

NIGERIA'S HUMAN RIGHTS VIOLATIONS INVESTIGATION COMMISSION

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HISTORICAL CONTEXT: PRE-1966

In 1966 Nigeria's First Republic was dissolved and what followed was a long era of successive military coups interspersed with short periods of democratic governance until 1999 when the current Fourth Nigerian Republic began. During this 33 year long period of primarily military rule, Nigeria was rife with human rights abuses as the country struggled to regain political stability and democracy. The historical legacy of colonialism and the socio-political landscape of Nigerian in the years prior to the first coup, paint a clear picture of how these events were able and indeed poised to occur.

As with most nations created during the Scramble for Africa, the colonial creation and administration of Nigeria cemented ethnic rivalry and laid the foundation of oppressive administrative governance that would be inherited post-independence. This is because, the creation of Nigeria featured the haphazard drawing of borders that typified the Scramble for Africa. This created a situation where ethnic groups with different languages, religions, cultures who at times were even in conflict were forced to coexist and imagine themselves under this new artificial identity of "Nigerian".¹ Also typical of the colonial regimes of this period, is that Britain actively enforced the almost cliché tactic of divide and conquer rule to ensure their power and control in the region.² The country was also marred by uneven development because the colonial government had only created 2 administrative regions within the country, a larger and more populous North which was predominantly populated by the Muslim Hausa-Fulani ethnic group and the South which was primarily the Igbo in the Southeast and Yoruba in the Southwest; colonial resources went toward developing the southern oil producing region at the expense of the North which paid higher taxes yet received less resources.³ This colonial legacy ensured that ethnic conflict was all but predetermined in the post-independence era.

Against this colonial backdrop, after independence, Nigeria adopted a Westminster style parliamentary democracy and the new political parties functioned and campaigned on ethnic regionalism. Threatened by the idea of being dominated by a coalition of the more educated and developed South, the North demanded and was awarded more seats in parliament based on their greater population which created a situation of northern domination within the government.⁴

In addition to this lopsided political situation, the military also became politically involved and ethnically divided. During the period of transition from colonial rule to independence, in an effort to quickly populate the army new university graduates were recruited into the army and quickly promoted up the ranks. As the South was the more

¹ Max, Siollun, *Oil, Politics and Violence : Nigeria's Military Coup Culture (1966-1976)* (New York: Algora Publishing, 2009), Accessed March 25, 2023, ProQuest Ebook Central, 8-9.

² G. S. K. Ibingira, *African Upheavals Since Independence* (New York, NY: Routledge, 2018),38-39.

³ Ibid.

⁴ Siollun, *Oil politics and Violence*, 11.

educated region most of the higher-level officers were Igbo and their subordinates were often Hausa-Fulanis of the North.⁵ This caused more ethnic rivalry, and it also alienated the Igbo controlled military from the Northern controlled government. The military also became increasingly politicized because it was populated by partisan academics with political ambitions but also because the government would often call the military to settle political disturbances.⁶

The proximate causes for the coup came from the elections of 1964 and 1965. After a flawed federal election in 1964 with allegations of electoral malpractice, the northern dominated NPC party retained leadership.⁷ This injustice was compounded when the unpopular, Northern sympathetic governor of the Southwest province won through illegal means leading to oppositional violence.⁸ The political trickery which allowed these elections to happen made it clear that democratic means would not be sufficient to ensure fair civilian control of government, violence was seen as the only option and this laid the foundation for the military coup on the horizon.



Image Source: <https://www.pulse.ng/lifestyle/food-travel/independence-day-15-photos-of-nigerians-celebrating-in-1960/k12gdkn>

⁵ Ibid, 17-18.

⁶ Ibid, 22.

⁷ Ibid, 15.

⁸ Ibid, 16.

