’... They took down our names and later resumed the taunting and insults.” Johnson Onye said the soldiers took them to the hospital at the Onitsha Military Cantonment.¹⁸²

Nzelu Ekeanyanwu (not his real name), a 30-year-old building contractor, said: “They asked everyone to stand up. They yanked off the drips from our bodies and took us to the barracks military hospital. We were not given any food, we pleaded with the soldiers to take us back to the hospital but they refused. They were mocking and threatening us and telling us that they will kill us and throw our bodies into the river... As they uttered all these threats, they would cork their guns and laugh wildly... One officer advised us to forget the whole Biafra dream if we got out of this one alive.”¹⁸³

Later that night, soldiers brought Johnson Onye and four others back to the Multicare hospital: “Their leader came and pointed at five of us and said that we will die before the next day. They put us in a military vehicle and returned us to the hospital. We were all lying on the floor of the vehicle. They instructed the hospital that on no account should they release us after our treatment unless on their [soldiers] instruction.” The men were however not rearrested and subsequently left hospital.¹⁸⁴ Two days later, soldiers brought the remaining

¹⁸¹ Amnesty International interviewed two of the four men who both confirmed that they were joined in the case of those arrested on 9 February.

¹⁸² Amnesty International interview, Onitsha, February 2016.

¹⁸³ Amnesty International interview, Onitsha, February 2016

¹⁸⁴ Amnesty International interview. Onitsha, February 2016.

men to CID detention in Awka. They were not charged in court but after their relatives paid between N5,000 and N30,000, they were released on bail on 24 December.¹⁸⁵

Similarly in Onitsha, Nnewi and Asaba, on **30 May 2016**, soldiers arrested suspects in hospitals. A witness told Amnesty International that at Crown hospital in Onitsha, soldiers arrested 19 men, including 14 wounded, and took them to state CID. They were not informed of the reason for their arrest and were returned to the hospital after several hours.¹⁸⁶ Others did not return, as 46-year-old civil engineer Markus (not his real name) told Amnesty International about his missing brother: “I was told by IPOB members that he was shot during the protest. He was taken to a hospital ... with another injured IPOB member. Soldiers came inside the hospital to take him away.” Markus still does not know what happened to his brother.¹⁸⁷

In Asaba, the security forces searched for injured people: “The soldiers were going from hospital to hospital telling them not to accept any IPOB member who is injured. They were even picking our members from the hospitals,” an eyewitness told Amnesty International.¹⁸⁸ Another witness confirmed: “In the night, soldiers and policemen were looking for us and other injured people. They were moving from house to house and to hospitals, looking for us.”¹⁸⁹ Many IPOB members who were injured that day said they didn’t go to hospital out of fear of arrest.

An IPOB member from Asaba told Amnesty International: “In Asaba, police now stop people with any bangle and ask the person if we are an IPOB member. Such person is then arrested and detained.”¹⁹⁰

UNLAWFUL DETENTION BY THE DSS

Since Nnamdi Kanu’s arrest in October 2015, the DSS has arrested at least eight IPOB leaders. Most of them remain detained incommunicado without contact with the outside world or access to a lawyer and have never been brought to court, in violation of international law and standards relating to detention.

On 22 June 2016, at around 2am, DSS officers arrested Chidiebere Onwudiwe, a mechanical engineer and Nigeria’s National Coordinator of IPOB, at his house in Port Harcourt.¹⁹¹ He was suspected of “planning to carry out coordinated attacks against religious bodies/edifices, Police-Check Points and the computer village in Ikeja, Lagos State, with Improvised Explosive devices”.¹⁹² He was first brought to court on 7 November and charged along with Nnamdi Kanu with several offences including terrorism.¹⁹³ On 14 July, a lawyer filed an application for an order enforcing his fundamental rights. This case is ongoing.

