UNPACKING THE LEGACY OF MILITARY RULE: HUMAN RIGHTS VIOLATIONS IN NIGERIA (1985-2007)

AJAYI, OLUTAYO AYOBAMI (PhD)
DEPARTMENT OF HISTORY AND INTERNATIONAL STUDIES, EMMANUEL ALAYNADE UNIVERSITY OF EDUCATION, OYO, OYO STATE, NIGERIA, ajayioao@eauedoyo.edu.ng

OYEDOKUN MOJEED OYETUNJI
AL-HIKMAH UNIVERSITY INTERNATIONAL SCHOOL ILORIN, doubleoyeonline@gmail.com

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ABSTRACT
This study examines the Human rights violations perpetrated during Nigeria's Military rule from 1985 to 1999, and the lingering impact on the country's democratic transitions from 1999 to 2007. Through a critical analysis of archival materials, interviews, and secondary sources, this research uncovers the systemic abuses, impunity, and institutional weaknesses that characterized the military era. The study reveals how the military's draconian laws, extrajudicial killings, forced disappearances and torture, created a culture of fear and silence, which continues to influence Nigeria's human rights landscape. The research also assesses the efforts of successive democratic governments to address these violations, including truth-telling initiatives, judicial reforms and reparations. The findings highlight the need for a more comprehensive and inclusive approach to transitional justice, institutional reform, and accountability to effectively confront and the legacy of military rule and promote sustainable human rights protection in Nigeria. The paper contributed to literature through conceptual definitions and through methodology with new insightful information.

Introduction

Nigeria's experience with military rule, spanning from 1985 to 1999, was marked by widespread human rights violations, which have left an indelible mark on the country's political, social, and economic landscape. The regime of General Ibrahim Babangida, which began in 1985, and the subsequent regime of General Sani Abacha, which ended in 1998 were characterized by culture of impunity, where human right was systematically violated with no regard for the rule of law or accountability.

During this period, Nigerians faced numerous challenges, including extrajudicial killings, forced disappearances, torture, and arbitrary detention. The military government's draconian laws and decrees criminalized dissent, restricted freedom of speech and assembly, and suppressed political opposition. The human rights community including activists, journalists, and ordinary citizens, were particularly targeted, facing harassment, intimidation, and violence.

Despite the return to democracy in 1999 the legacy of military rule continues to shape Nigeria's human rights landscape. The failure to

address the past violations and bring perpetrators to justice has perpetrated a culture of impunity, undermining the rule of law and the protection of human rights. This study aims to unpack the legacy of military rule, examining the human rights violations perpetrated during this period and the ongoing challenges to accountability, justice, and human rights protection in Nigeria. Many literatures were consulted to bring an insightful knowledge to the gap been investigated and to proffers solution through thorough methodological approach to human rights violations during military rule in Nigeria.

Conceptual Definition of Human Rights

Rousseau (2000) says the strongest is never strong enough to be always the master unless he transforms strength into rights and obedience into duty. He sees force as a physical power and fails to sees what moral effect it can have. He argues that to yield to force Is an act of necessity, not of will. He also argues that if force creates right, the effect will inevitably change with the cause, since in greater than the first former. He further contends that if it is possible to disobey with essence, every force that is Impunity, disobedience is legitimate and the strongest been always in the right, the only thing that matters is to act so as to become the strongest. He continued by asking, what type is that which is perishes when force fails? Therefore, he says it is clear that the word “right adds nothing to force and in this connection, it means absolutely nothing.

Gierke (2003) asserts that Human rights are not the urge to satisfy ones desire, such desire as committing murder, and for instance which cannot be grounded in human rights. In essence that right is then that claim which the force of the state will, upon the order of his court be used to substantiate its legality. (Ewings: 2001) This means that changes in the law then can produce changes in the substance of right and a periodic review of statue books and decision underlies the verdict of judicial officers. But a purely legalistic view has nothing to contribute to an adequate political philosophy. (Appadoral: 1995) Therefore, a legal theory of right will tell us what in fact the character of a state is, it will not tell us, surely by the judgment we express upon some particular states, whether the rights recognized there are the right that needs adequate recognition.