TIMELINE OF EVENTS: 1966-1999

First Coup 1966

Headed by The 5 Majors, 4 out of 5 of which were Igbo, the military conducted a coup, killing leaders in the northern controlled government. Following this was a period of disorganized governance and the imposition of a unitary system of government which was viewed as Igbo domination. Major General Ironsi, one of The 5 Majors, was installed as head of state.⁹

Counter Coup of July 29,1966

Fearing Igbo domination, northern officers killed Major General Ironsi and installed Lieutenant Colonel Gowon as head of armed forces and head of state. Anti-Igbo sentiment heightened by Ironsi's military government led to northern soldiers massacring 80,000-100,000 Igbos and other easterners residing in the north. Retaliatory violence by easterners to northerners residing in the east followed. Gowon then ordered easterners to return to the east and northerners to return to north further cementing regional separatism.¹⁰

Civil War

Igbo military governor Ojukwu believing easterners were not safe in Nigeria, seceded the eastern region renaming it The Independent Republic of Biafra. This prompted Gowon to blockade coasts and institute economic strangulation sanctions. Civil war ensued because the Federal Military Government (FMG) had to preserve the unity of Nigeria to ensure other minority groups did not also secede and because the eastern Biafran region contained 67% of oil lands which were crucial to the fledgling Nigerian economy. Allegations of genocide because of the starvation caused by Gowon's policies garnered attention from the international community which prolonged the war as different states sent resources backing either side of the conflict. Jan 1970 FMG overtook Biafra with 1-3 million easterners having died in the conflict mainly due to starvation. "Gowon stressed that there was to be no vengeance and no reparations, and that there had been no winners or losers in the "war of brothers."¹¹

1970s reconstruction Oil boom

Nigeria benefited from spikes in oil prices and massive influx of oil money funded the construction of infrastructure. High levels of corruption led to a kleptocracy wherein the Nigerian government was not beholden to a social contract because most of the GDP was derived from money gained from the external sale of oil to multinational

⁹ Toyin Falola and Matthew M. Heaton, *A History of Nigeria* (Cambridge: Cambridge University Press, 2008), 172-173.

¹⁰ Ibid, 175.

¹¹Ibid, 175-180

corporations therefore there was no incentive to work in the interest of citizens. As a result of this, legitimate complaints from Niger-Delta minorities in oil producing regions were violently suppressed when they disrupted oil flow in protest of the destruction of their lands or uneven allocation of oil resources.¹²

1975 coup

Angered by Gowon's monopoly over military and political power, seemingly nonexistent road to civilian rule and wealth inequality within military ranks, Brigadier Murtala Muhammed is installed as leader after bloodless coup against Gowon. Murtala was then killed 6 month later and succeeded by his second in command Brigadier Obasanjo.¹³

2nd Nigerian Republic of 1979

1979 Obasanjo transitioned the country to civilian rule and Nigeria had the first elections since 1965 which marked the beginning of the second Nigerian republic. Nigeria now functioned as a constitutional federal republic like that of the US but the elections of the second republic still featured the same issues because party leaders were still the same career politicians that served in the first republic. A disputed election win led to the election of President Shagari but he was not recognized by other party leaders and some state governments refused to recognize his presidency.¹⁴

1983 Coup

After another rigged election, the military stepped in again amidst corruption and economic mismanagement, deposing Shagari and installing General Buhari as leader.¹⁵

1985 coup and 3rd Nigerian republic

Buhari's government was overthrown in a coup led by Major General Babangida who became the new acting head of state. Tentative steps toward transition to civilian rule were ultimately undone by the annulment of democratically elected Abiola. Civil unrest following the annulment of what has been described as the most free and fair elections in Nigeria, led to Babangida having to step down, bringing forth the third Nigerian republic in Aug 1993 which had an Interim National Government (ING).¹⁶

¹² Falola, *History of Nigeria*, 182-184; Siollun, *Oil, Politics and Violence*, 36.

¹³ Falola, *History of Nigeria*, 186-188.

¹⁴ Ibid, 199-201.

¹⁵ Ibid, 208.

¹⁶ Ibid, 216, 227-228.

1993 Coup

Lagos high court declared the ING unconstitutional and demanded Abiola be instated as president. ING appeals this decision but amid this political unrest General Sani Abacha stages a coup. Abacha then dissolves the civilian transition apparatus developed under Babangida and violently clamps down on pro-democracy groups while he tries to create a situation whereby he could become civilian leader of Nigeria.¹⁷

1999 4th Nigerian republic

Following the sudden death of Abacha in 1998, General Abubakar takes power and quickly transitions the country to civilian rule. Obasanjo who was a former military dictator and political prisoner under Abacha is elected president and despite evidence of electoral malpractice power is handed over on May 29, 1999 beginning the fourth Nigerian republic of which the country is still currently in.¹⁸



Image source: <https://thenativemag.com/nigeria-civil-war-teaching-lesson-unite-nation/>.

VICTIMS

¹⁷ Ibid, 229-233.

¹⁸ Ibid, 234-235.