On 16 August 2016 at around 9pm, five armed men in plain clothes, believed to be DSS officers, arrested Sunday Chucks Obasi, the Nnewi-Ichi Coordinator of IPOB in Anambra State, at his home in Amuko Nnewi, Anambra State.¹⁹⁴ Witnesses say he was shot in the legs and then taken away. His whereabouts remain unknown.¹⁹⁵

On 26 August, DSS officers and soldiers stopped a commercial vehicle at Arongwa, Abia state, in which a group of IPOB officials were travelling back after visiting Nnamdi Kanu in prison. Ikechukwu Ugwuoha (Abia State Coordinator of IPOB), Asochukwu Ugochukwu, Sunday J. Okafor, Ekene Onuoha, Joseph Okorie (Rivers state deputy coordinator) and seven others were, at the time of writing this report, detained at the DSS office at Umuahia. The DSS has denied their relatives access to them. Two of them had weeks earlier been released from prison custody after being arrested on 9 February in Aba.¹⁹⁶

¹⁸⁵ Amnesty International interview, Onitsha, February 2016.

¹⁸⁶ Amnesty International interview, Nnewi, August 2016.

¹⁸⁷ Amnesty International interview, Nnewi, August 2016.

¹⁸⁸ Amnesty International interview, Asaba, July 2016.

¹⁸⁹ Amnesty International interview, Nnewi, August 2016.

¹⁹⁰ Amnesty International interview, Nnewi, August 2016.

¹⁹¹ <http://www.ipob.org/2016/09/abduction-of-ipob-activists-their.html>

¹⁹² <http://www.premiumtimesng.com/news/top-news/206292-sss-arrests-suspected-members-niger-delta-avengers-ipob-others.html>

¹⁹³ In the Federal High Court of Nigeria in the Abuja Judicial Division, charge number FHX/ABJ/CR/383/2015, 7 November 2016.

¹⁹⁴ The men were dressed in plain clothes and had a vehicle with a government number plate. An analysis of the empty bullet shell indicates that it came from a weapon that is among those used by the DSS.

¹⁹⁵ Amnesty International interviews, August 2016.

¹⁹⁶ Amnesty International interviews, August 2016.

CHARGES VIOLATE RIGHT TO FREEDOM OF ASSEMBLY AND EXPRESSION

Amnesty International has documented six cases in which those arrested were charged with treason. Treason¹⁹⁷ under Nigerian law is defined in broad terms as “Any person who levies war against the State, in order to intimidate or overawe the President or the Governor of a State” and includes conspiring to “levy war against the State”.¹⁹⁸ The definition does not list the specific types of acts, or specific circumstances in which they would need to be committed, to constitute the crime of treason, and it has been subject to abusive interpretation, as indicated by cases related below in this report.

In addition, people have been charged with treasonable felonies, which carry life imprisonment. These include “to levy war against Nigeria in order by force or constraint to compel the President to change his measures or counsels, or in order to put any force or constraint upon, or in order to intimidate or overawe any House of the National Assembly or any other Legislature or legislative authority.”¹⁹⁹

In Port Harcourt, at least 58 people were charged with treason between October 2015 and January 2016, in five separate cases.²⁰⁰ Although Amnesty International has limited information about the background to these arrests, the acts they are accused of are described in extremely vague terms and suggest that they were detained solely for having taken part in peaceful pro-Biafra activities. There is no mention of acts of violence in the charges.²⁰¹

Demonstrating without approval, singing “war songs”, hoisting a Biafran flag and causing “panic and fear” have been presented as evidence of conspiring to “levy war against the State”.²⁰² Similarly, “inscription of four lines mark on your chest and back, an indication of willingness to give psychosocial and/or material support to Biafra against the state in order to intimidate or overawe the President or the Governor” was used as evidence of treason.²⁰³

In Aba, on 9 February 2016, at least 20 people (14 men and six women) were arrested after soldiers shot at a crowd that had gathered for a peaceful prayer session (see page 26). The 16 detainees plus four men who had been arrested on 18 January in Aba (see page 41) were brought to Umuahia Magistrate court the next day and charged with treason for “engaging the Nigeria Army and the Nigeria Police stationed at Aba in a conflict in order to intimidate or overawe the President”.²⁰⁴ However, evidence documented in this report shows that the assembly was non-violent.