Laski now goes ahead to define rights as "those conditions of social life without which no man can seek, in general to be himself at his best". That people basically have right so that they may make contribution to the societal growth. The contribution must be personal, or it is not a contribution at all. He also emphasizes that the rights of the individual are given to perform some given duties, therefore, he that will not work or perform any function cannot enjoy rights any more that he who is ready to work. He says he who will not work should not enjoy bread. Laski submitted that any system of rights has three essential aspect or part from which it must be regarded namely:(a) interest of the individual(b) interest of various group in which the individual finds channels of expression(c) interest of the community which is the total result of the whole pressure of social forces.

Laski (1999) states that every state is known by right it maintains as an avenue to a creative view of politics, hence the need to define with some care the meaning they embody. Such rights do not implythe reflection of a natural order which lies behind the shifting appearance of contemporary society, for such an order according to Laski "cannot be permanent in a world where science changes at a peace as rapid as we have come to expect".

Rousseau states finally that force does not create right and that we are obliged to obey only legitimate powers. He also talks about the general will. He argues that the right of an individual cannot be treated isolation, but must conform to the right of the other within the society. There are equal rights under the law and these Right must conform to the will of the society. He also says that any individual who infringes on the rights of others contrary to the general will must be made to conform.

What is Human Rights Violation?

Human violation occurs when an individual’s fundamental rights and freedoms, as enshrined in international law, are infringed upon or disregarded by a government, institution, or individual. Human right violation is as old as man itself, this phenomenon is not strange to Nigeria and many countries of the world despite the fact that attempts are made to protect the rights of individuals within the society.

Human Rights violation is basically the denial of the rights of an individual or a group of people

by the Government. These rights and privileges meant for the better living condition of the masses are curbed or restricted by the authorities Human Rights violations are rampant in several countries of the world such as Burma, Germany Cambodia, Angola, Somalia, Sudan, Afghanistan, Iraq, Liberia, Yogoslavia, Uganda, Serbia and many others who were and still under the grip and firm old of despots, tyrants and totalitarian regimes of wicked rulers like Adolf Hitler, Slobodan Milosevic, Saddam Hussein, Idi Amin Dada, Charles Taylor, Sani Abacha, Benito Mussolini etc. Eze (2001). The Governments in Nigeria has coined a popular phrase which is "threat to National Security" to legalize and justify such actions that violates or abuses the fundamental rights of the people. Dudley (2000)

Human Rights Violation under the Military

Military Governments wherever and whenever they emerged are known to rule by decrees. The first pronouncement of a military regime is the suspension of all democratic structures, the constitution and the legislature. The military comes on power through the barrel of the gun and they also maintain their strong-hold on power by the use of force of coercion. A careful study of some countries, where at one point or the other these Khaki boys have taken over the reins of Government, lends credence to this statement.

In Nigeria, we will take the regimes of General Ibrahim Babangida and General Sani Abacha as case-studies. These two regimes as soon as they assume power constitute what they called the "highest ruling body", which was responsible for the churning out of various obnoxious decrees. This body is composed of not more than ten (10) senior officers of the armed forces, usually the Service Chiefs of the Army, Navy and Air-Force as well as commanders of various Army Formations of Divisions. General Babangida called his own Armed Forces Ruling Council (A.F.R.C.) while General Abacha called his Provisional Ruling Council (P.R.C.). Under the Babangida Regime, many cases of human rights violations were recorded, the most prominent being the brutal murder by parcel bomb of Mr. Dele Giwa, the Editor-in-Chief of magazine on Sunday, October 19, 1986. He was alleged to be in possession of certain classified information which was to appear in his magazine and also the proscription of media houses like Concord newspapers, Punch and so on. The detention of some prominent Nigerian intellectuals who were critical of his Government, such as Professor Wole Soyinka, Chief Gani Fawehinmi, Dr. Beko Ransome- Kuti and others were put in detention.