Nigerian Public

In the early years, after the first military coup, Nigerians detested the corruption and ineptitude of the democratically elected government and so there was a general acceptance of military rule as they felt it was a necessary evil that would lead to the reformation of the government.¹⁹ However, as Nigeria transitioned from civilian rule to military rule, all Nigerians were subjected to the removal of their constitutional rights to rule of law and this was instead replaced with the rule of force²⁰. The result of this was that the general citizenry was subject to the violent whims of the state security apparatus. This was also compounded by the fact that the judiciary essentially allowed these government agents to operate with impunity and in fact protected perpetrators of human rights abuses.²¹

Political Opposition

When military governments took power all political parties were made illegal so as is to be expected all political opposition to military rule was severely punished by the regime. This included individual political opponents and their families, oppositional media, political organizations and protesting civilians. Two widely known examples of this type of conduct can be seen in MKO Abiola who was the apparent winner of the 1993 election that was imprisoned and died under suspicious circumstances as well as Dele Giwa who was a newspaper founder and journalist who is widely believed to have been killed by letter bomb by the Babangida military government because he was writing an inflammatory story about Babangida's wife.²²

Minority Ethnic Groups

¹⁹ Siollun, *Oil, Politics and Violence*, 61.

²⁰ Human Rights Violation Investigation Commission, *Synoptic Overview of HRVIC Report: Forward*, (Human Rights Violation Investigation Commission, 2002), 49.
https://hmcwardpress.humanities.mcmaster.ca/Truthcommissions/wp-content/uploads/2018/10/Nigeria.HRVIC_Report-FULL.pdf.

²¹ Ibid, 40.

²² Human Rights Violation Investigation Commission, *Synoptic Overview of HRVIC Report: Volume One*, (Human Rights Violation Investigation Commission, 2002), 198; Human Rights Violation Investigation Commission, *Synoptic Overview of HRVIC Report: Volume Four*, (Human Rights Violation Investigation Commission, 2002), 103.

The HRVIC report acknowledges that virtually all ethnic groups in Nigeria were marginalized.²³ Minority ethnic groups were particularly affected because since colonization they had been forced to live under the domination of the three primary ethnic groups.²⁴ Despite many calls to have their own administrative regions created in order to advocate and protect their rights, these minority ethnicities continued to be marginalized both during the first republic and continuing into the period of military rule. Human rights violations were particularly egregious toward the minority groups of the Niger-Delta after the 1970s oil boom when these ethnic groups protested against the destruction of their lands and ways of life and were met with violent suppression as the state scrambled to exploit their oil rich lands.²⁵ The Ogoni people are a significant flashpoint in the history of the Nigerian military governments human rights abuses against Niger-Delta minorities as they gained international attention for asserting their rights in the face of the environmental degradation, militant brutality and uneven revenue sharing from oil resources. In response the Abacha government carried out extrajudicial killings of their military leaders resulting in the suspension of Nigeria from The Commonwealth of Nations.²⁶



Image Source: <https://ende-rood.org/en/2020/11/20/the-story-of-the-ogoni-igbos>

²³ Human Rights Violation Investigation Commission, *Synoptic Overview of HRVIC Report: Forward*, (Human Rights Violation Investigation Commission, 2002), 82.

²⁴ Human Rights Violation Investigation Commission, *Synoptic Overview of HRVIC Report: Volume One*, (Human Rights Violation Investigation Commission, 2002), 102.

²⁵ Human Rights Violation Investigation Commission, *Synoptic Overview of HRVIC Report: Volume Three*, (Human Rights Violation Investigation Commission, 2002), 82.

Ibid, 34-35.

²⁶ Ibid, 63.

After years of discontent between northern Hausa-Fulanis and Southern Igbo people, the inciting incident of a military coup which upset the status quo of northern power led to the killings of mass amounts of Igbos residin in the north.²⁷ In addition, during the Nigerian Civil War, rather than simply engaging Biafran soldiers, Gowon's government impositions of economic warfare led to the starvation of millions of Igbo civilians.²⁸ Among other atrocities, during the war, soldiers also raped women and girls, killed those praying in churches, killed civilian Igbos and prisoners of war after their surrenders.²⁹ This targeted brutality lead Igbos to proclaim that there was a genocide being committed against them which drew international attention.³⁰ While this claim is contested among Nigerians the HRVIC chief investigator on this matter stated that "the hatred of the Biafrans and a wish to exterminate them was a foremost motivational factor" for the atrocities committed against them.³¹



Image source: <https://www.flagcolorcodes.com/effects/biafra>

Image source: <https://news-decoder.com/tags-biafra-nationalism/>

PERPETRATORS

²⁷ Human Rights Violation Investigation Commission, *Synoptic Overview of HRVIC Report: Volume One*, (Human Rights Violation Investigation Commission,2002), 76.