In addition, people have been charged with belonging to an “unlawful society”, which is defined as a group of more than 10 people formed to commit acts of violence, treason, murder and destruction of property.²⁰⁵ Under Nigeria law, the President can declare a society unlawful.²⁰⁶ As far as Amnesty International could ascertain, IPOB has not been designated an unlawful society.

On 30 May 2016, Remembrance Day, the military arrested several people at Nnewi teaching hospital. One 26-year-old man who went to the hospital to obtain treatment for his injured brother said that he and four

¹⁹⁷ Treason carries the death penalty. The death penalty breaches the right to life and the right to live free from torture.

¹⁹⁸ Section 37 (1) and (2) of Nigeria’s Criminal Code Act.

¹⁹⁹ Section 41 (c)

²⁰⁰ Charge sheets of these five cases on file with Amnesty International.

²⁰¹ Charge sheets of these five cases on file with Amnesty International.

²⁰² Twenty-four men arraigned in October 2015 in the Federal High Court of Port Harcourt. Seven men arraigned on 11 November 2015 in the Magistrate Court of Rivers state, charge number PMC/1357c/2015. Twenty men arraigned on 25 November in the Federal High Court of Port Harcourt, charge number FHC/PH/194c/2015. Two men arraigned on 19 January 2016 in the Magistrate Court of Rivers state, charge number PMC/102/2016.

²⁰³ Four men arraigned on 12 November 2015 in Magistrate Court of Rivers state, charge number PMC/1365c/2015.

²⁰⁴ In the Magistrate court of Abia state, in the Umuahia North magisterial district, holden at Umuahia, charge number U/69c/2016.

Fourteen men and six women were charged on 10 February 2016. They were remanded to Umuahia prison. On 23 June, their bail application was denied. In August they were discharged and released.

²⁰⁵ Criminal Code Act, Chapter 9, available at www.nigeria-law.org/Criminal%20Code%20Act-PartII.htm#Chapter

²⁰⁶ Section 62 of the Criminal Code Act.

others were arrested and handed over to the Special Anti-Robbery Squad (SARS). The next they day were charged with conspiracy, unlawful society and treasonable felony. He was released on bail on 12 July.²⁰⁷

These arrests and detentions are arbitrary, insofar as the authorities are arresting and detaining people for the exercise of their human rights, in particular, their right to peaceful assembly, association, and freedom of expression, by means of an abusive interpretation of the crimes of treason and belonging to an unlawful society.



This picture taken on May 3, 2016, shows Pro-Biafran graffiti messages in Port Harcourt. © STEFAN HEUNIS/AFP/Getty Images

²⁰⁷ Amnesty International interview, Nnewi, August 2016.

NO INVESTIGATION, PROSECUTION OR REMEDY

“I want the soldiers to pay for the innocent blood they spilled. Justice must be done. If we keep quiet, this would never stop. We were not even protesting. Since when is it an offence to gather and pray for a dream to come true?”

Trader and mother of five, arrested by the military

Under international law, all victims of human rights violations have a right to a remedy, including truth, justice, and reparation. Reparation can involve restitution, rehabilitation and measures of satisfaction, such as public apologies, guarantees of non-repetition and changes in relevant laws and practices, as well as bringing to justice the perpetrators of human rights violations.²⁰⁸ States are required to investigate allegations of human rights violations and to bring those responsible to justice. A failure to investigate human rights violations or to bring to perpetrators to justice those responsible for human rights violations could in itself constitute a breach of the ICCPR.²⁰⁹

In Nigeria, hardly any allegations of crimes under international law and other human rights violations by the military are investigated, whether in the northeast or the north-central regions of the country, or in the southeast. In the very rare cases where an investigation is carried out, there is no follow up. Because no one has been seen to be held to account for serious human rights violations, this has strengthened an already pervasive culture of impunity within the military.²¹⁰

Amnesty International has carried out extensive research on crimes under international law in the context of the armed conflict in the northeast, including probable war crimes, crimes against humanity and gross violations of human rights law committed by the military.²¹¹ Amnesty International has repeatedly called on the government of Nigeria to initiate independent and effective investigations into its evidence of crimes under international law and President Buhari has repeatedly promised that Amnesty International’s reports would be looked into.²¹² However, no concrete steps have been taken to begin independent investigations.