His Government was known to have clamped into detention so many Nigerian who at one time or the other spoke against his regime. On June 12, 1993, a Presidential election was conducted by the National Electoral Commission (N.E.C) in which he approved two registered political parties, namely the Social Democratic Party (SDP) and National Republic Convention (NRC) after disbanding about thirteen political associations seeking registration as parties. Chief M.K.O. Abiola was the Presidential candidate for the S.D.P. While Alhaji Bashir Tofa was the Presidential candidate for the N.R.C. The N.E.C. Chairman, Professor Humphrey Nwosu announced the results of about sixteen states out of the thirty states that Nigeria had at the time. From that result, the S.D.P. candidate was in the lead, however on June 23, 1993, General Babangida announced the cancelation of the entire election without any concrete reason, except that there were irregularities which cannot be substantiated. Fourteen (14) million Nigerians came out in large numbers to cast their ballots for the candidate of their choice. The election was adjudged to be the freest and fairest in the history of this country and it was attested to by both the local and international observers and monitors.

There was unrest and confusion everywhere as a result of the annulment. Workers went on strike a sit at home directive by the Nigerian Labour Congress (N.L.C.) the umbrella body of all Trade Unions in Nigeria which includes the National Union of Petroleum and Natural Gas Worker (NUPENG) Chief Frank Ovie-Kokori, the Secretary-General of N.U.P.E.N.G. who was one of the arrow-heads of the strike was arrested and detained as a result arrow-heads paralysis of the socio-economic life in the country. There was wild protest in every nook and cranny of Nigeria leading to loss of lives and properties. The government drafted armed suppress the people's will and mandate.

General Ibrahim Babangida was forced to relinquish power because of this crisis and on August 26, 1993, he announced in a Nation-wide broadcast to the people that he was "stepping aside". He handed over to an Interim National Government (I.N.G.) headed by Chief Ernest Shonekan. The I.N.G. lasted between August 26 and November 17, 1993, a period of 82 days. On November 10, 1993, a remarkable judgement was delivered by Justice Dolapo Akinsanya of the

Lagos High Court declaring the Interim Government as illegal, unconstitutional, null and void. The I.N.G. was removed from office on 17 November, 1993 in a place coup that brought General Sani Abacha to power.

As reported African by journal of Human Rights (2001) The Abacha junta also has it on record as being one of the most despotic regimes in Nigeria and even in Africa, his Government jailed several pro-democracy activists, closed down media houses that were critical of his policies and ultimately his Government executed the popular writer and President of the Movement for the survival of Ogoni People (M.O.S.O.P.) on whose land Nigeria derives her crude oil, which is the main source of the National Income (N.I.) which is also called the Gross Domestic Product (G.D.P.) the man in question is Mr. Ken Saro-Wiwa, he was executed for his resolve to fight for the emancipation and better living condition of his people whose land and the rivers surrounding them have been devastated and polluted due to oil spillage: His execution led to Nigeria has been declared a "pariah state" by the International Community and the Commonwealth of Nations, an organization consisting of former British colonies placing a "suspension order" on her.

There was gross violation of human rights of the people by the Abacha Government. Alhaja Kudirat Abiola, Chief Abiola's wife was assassinated on a Lagos Road on June 4, 1996 after she has been clamouring for her husband's release. So many prominent Nigerians who were seen as being hostile to his government were murdered, thrown into detention or forced to flee to exile. These include Pa Alfred Rewane who was murdered in his bedroom in Lagos, Chief Gani Fawehinmi and Mr. Femi Falana others were detained while Professor Wole Soyinka fled into exile after series of death threats.

On June 8, 1998, General Sani Abacha died suddenly in a in Aso Rock, Abuja. Before his death Nigeria had been suspended from the Commonwealth of Nations due to the murder of Mr. Ken Saro-Wiwa and his refusal to release Chief Abiola. Even the Catholic Pontiff, Pope John Paul II during his visit to Nigeria in March, 1998 also lent a voice of the release of the detainees, but General Abacha bluntly refused to heed this call.