²⁸ Falola, *History of Nigeria*, 180.

²⁹ Human Rights Violation Investigation Commission, *Synoptic Overview of HRVIC Report: Volume Three*, (Human Rights Violation Investigation Commission,2002), 157.

³⁰ Falola, *History of Nigeria*, 175.

³¹ Human Rights Violation Investigation Commission, *Synoptic Overview of HRVIC Report: Volume Three*, (Human Rights Violation Investigation Commission,2002), 157.

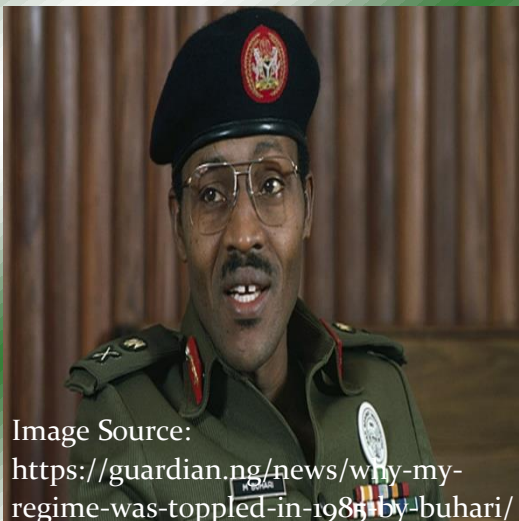
All rungs of the government were involved in human rights abuses Two of the most significant and prolific abusers were the military and police.

Military

The suspension of Nigerian's constitutional rights occurred because of military coups in which the military assumed control of the government, so the military is the primary culprits for many of the human rights abuses that were perpetrated and allowed to occur. The army not only used their formidable might to ensure the continuance of the military dictatorship, officers emboldened by their position of power also violated human rights to settle civil disputes or to arbitrarily intimidate citizens which created a culture of militarized fear.³²

After over two decades of military rule, Nigerian's realized that the military governments had only repeated and even intensified the errors and excesses of the first republic and it became clear that these military leaders had no intention of returning the country to civilian rule. This awareness led to the particularly violent period of suppression of civil opposition after 1983.

Some notable military personnel who committed human rights abuses during this period are General Buhari who ruled on a law and order principle and used the National Security Organization as the enforcement arm of the military government; Babangida who became known for the murder of journalist Dele Giwa and Abacha who was a most brutal tyrant that became known for imprisoning Abiola and murdering protesting Ogoni people in the Niger-Delta.³³



³² Human Rights Violation Investigation Commission, *Synoptic Overview of HRVIC Report: Forward*, (Human Rights Violation Investigation Commission, 2002), 48-49.

³³ HRVIC, *Synoptic Overview of HRVIC Report: Volume One*, (Human Rights Violation Investigation Commission, 2002), 114-116; HRVIC, *Synoptic Overview of HRVIC Report: Volume Two* (Human Rights Violation Investigation Commission, 2002), 7, 12-15.

Police

Similar to the military, the police were also weaponized against the public during the military regimes. The police inherited the system of indirect rule and brutal oppression from the previous colonial regime and then alienated from their original duties by the encroachment of the military, the police began to take on legislative, executive and judicial functions with no accountability.³⁴ In this atmosphere of impunity the police would illegally arrest, detain without trial, torture and commit extrajudicial killings on civilians.