²⁰⁸ General Comment 31, para 16.

²⁰⁹ General Comment 31, para 15 and 18.

²¹⁰ See for example: NIGERIA: NO JUSTICE FOR THE 640 MEN AND BOYS SLAIN BY MILITARY FOLLOWING GIWA BARRACKS ATTACK TWO YEARS AGO, 14 March 2016. Available at www.amnesty.org/en/press-releases/2016/03/nigeria-no-justice-for-the-640-men-and-boys-slain-by-military-following-giwa-barracks-attack-two-years-ago/

²¹¹ In June 2015 Amnesty International published a report which found that in northeast Nigeria, the military had extrajudicially executed at least 1,200 men and boys, and almost certainly many more, between 2012 and 2014. A further 7,000 detainees died in military detention as a result of starvation, thirst, disease, torture and a lack of medical attention. Soldiers had arbitrarily arrested more than 20,000 suspects since 2011 and detained the overwhelming majority of them without access to their families or lawyers, without formal charges and without ever bringing them to court.

²¹² On 3 June, President Buhari responded on Twitter to say: “I assure you that your report will be looked into... This administration will leave no stone unturned to promote the rule of law, and deal with all cases of human rights abuses.” The President also announced on 12 June 2015 that investigating criminal responsibility for the violations documented in Amnesty’s report would be the first task of the Attorney General. See Amnesty International, Nigeria: Reinstatement of army general implicated in mass murder makes mockery of commitments to end war crimes, 1 February 2016, available at <https://www.amnesty.org/en/latest/news/2016/02/nigeria-reinstatement-of-army-general->

The Nigerian government is also yet to act on the Kaduna State Judicial Commission of Inquiry report, published on 15 July 2016.²¹³ The commission was set up in January 2016 to investigate clashes between the Nigerian army and members of Islamic Movement Nigeria (IMN) in Zaria in December 2015. The Commission found that the Nigerian army had used excessive force “which led to the heavy casualties recorded in the Cordon and Search Operation... an act of commission for which the NA [Nigerian Army] is directly responsible”. The Commission further concluded that: “No evidence has been shown to substantiate the notion that the Army followed its own Rules of Engagement”. The Commission further called “for urgent and independent review of these acts of commission and omission to determine if these were carried out in accordance with relevant Laws and Rules of Engagement”. The Commission called on the Federal Government to “identify the members of the NA [Nigerian Army] who participated in the killings with a view to prosecuting them.” At the time of publication, the Kaduna state government and Federal Government were yet to publish their responses to the report.

Similarly, the human rights violations in the context of military operations in the southeast which are described in this report are characterized by impunity. None of the cases documented in this report have been independently investigated by the authorities.

The only recent step reportedly taken by the military to investigate allegations of human rights violations was on 22 March 2016, when the Chief of Defence Staff set up an internal committee to investigate all allegations of human rights violations, including those relating to the armed conflict in the northeast, to the excessive use of force against members of IMN and to IPOB.²¹⁴ At the time of writing, it is unclear if the committee has drafted a report or even interviewed any witnesses.



Aba, 9 February 2016. Despite video evidence of the police and military units present at Aba High school, where peaceful IPOB members and supporters were gunned down, there has been no independent investigation. © Private

There has been no justice, truth or reparation for those killed by the military and their relatives have not been given any official explanation or information as to fate of their loved ones. A relative of Mathew Kanu, who was killed on 17 December 2015 in Onitsha, told Amnesty International how he went from hospital to hospital to search for him. He found him in February, in a mortuary. “I can’t express how I felt with words. Finding his body dashed the hope that he might be alive. The pain is not what I would wish my enemies... I

implicated-in-mass-murder-makes-mockery-of-commitments-to-end-war-crimes/ and in May President Buhari reiterated that he would investigate the allegations, see: <http://edition.cnn.com/2016/10/17/opinions/forgotten-children-in-nigeria-kregten-op/>