Human Rights Violation in the 4th Republic

Chief Olusegun Obasanjo's administration since May 29, 1999, has been operating a Democracy that cannot be said to be total of one that conforms to the basic tenets of democratic ideals, yet we can say categorically that the political landscape in Nigeria today is freer and the populace can express their opinions and views on matters of public importance without any fear or let, particularly when it comes to referring to the media Houses. There has been freedom of the press as its highest level. These part seven years journalists have been free to write a lot for or against the Government, yet there has been no recorded incidence of closure of any media house, this is highly commendable on the part of the present civilian government, however we cannot afford to ignorecertain instances in which the fundamental human rights of Nigerians have been infringed.

Some Nigerians have been arrested and detained for questioning by this government; this activity is usually carried out by the various security agencies such as the State Security Services (S.S.S) and the investigative unit of the Nigerian Police. Officials of the Government claim to have no knowledge of such action, stating that these agencies often carry out their functions without recourse to the top echelons of Government. People who have been so detained and later released include AlhajiAbubakarRimi, Brigadier General Mohammed BubaMarwa (Rtd). Dr. Fredrick Fasheun and so on.

This Government has also been known to flagrantly disobey court injunctions delivered by competent Judges in properly constituted courts on so many instances. This does not angur well for the practice of democracy, because the judiciary which is the third arm of the Government is not being respected. This branch of Government is generally referred to as "the last hope of the common man" and if this hope of the people is subjugated and their rights trampled upon, then our democracy cannot be said to be real by any standard.

Classification of Abuse of Human Rights and Privileges under the Fourth Republic

The violation of human rights and privileges under the fourth Republic can be classified as follows: (i) personal assault, deprivation of liberty, arrest and detention and (ii communal violation or abuse of human rights.

(i) Personal Assault, Deprivation of Liberty and Detention

In the course of this Administration a lot of people has experienced and suffered so many unconstitutional actions by Government and its agencies. Some people suffered arbitrary arrests and detention without trial. Some others were faced with physical assault and brutality from security operatives. Two journalists for the Vanguard Newspapers were brutalized and unnecessary injuries inflicted upon them. This happened in 2003 in Lagos, Oba Rilwan Babatunde Akiolu, this heinous act was carried out by the security officials who were attached to Vice President Atiku Abubakar. The Journalists were carrying out their legitimate duty and responsibility when they were man-handled by the over-zealous security aides. The office of the Vice President later apologized to the Journalists and their employer, the Vanguard Newspapers, but no compensations was paid to the people concerned to settle their medical bills.

A number of Nigerians were arrested and detained without trial or even knowing the crime they committed. Brigadier General Mohammed Buba Marwa (Rtd) a former military administration to Lagos State experienced this in 2005, he was arrested and detained for a couple of days, he was later released and the State Security Service (SSS) insured a statement explaining why he was arrested, the release stated that he was invited for routine questioning on an investigation. Some other Nigerians too, experienced such deprivation of liberty and denial of their right. This explains why the country has her prisons overflowing nationwide with suspects and people who have been detained without trial. This is a violation of the people Human Rights.

(ii) Communal Violation or Abuse of Human Rights: the Case of ZakiBiam in Benue State and Odi in Bayelsa State

The brutality that took place in the two states of the Federation can be described as almost the same, though; the incidents took place at different periods of time during the first term of this government between 2000 and 2001.

These two communities, Zaki-Biam in Benue state and Odi in Bayelsa state were reportedly involved in the killing of some policemen who were deployed to the communities. The people of the communities were said to be un-comfortable with the presence of the policemen, who were said to be exploiting the members of the communities instead of protecting them and maintaining law and order within the communities. The policemen in these communities were reported to be extorting money from the inhabitants and also sexually harassing the girls and women of the two communities. The people of these communities particularly the militants, the came together and decided to eliminate some of the policemen. The actions of these youths itself is totally wrong and condemnable, though their defense was that they did it to protect their people from further abuse.