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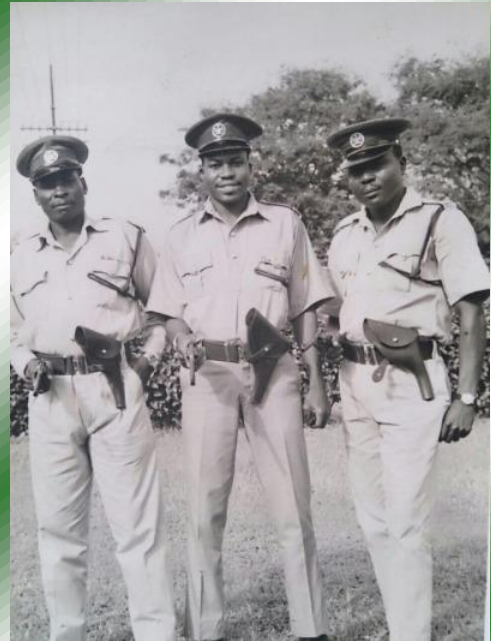


Image source:

<https://www.nairaland.com/2214242/nigeria-old-pictures-1800-1980/2>

³⁴ Human Rights Violations Investigation Commission, *Synoptic Overview of HRVIC Report: Volume Three*, (Human Rights Violation Investigation Commission, 2002), Ibid, 211-216.

³⁵ *Ibid*, 220-229.

The Emergence of the Human Rights Commission

About 2 weeks after the establishment of the Fourth Republic of Nigeria, the newly elected president, Obasanjo authorized the establishment of the Human Rights Violations Investigation Commission (HRVIC).³⁶ This move seems to have been significantly influenced by the South African Human Rights Commission that had been instituted a few years before as evidenced by its reference in the subsequent report made by The Commission.³⁷ Similar to the impetus behind the South African Commission, Obasanjo recognized that there was a general sense of civil discontent following Nigeria's experience of decades of brutal military government, so he formally announced that The Commission had been instituted in order, "to heal the wounds of the past."³⁸ Initially, the president only intended for The Commission to have 90 days to investigate the years from 1983-1998 conveniently excluding his own period of military rule.³⁹ However, this decision was contested particularly because it excluded the highly contentious civil war era and so the scope was increased to encompass all eras of military rule from the fall of the 1st republic in 1966 to the establishment of the fourth republic in 1999.⁴⁰



Image source:
<https://www.interactioncouncil.org/media-centre/olusegun-obasanjo-president-nigeria-1976-1979-and-1999-2007-appointed-new-co-chair-o>

³⁶ Hakeem O. Yusuf, "Travails of Truth: Achieving Justice for Victims of Impunity in Nigeria," *The International Journal of Transitional Justice* 1, no. 2 (2007): 271, <https://doi.org/10.1093/ijtj/ijmo23>.

³⁷ Human Rights Violations Investigation Commission, *Synoptic Overview*, 5.

³⁸ Yusuf, *Travails of Truth*, 272.

³⁹ *Ibid*, 271.

⁴⁰ *Ibid*.

The HRVIC was made up of seven commissioners, 5 men and 2 women.⁴¹ Notably, just like the president himself they had links to the previous Nigerian governments which was typical in the fourth republic as most government officials had been involve with the previous administrations in some capacity.⁴²

Aside from President Obasanjo himself who instituted The Commission, another key figure involved in The Commission was the Honorable Judge Oputa who was the Chairman of The Commission. Oputa was a former supreme court judge of Nigeria and had gained a reputation as an erudite and well-respected public figure for his role in several landmark cases in the 1980s. This reputation earned him the nickname of Socrates.⁴³ In addition to this he had written several papers on human rights in Nigeria and so his knowledge, experience and reputation made him the perfect choice for the position of Chairmen. In Nigeria the HRVIC is colloquially known as the Oputa Panel after him.