²¹³ See: Report of the judicial commission of inquiry into the clashes between the Islamic movement in Nigeria (IMN) and the Nigerian army (NA) in Zaria, Kaduna state between Saturday 12th and Monday 14th December 2015, <http://kdsg.gov.ng/wp-content/uploads/2016/08/Report-of-the-Judicial-Commission-of-Inquiry-into-the-Zaria-Clashes1.pdf>

²¹⁴ <https://www.today.ng/news/national/96629/dhq-inaugurates-cttee-on-human-rights-abuse-allegations>

still see him in my dreams. It's so hard to leave my head. Since his death, I have turned to this confused fellow." Mathew was buried on 12 March 2016.²¹⁵

Matthew Okiorol had a similar experience as he told Amnesty International. He was searching for Michael, who was also killed on 17 December in Onitsha: "I prayed and hoped that he was alive. That evening, I also heard rumours that some army officers had thrown some corpses of IPOB members into the Niger River. So the next day, I went with a few family members to meet some fishermen. We asked them to please search for corpses as they fish. We also went to different hospitals to look for him."²¹⁶ On 8 February, they found Michael's body in the mortuary. He was buried on 11 March 2016.

Other relatives of those shot by the military continue to wait for answers. Ego Nwandu (not his real name), a 19-year-old farmer, told Amnesty International that his brother was at the front of the march in Asaba on Remembrance Day and was shot. His brother's friends told him that he was taken by the military and is probably dead. He said: "My parents are not yet aware that he is dead. They don't even know that he is a member of IPOB. His death will be a big blow to my parents. He is the first son of my parents. I would like the soldiers to release his corpse to our family so that we can bury him."²¹⁷

Likewise, Samson Ekene (not his real name), a 21-year-old caterer, told Amnesty International that his mother became sick with worry after his elder brother was arrested in Nkpor. His phone remains switched off. He said: "Since that day, my family had gone to several police stations in Asaba to make report, we have also gone to the prisons in Onitsha to search for him."²¹⁸



Pro-Biafra activists and supporters, November 2015. © Private



²¹⁵ Amnesty International interview, Onitsha, May 2016.

²¹⁶ Amnesty International interview, Onitsha, May 2016.

²¹⁷ Amnesty International interview, Nnewi, August 2016.

²¹⁸ Amnesty International interview, Nnewi, August 2016.

RECOMMENDATIONS

TO THE FEDERAL GOVERNMENT

Initiate prompt, independent, impartial, and effective investigations into all allegations of crimes under international law and other human rights violations committed by the Nigerian security forces, with the aim of bringing suspected perpetrators to justice in fair trials without recourse to the death penalty, and ensure a remedy and reparations for the victims:

- Publicly and unequivocally condemn all crimes under international law and other human rights violations committed by state agents or those acting with the authorization, support or acquiescence of the state.
- These investigations should specifically include all allegations of extrajudicial executions and other unlawful killings; excessive use of force; torture and other ill-treatment; as well as all incidents of arbitrary arrests and detentions of IPOB members and supporters.
- All investigations must be in full compliance with the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, and the UN Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- If the investigations find sufficient admissible evidence, those suspected of criminal responsibility must be prosecuted and tried before ordinary civilian courts without recourse to the death penalty. This applies to those with responsibility at all levels, including superior officers who knew, or should have known, that officials under their command were committing, or had committed, such unlawful acts and who did not take all measures in their power to prevent or report such use.
- Any law enforcement official who is under investigation should be suspended from duties until the investigation is complete and he or she is cleared from suspicion of criminal responsibility.
- Ensure that in any such investigation or trial, witnesses are able to testify without fear of reprisal. This should include giving the independent body conducting investigations the powers and resources to take all necessary measures to protect witnesses, and establishing an effective witness protection programme for subsequent trials.
- Seek the assistance of international experts in conducting exhumations, autopsies and investigations. Bodies interred in mass graves should be exhumed with a view to conducting an independent autopsy by recognized Nigerian and international forensic pathologists to determine the causes and circumstances of death.