The Federal government responded by deploying an undisclosed number of military personnel, but it was clear that they were heavily armed and large in quantity. This army went to these two towns and overturned it, there was destruction and arson, human lives and properties were destroyed, the girls and the women in these towns were also raped. The level of the violations of the fundamental Human Rights of the people of these communities is of unimaginable proportion; the Newspapers reported the body of an old man, still clutching firmly to a copy of the Holy Bible in a pond behind an Anglican Church. The destruction was total to the extent that crops and farms were set ablaze, and every house in the community with the exception of the First Bank building, a Community Health Care Centre and that Anglican Church sacred places of worship such as a churches, ancestral shrines, sacred forests and even cemeteries and burial grounds were demolished, a case of not even allowing the dead to rest in peace.

A large number of people were arrested and taken away by the soldiers to military barracks in Elele, Port-Harcourt and Warri. The 60,000 residents of the community had fled into the forest, been arrested and killed. The invasion of Odi town in Bayelsa state according to investigation was premeditated. It was carefully planned to annihilate the people in order to make things smooth and easy for the oil prospecting companies. The invasion was termed "Operation Htakuri II" by the then Minister of Defence, General Theophilus Yakubu Danjuma (Rtd). He announced that the operation was initiated with the mandate of protecting rig terminals and pipelines of refineries as well as power installations in the Niger Delta areas. This translated to the fact that it was for oil and oilalone that the soldiers who are today maintained with the same oil money from Odi and other communities of Niger Delta

went to Odi to perpetrate this atrocity and unwholesome act. It can be said to be a case of killing an ant with a sledge hammer.

Assassination of Some Selected Nigerian Citizens

In the last seven years of democratic rule in Nigeria, some very prominent Nigerians have been cut down prematurely for reasons that are majorly political, going by reports and circumstances surrounding the dastardly acts. For the sake of this study, I will be treating about four separate instances of assassination of people who have been actively involved in this present political dispensation. These people are eminent citizens of Nigeria and they are also respected citizens of the world. They are:

i. Chief Bola Ige, former Governor of Oyo State, renowned layer and Senior Advocate of Nigeria (S.A.N.) and as at the same time he was assassinated on December 23, 2001, he was the minister of Justice and Attorney-General of the Federation. He was murdered in his bedroom in Ibadan, the capital of Oyo State, he was a former presidential candidate of the Alliance for Democracy (A.D.) and a strong factor in the policies of Osun State and the entire southwest of Nigeria.

ii. Chief Aminosari K. Dikibo, he was assassinated in March, 2003 and as at that time he was the National Vice-Chairman (South- South) of the People Democratic Party (P.D.P.) and also a political stalwart in the six states that makes up the south-south of Nigeria.

iii. Engineer Funsho Williams, a consultant Civil Engineer and Gubernatorial candidate of the People's Democratic Party (P.D.P.) in Lagos State. He was assassinated on July 20, 2006, at his Dolphin Estate, Ikoyi Lagos twice he has contested for the same office and lost, and he refused to challenge the election results in Court as his party men had wanted him to. He said he will wait for another four years; he was warming up for the next election year when he was gruesomely murdered.

iv. Dr. Ayodeji Daramola, an economist and consultant to the World Bank, he is also a Governorship candidate of the People's Democratic Party (P.D.P.) but in Ekiti State he was murdered on August 14, 2006 at his Home in Ijaye-Ekiti, Ekiti State.

We should also take note that Mr. George Akume, the Governor of Benue State miraculously escaped an assassination attempt on his life in April 2004, while driving in a convoy along the Makurdi-Abuja Expressway. A group of gunmen numbering about twelve (12) opened fires on his entourage and two of his companions, his childhood friend and a security aide were shot at and they both died on the spot. These assassinations and attempted assassination have been said and reported to have political undertones or linkages.

Causes of Human Rights Violations

There are many factors that can lead to human rights violations. The abuse of an individual's rights may be caused by some reasons, such as insecurity of the Government in power and to curb the incessant condemnation of Government policies by opposition parties or groups. Human rights violation is a phenomenon that is common to autocratic regimes. It is also caused by a desperate determination of dictators to hold on to power tenaciously.

Constructive criticism is forbidden and human rights activities are harassed and detained within the country and the rest are forced to go on exile for the sake of their dear lives. Dictators are known to use this crude machinery to undermine the collective will of the people and to create fear and instability in the minds of the people. These intimidations erode the values of human rights from the people in a state. The psyche of the citizens is negatively affected and they are unable to appreciate the rights of their fellow citizens.