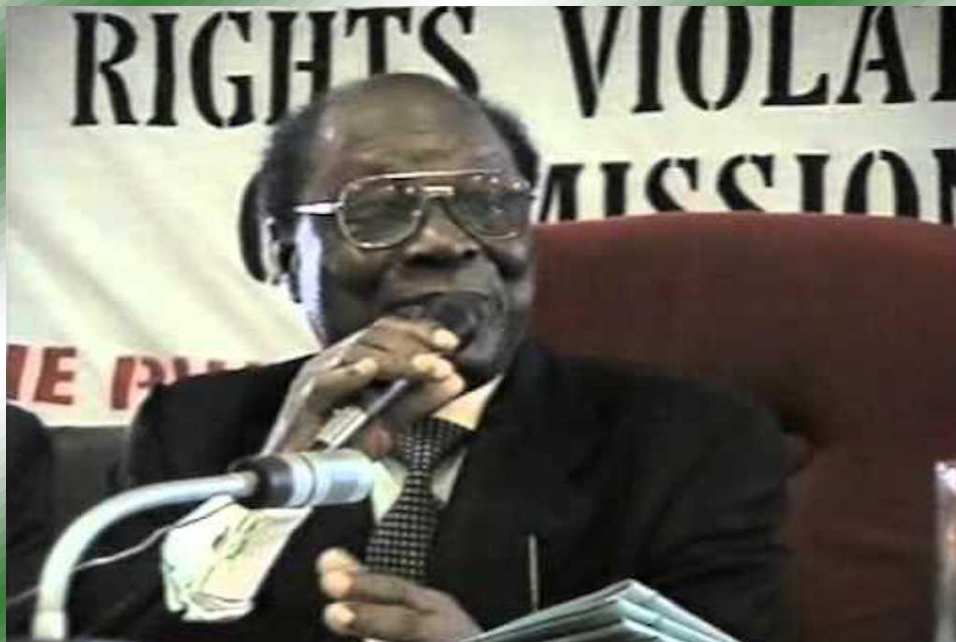


Image source: <https://opinion.premiumtimesng.com/2017/09/08/transitional-justice-and-the-insurgency-in-the-north-east-by-jibrin-ibrahim/oputa-panel/?tztc=>

THE MANDATE

⁴¹ “Truth Commission: Nigeria,” United States Institute of Peace, accessed March 23,2023, <https://www.usip.org/publications/1999/06/truth-commission-nigeria>.

⁴² Iren Omo-Bare, “The Democratic Transition in Nigeria,” AP Central, last modified Jan 30, 2009, https://bxscience.edu/ourpages/auto/2012/3/13/66391932/TheDemocraticTransitioninNigeria_1_.pdf.

⁴³ David Oputah, “Justice Chukwudifu ‘Socrates’ Oputa dies at 89,” *The Cable*, March 4,2014, <https://www.thecable.ng/retired-justice-oputa-dies-at-89>.

The mandate of the HRVIC specifically takes the view of restorative justice rather than retributive justice.⁴⁴ This is because The Commission explicitly focuses on the right to truth, particularly because they acknowledge that the scope of human rights abuses within the lengthy period of military rule were simply too expansive to address all of them. The aim of The Commission was not to reconcile all Nigerians within the period of its sittings but “to provide Nigerians with the rare opportunity to tell their own stories, even beyond the period covered by The Commission’s mandate.”⁴⁵ The Commission also specified that they were a fact-finding body and not a fault-finding body, meaning they could not determine guilt as they were only to carry out neutral investigations.⁴⁶

It is also noteworthy that the truth commission took a wide view of the definition of human rights abuses including among their categorizations social, cultural and economic as these also have long lasting effects.⁴⁷ The Commission determined that they would focus on gross human rights violations and the mandate of The Commission was to:

- (a) ascertain or establish the causes, nature and extent of all gross violations of human rights committed in Nigeria between the 15th day of January 1966 and the 28th day of May 1999;
- (b) identify the person or persons, authorities, institutions or organisations which may be held accountable for such gross violations of human rights and determine the motives for the violations or abuses, the victims and circumstances thereof and the effect on such victims and the society generally of the atrocities;
- (c) determine whether such abuses or violations were the product of deliberate State policy or the policy of any of its organs or institutions or whether they arose from abuses by State officials of their office or whether they were acts of any political organisations, liberation movements or other groups or individuals;
- (d) recommend measures which may be taken whether judicial, administrative, legislative or institutional to redress injustices of the past and prevent or forestall future violations or abuses of human rights;
- (e) make any other recommendations which are, in the opinion of the Judicial Commission, in the public interest and are necessitated by the evidence;
- (f) to receive any legitimate financial or other assistance from whatever source which may aid and facilitate the realisation of its objectives⁴⁸

METHODOLOGY

⁴⁴ Human Rights Violation Investigation Commission, *Synoptic Overview of HRVIC Report: Volume Six*, (Human Rights Violation Investigation Commission,2002),1-4.

⁴⁵ Human Rights Violation Investigation Commission, *Synoptic Overview of HRVIC Report: Forward*, (Human Rights Violation Investigation Commission,2002),25-26.

⁴⁶ Human Rights Violation Investigation Commission, *Synoptic Overview of HRVIC Report: Volume Four*, (Human Rights Violation Investigation Commission,2002),11.

⁴⁷ Human Rights Violation Investigation Commission, *Synoptic Overview of HRVIC Report: Volume Three*, (Human Rights Violation Investigation Commission,2002),7.

⁴⁸ *Ibid*, 128.