End all use of the military in public order situations and publicly announce the measures taken to this end:

- Ensure that all law enforcement situations are dealt with by the police. Police officers must be adequately trained and equipped to deal with crowd-control situations with the minimum use of force, in line with international law and standards. This includes the application of non-violent means, including persuasion and negotiation, before resorting to any use of force and the use of only such force as is strictly necessary and proportionate to the law enforcement purpose. In particular, law enforcement officers must not use firearms unless strictly necessary to defend against an imminent threat of death or serious injury.
- Develop, enact and update a national action plan to guide the management of assemblies and seek technical assistance from the Office of the United Nations High Commissioner for Human Rights or other specialized agencies where appropriate.
- Routinely notify the National Human Rights Commission or other relevant independent bodies of anticipated assemblies and facilitate the access required for them to monitor properly all phases of the assembly.

- Ensure that the Nigeria Police Force and any other body with a role in law enforcement has in place protocols, regulations, codes of conduct, training, and systems of reporting, supervision and control to ensure that their officers at all levels use force only when strictly necessary and to the extent required for legitimate law enforcement purposes, in compliance at all times with international human rights law and law enforcement standards, in particular the UN Code of Conduct and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.
- Finance and provide the Nigeria Police Force with adequate equipment and training and rules for its use in line with international human rights law and standards. Equipment should include less lethal weapons and ammunition that would allow for a differentiated use of force, and self-defence equipment and clothing in order to decrease the need to use weapons of any kind.

Implement safeguards against human rights violations by security forces, including taking measures to end excessive use of force; unlawful arrest; unlawful and arbitrary detentions; torture and other ill-treatment; and extrajudicial executions and other unlawful killings. Specifically the Government should:

- Ensure that all arrests and detentions comply fully with the Nigerian Constitution and international human rights law and standards and in particular, the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment and the UN's Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).
- Immediately and unconditionally release all those who have been detained or imprisoned solely for peacefully expressing their political views or other exercise of their right to freedom of expression or peaceful assembly.
- Ensure that all detainees are charged with a recognizable criminal offence and given a fair trial in accordance with international law and standards, or released.
- Ensure that all detainees have access to professional medical care, a lawyer of their choice and members of their family.
- Ensure that statements or other information obtained as a result of torture or other ill-treatment may never be invoked in proceedings, except against a person accused of torture as evidence that the statement was made.

Ensure that international human rights law and standards on the prohibition of torture and other ill-treatment are fully incorporated into the codes of conduct and training of officials carrying law enforcement, investigatory or custodial functions, and are strictly enforced, with criminal proceedings and disciplinary measures as appropriate for non-compliance.

Take concrete measures to implement the recommendations of the UN Special Rapporteur on extrajudicial, summary or arbitrary executions (published in his report of January 2006), and accept his request to visit Nigeria (as recommended in Nigeria's Universal Periodic Review of 2013 – 135.41) and implement the recommendations of the 2013 Universal Periodic Review, in particular with regard to extrajudicial executions (135.68 to 72; 245.79).

Amend those sections of Police Force Order 237 which provide for more grounds for lethal force than those permitted by international human rights law and standards, and ensure that they are in line with the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and Nigeria's international law obligations to respect and protect the right to life.

Ensure that victims of human rights violations including families of those extrajudicially executed or unlawfully killed as a result of the actions of law enforcement or military officials or other state agents, have an effective remedy and reparation.

TO THE ABIA, ANAMBRA, DELTA AND RIVERS STATE GOVERNMENTS

- End the ban on public assemblies organized by pro-Biafra activists.