Unfortunately, the Nigerians seem to see President Olusegun Obasanjo as a dictator, despite the fact that he is a civilian. Though a retired Army General, people still view him and his administration as that of a military man. In fact, a cross section of the news media has termed Obasanjo's Government as that of a Militarized Democracy" because of his somehow uncompromising style of leadership. This can be seen in situations whereby he intentionally leadership follow public opinion of Nigerians, for instance, the incessant increase in the pump price of petroleum products, which has led to series of strike actions as led by the umbrella body of al trade unions in the country, that is the Nigeria Labour Congress (N.L.C.) which resulted into the shutting down of Government activities

and the paralysis of both the social and economic pursuits of the people in Nigeria.

It is pertinent to state here what two prominent Nigerians have to say on the present Government in the country. Prof. Sam Aluko, a retired Professor of Economics at the Obafemi Awolowo University (O.A.U.), Ile-Ife said that "Obasanjo's Government is worse than that of Abacha because majority of Nigerians are more impoverished than they were under Abacha". Chief Gani Fawehinmi (S.A.N.) a veterian human rights activities and lawyer also said that "this Government is under the stronghold of a military dictator in civilian babanriga or agbada" he said as far as he was concerned, there is no difference between this dispensation and that of Abacha.

Effects of Human Rights Violations on the People and the Society

The greatest damage human rights violation has caused on the people is the erosion of public confidence. Several young Nigerians have never witnessed what human rights is, they onlyread about it in textbooks and are aware that is been practiced in some foreign lands: The absence of human rights values in the speak out on certain issues, fearing arrest and detention.

Human Rights violation has done untold damages to the psyche of Nigerians to the extent that their ways of reasoning and their disposition towards fellow Nigerians and the society at large became negative. An average Nigerian is frustrated and does not see anything good in what the leadership at various levels are doing to impact positively on the lives of the people.

It should be noted that the long period of military rule in Nigeria has rendered the people incapacitated. The large scale exploitation of the natural resources in the Niger Delta, which is mainly petroleum and the gross abuse of human rights of the people by past military regimes has led to a high rate of military in that area. The devastation of the land of the inhabitants of the area has not been compensated. The attempt of the people of the Niger Delta to voice out against this anomaly, has led to brutal suppression, murder, intimidation and even rape. However, the present government has been making very serious attempts in making sure that all these problems and violations are adequately amicably.

Recommendations and Challenges

At this juncture, it is necessary to make concrete recommendations which will serve as a guide to the government.

i. There shall be due consultation to the people of Nigeria whatever policy government wants to embark on and make sure such policy and to not affect the right of Nigerian citizens.

ii. The Government should respect the rule of law, not minding the position of government on such law and obey the court order.

iii. A man rights should be enjoyed and protected by the government to all the Nigerian citizens.

iv. Government should provide basic necessities of life to the average citizens of Nigeria such as food, clothing, shelter, water, light good roads and so on.

v. Lastly, this Government must carry out an extensive overhauling of our society apparatus in this country, the Nigerian police and other security agencies must be restricted in such a way that he lives and properties of the people are better protected.

Sophisticated crime detecting gadgets should be provided for them. The officers should be sent on training and re-training within the country and abroad for necessary exposure. The bad eggs within the ranks should be flushed out and the good ones should be motivated in their remunerations and allowances. The special awards that are insurance policy should be established for all police officers and security operatives as it is been done in the developed democracies this will encourage them to put in more efforts and to be more dedicated in their duties and assignments.

Conclusion

In conclusion therefore, one could have observed many human right violations in Nigeria during the periods reviewed above and a lot of injustice perpetuated by Government to the people of Nigerian. In as much that all these rights are individual rights that are supposed to be protected by the government. All these

human rights violations are disobedience to rule of law, unlawful detention of citizens, personal assault, and deprivation of liberty, communal violation and abuse of human rights and so on. All these rights are to be enjoyed and protected by the government.

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