Pursuant to the prescriptions of the HRVIC mandate The Commission selected reputable research centers, civil society organizations and academics to conduct research over a period of nine month on the human rights abuses that occurred during the military regimes.⁴⁹

The most publicized outcome of The Commission was the public hearings which allowed victim to appear in-person to lay out the abuses they had endured to The Commission.⁵⁰ While public hearings are controversial because they may retraumatize victims and their public nature allows for the opportunity for victim intimidation or even harm, The Commission determined this was the best way to conduct its research because most Nigerians were not literate so it this would be the best method to uncover abuses while simultaneously educate the populace of these abuses.⁵¹ These public hearings also aligned with their mandate of providing restorative justice as The Commission believed that the face to face encounter of victim and perpetrator would lead to catharsis, reconciliation and forgiveness.⁵²

Despite receiving thousands of petitions The Commission ultimately decided to only see those pertaining to gross human rights abuses as defined in their mandate and so The Commission, imbued with the power to summon the accused and plenty voluntary victims and victims' rights organizations began hearing petitions in October 2000.⁵³

⁴⁹ Human Rights Violation Investigation Commission, *Synoptic Overview of HRVIC Report: Volume Three*, (Human Rights Violation Investigation Commission, 2002), 1-2.

⁵⁰ Human Rights Violation Investigation Commission, *Synoptic Overview of HRVIC Report: Forward*, (Human Rights Violation Investigation Commission, 2002), 6.

⁵¹ *Ibid*, 30.

⁵² Human Rights Violation Investigation Commission, *Synoptic Overview of HRVIC Report: Volume Four*, (Human Rights Violation Investigation Commission, 2002), 11-12.

⁵³ *Ibid*, 6-12.

FINDINGS

The resultant report produced by the HRVIC catalogued human rights abuses across 6 geopolitical zones and 2 institutions. The geopolitical zones were the North-West, South-South, North-Central, North-East, South-West, and South-East, while the institutions are The Nigeria Prisons, The Nigeria Police.⁵⁴

Within these categories the human rights abuses were divided into types of abuses that were significant within these regions. Here are a few of the most important catalogued abuses.

LAND VIOLATIONS which involved the unlawful seizures of land⁵⁵

VIOLATIONS OF THE RIGHT TO LIFE consisting of the state murdering men, women and children, “in order to attain specific political goals.”⁵⁶

CIVIL WAR CRIMES committed by both the federal government army and Biafran soldiers. These abuses consist of abductions, killings and rapes to name a few.⁵⁷

ABANDONMENT OF PROPERTY claims that people who fled their homes during the civil war came back to find their property occupied by the government or the indigenous groups to the area and did not have their property returned.⁵⁸

VIOLATIONS OF HUMAN RIGHTS OF COMMUNITIES relating to the unlawful seizure of land. This was particularly important in the Niger-Delta region where suppression of Niger-Delta peoples in order for the government and MNCs to maintain control of oil. These types of human rights abuses ranged from claims of environmental destruction and divide, and rule tactics aimed at promoting ethnic conflict all the way to directly killing protestors.⁵⁹

⁵⁴ Human Rights Violation Investigation Commission, *Synoptic Overview of HRVIC Report: Volume Three*, (Human Rights Violation Investigation Commission, 2002), 7.

⁵⁵ *Ibid*, 14-22.

⁵⁶ *Ibid*, 23-27.

⁵⁷ *Ibid*, 37-40.

⁵⁸ *Ibid*, 40-43.

⁵⁹ *Ibid*, 43-52.

RECOMMENDATIONS

The report created by the HRVIC had 3 different categories of recommendations:

First, they addressed the specific human rights abuses that were expressed by the petitioners who were allowed to present their cases to the panel. These recommendations usually compelled the perpetrator to apologize, suggested some form of monetary compensation for the losses of the victim, medical attention for both physical and mental injuries and the nullification of unlawful convictions.⁶⁰

The second class of recommendation were addressed at one of the specific geopolitical regions or institutions that were investigated for human rights abuses. For instance, in the South-South region The Commission made recommendations such as returning the bodies of the killed Ogoni people, compensation for affected people and apology from the federal government.⁶¹ In the case of the institutions of the police and prisons, The Commission recommended specific ways they could reform their organizations to comply with human rights law and prevent reoccurrence of human rights violations.⁶²

Finally, The Commission has overall recommendations toward the new democratic state that addressed how the country as a whole should interpret the results of The Commission and move forward from the era of military rule while ensuring the non-recurrence of the abuses of the past. These include recommendation such as educating citizens on their history and rights, stopping the creation of states and chiefdoms because they “undermine the project of national integration,” reforming the military and police, ensuring those who participate in coups are not allowed impunity and popularizing the results of the HRVIC.⁶³

⁶⁰ Human Rights Violation Investigation Commission, *Synoptic Overview of HRVIC Report: Volume Five*, (Human Rights Violation Investigation Commission,2002),265,54.