- Set up a judicial commission of inquiry into all allegations of human rights violations committed by the Nigerian security forces with the aim of bringing suspected perpetrators of such crimes to justice in fair trials without recourse to the death penalty, and ensure a remedy and reparations for the victims.
- Ensure that in any such investigation or trial witnesses are able to testify without fear of reprisal. This should include giving the commission of inquiry the powers and resources to take all necessary measures to protect witnesses, and establishing an effective witness protection programme for subsequent trials.
- Seek the assistance of international experts in conducting exhumations, autopsies and investigations. Bodies interred in mass graves should be exhumed with a view to conducting an independent autopsy by recognized Nigerian and international forensic pathologists to determine the causes and circumstances of death.

TO THE NATIONAL ASSEMBLY

Introduce or amend existing legislation to bring national law into line with international law and standards. This should include:

- Ensure that Section 33(2)(b) of the Nigerian Constitution, which currently provides for more grounds for lethal force than those permitted by international human rights law, is amended.
- Ensure that torture, defined in terms consistent with the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, is made a criminal offence under Nigerian law, punishable by penalties commensurate with the gravity of the violation.

TO THE NATIONAL HUMAN RIGHTS COMMISSION

Take steps to attend pro-Biafra gatherings as a matter of routine in order to monitor all phases of the assembly.

Exercise authority to investigate all allegations of crimes under international law and other human rights violations, including allegations contained in this report.

Ensure an effective and independent complaints system for extrajudicial executions and other unlawful killings as a result of action by state agents; deaths in custody; and torture and other cruel, inhuman or degrading treatment. Ensure that all such cases are duly investigated.

TO THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS

Issue a public statement expressing concern over repeated reports of crimes under international law and other human rights violations committed by the Nigerian security forces and call upon the government of Nigeria to ensure thorough, independent, impartial and transparent investigations into all such allegations and to ensure full accountability.

During the upcoming visit to Nigeria request that the government to investigate the allegations of serious violations in southeast Nigeria including the pattern of extrajudicial executions, arbitrary arrests, detentions and ill-treatment committed by the Nigerian security forces in other parts of Nigeria.

TO THE UNITED NATIONS HUMAN RIGHTS COUNCIL

Call on the Nigerian government to ensure that the necessary steps are taken towards the implementation of its obligation to pursue truth, justice, and reparation and guarantees of non-recurrence of human rights violations, including those committed by the Nigerian security forces in southeast Nigeria.

TO NIGERIA'S INTERNATIONAL PARTNERS

Ensure that any military or other co-operation with Nigeria, including training or technical advice, does not contribute to the commission of human rights violations.

**AMNESTY INTERNATIONAL
IS A GLOBAL MOVEMENT
FOR HUMAN RIGHTS.
WHEN INJUSTICE HAPPENS
TO ONE PERSON, IT
MATTERS TO US ALL.**

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NIGERIA: 'BULLETS WERE RAINING EVERYWHERE'

DEADLY REPRESSION OF PRO-BIAFRA ACTIVISTS

Supporters of Biafran independence have been shot dead by the Nigerian security forces during raids while they slept, at prayer meetings and remembrance celebrations, and while trying to flee from peaceful marches.

Since August 2015, the security forces have killed at least 150 members and supporters of the pro-Biafran organization IPOB (Indigenous People of Biafra) and injured hundreds during non-violent meetings, marches and other gatherings. Hundreds were also arbitrarily arrested.

Video footage and eyewitness testimony consistently show that the military, which has been deployed instead of police to control pro-Biafran events, has dispersed peaceful gatherings by firing live ammunition with little or no warning.

This report documents extrajudicial executions and the use of excessive force by military, police and other security agencies. It also shows a worrying pattern of arbitrary arrests and detentions, including soldiers arresting wounded victims in hospital, and of torture and other ill-treatment of detainees.

Hardly any allegations of crimes under international law and human rights violations by the Nigerian security forces, and in particular the military, are investigated. If an investigation is carried out, there is no follow up. Because no one has been seen to be held to account for serious human rights violations, an already pervasive culture of impunity within the military has been further strengthened.

Amnesty International is calling on the Nigerian government to end the involvement of the military in public order operations, to investigate all allegations of human rights violations, to bring those responsible to justice and to ensure a remedy and reparations for the victims.