⁶¹ Human Rights Violation Investigation Commission, *Synoptic Overview of HRVIC Report: Volume Three*, (Human Rights Violation Investigation Commission,2002),65.

⁶² *Ibid* 202-207, 237, 243.

⁶³ Human Rights Violation Investigation Commission, *Synoptic Overview of HRVIC Report: Forward*, (Human Rights Violation Investigation Commission,2002),63-70.

LEGACY

In 2002 the HRVIC submitted their Commission Report and it was subsequently ruled unconstitutional by the Nigerian Supreme Court and annulled by the Nigerian Government.⁶⁴ To this day the report has never been published nor have its recommendations been implemented. However in 2005 2 Nigerian NGO's unofficially published the full report.⁶⁵

While disappointing, it was not altogether surprising that the Obasanjo government failed to publish the report. Based on Obasanjo's initial limited scope and resources given to The HRVIC it was clear that it was only a feeble attempt for the newly established Nigerian government to distance itself from ills of the previous military governments without actually doing the work required to reform.

Due to the annulment of the report the HRVIC failed at all the goals of a truth commission namely truth, justice, reconciliation and non-recurrence. As a result of this reality scholars have lambasted the HRVIC on all fronts. For instance, in reference to the failure of The Commission to provide truth or reconciliation, Dr. Akoleowo notes that since the establishment of the fourth republic ethnic, religious, communal conflicts and secessionist movements have only multiplied.⁶⁶ She attributes this to the fact that Nigeria has never taken the opportunity to reckon with its history and even refuses to include this history as part of the national curriculum.⁶⁷ As a result of this, Nigerians are forced to rely on collective ethnic memory, whether these memories are accurate or not, which only perpetuates ethnic divisions and explains why Nigeria to this day struggles to create a sense of national identity.⁶⁸

The HRVIC's failures are most evident when evaluated on the basis of its ability to ensure non-recurrence. The sincerity of The Commission was immediately put into question in 1999 and 2001, just after Obasanjo inaugurated The Commission, because his own government continued the legacy of human rights abuses by committing "the assaults of Odi and Zaki Biam where Nigerian soldiers killed scores of civilians in retaliation for the killings of soldiers by local gang."⁶⁹ Moments such as this demonstrate why scholars have accurately pointed out that the annulment of the report entrenched a culture of impunity into the Nigerian military.⁷⁰ Since the Commission was established it

⁶⁴ Victoria Openif Oluwa Akoleowo, "National Unity, Transitional Justice, and the Human Rights Violation Investigative Commission (HRVIC)," *Bodija Journal* 11 (2021): 103.

⁶⁵ United States Institute of Peace, "Truth Commission: Nigeria."

⁶⁶ Akoleowo, "National Unity, Transitional Justice, 115.

⁶⁷ *Ibid*, 113.

⁶⁸ *Ibid*, 116.

⁶⁹ *Ibid*, 115.

⁷⁰ Izuchukwu Temilade Nwagbara, "Impunity: An Impetus For Repeated Atrocities Nigerian Army As A Case Study," *CIFILE Journal of International Law* 4 no. 7 (March 2023): 63. <https://doi.org/10.30489/cifj.2023.378065.1060>.

appears as if it is business as usual for the government as they continue to commit human rights abuses to this day. The most notable and current examples of this was witnessed during the END SARS protests in 2020 when unarmed civilians protesting the brutality of the SARS police force were killed at Lekki toll gate while singing the national anthem.⁷¹ In a brazen show of impunity the state government released a report claiming that no massacre had occurred despite all evidence to the contrary.⁷²

Perhaps the most useful outcome of the annulment of the HRVIC is that its failure is a testament to the importance of truth commissions, for imagine how different Nigeria today would be had the government deigned to fulfil even a fraction of the recommendations.

BIBLIOGRAPHY

⁷¹ Ibid, 69-70.

⁷² Ibid, 71

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