

VOLUME SIX

REPARATION, RESTITUTION & COMPENSATION

CHAPTER ONE

INTRODUCTION

SETTING THE CONTEXT: RECONCILIATION AND REPARATION

1.1 This volume seeks to clarify and examine the important issue of Reparation, disaggregated into its related concepts—Restitution, Compensation, and Rehabilitation. The issue of Reparation raises two central problems for the work of a truth and reconciliation commission like ours. The first is whether it is possible to achieve national reconciliation without restitution, compensation and rehabilitation. Secondly, is it possible for victims of gross human rights violations, individually, to get justice without receiving some form of restitution, compensation and rehabilitation?

1.2 As Priscillia Hayner has rightly noted, at the personal or individual level,

Forgiveness, healing, and reconciliation are deeply personal processes, and each person's needs and reactions to peacemaking and truth-telling may be different.

[P. Hayner, *Unspeakable Truth*, New York: Routledge 2000), page 155)

1.3 The problem is, therefore, how to ensure that the goal of national reconciliation is not pursued at the expense or sacrifice of the needs or psychological satisfaction of individual victims of gross violations of human rights. This is particularly important, if only because, as the experience of the *Truth and Reconciliation Commission of South Africa* so dramatically illustrated, knowing the truth may further deepen the sense of wrong and of the wounds inflicted on victims, making reconciliation, desirable as it may be as a national objective, difficult to attain at the inter-personal, micro-social level. In the same vein, perpetrators may also face problems coming to terms with their guilt and shame.

1.4 There are, therefore, various levels of “healing” and “reconciliation,” principally at the individual, inter-personal or micro-social and national levels. There is need to find a strategic device to build bridges across these various levels.

1.5 Although it may be difficult to achieve or effect personal reconciliation, there are obvious steps that can facilitate it or at least increase the chances of reconciliation for individual victims and perpetrators.

1.6 These steps include the following: revealing the truth; acknowledging the harm done; showing remorse for the pain suffered by the victim; apologising for the wrongs done; holding perpetrators accountable; healing the injuries caused; rehabilitating those with disabilities; restitution and compensation for wrongs that cannot be

replaced; forgiveness and closure by the victims; and preventing future occurrences through establishing institutional reforms.

1.7 In short, reparation is as much a key aspect of the process of reconciliation as are revealing the truth and apologizing for the harm done. To heal the injuries caused, to rehabilitate those with disabilities, and to compensate for wrongs that cannot be replaced are ways of acknowledging the harm done, providing a platform for holding perpetrators accountable and giving the nation the opportunity to atone for past misdeeds. In effect, without reparation, there can be no real reconciliation.

ENSURING ACCOUNTABILITY AND JUSTICE

1.8 If, as some have argued, *Reconciliation* is a
“ a code word for those who wanted nothing done
reconciliationwas understood by victims to mean,
‘We are being asked to reconcile with our torturers, and
they’re being asked to do nothing’”
[P. Hayner, *Unspeakable Truths*, p. 160],

how is the State to ensure that perpetrators are held accountable, thereby avoiding creating an image of impunity for violators?

1.9 One answer is that perpetrators of gross human rights violations should be made to pay back or do something to show that they recognize and admit the harm they have done, in the form of the pains and the sufferings their victims faced, as a result of the violations of their human rights by the perpetrators of such violations.

1.10 The State is also oftentimes is implicated in cases of gross violations of the human rights of its citizens. For example, as our

country's political and social history has shown and, as we have detailed in previous volumes of his Report, not only has the Nigerian state created a political and socioeconomic environment conducive to the gross violations of human rights but also its agents and functionaries have been implicated in or have been active perpetrators of such violations.

1.11 In other words, where there are patterns of institutional (governmental) violations, the State as much as the perpetrators are liable and therefore should atone for these violations. Therefore, some aspects of the reparation have to be bore by the State, in addition to those provided by the violators.

1.12 Can justice be divorced from reparation? What is the relationship between the two concepts? Is it possible to obtain reparation without obtaining justice? These questions are relevant because some of those who submitted petitions to the Commission stated that what they wanted was **not** reparation but justice.

1.13 What then is justice? Can justice be divorced from reparation? This seeming perception of justice as separate from reparation may explain while many of the petitioners who sent in petitions to the Commission excluded the issue of reparation in their initial petitions, although they later sent in separate petitions to the Commission, praying for reparation – compensation, restitution, and rehabilitation.

1.14 A typical example of the seeming separation between justice and reparation was Petition 1393, which was submitted to the Commission by Menon Bagauda, in respect of the death under

mysterious circumstances of his elder brother, the journalist Bagauda Kaltho.

1.15 In the petition, Menon Bagauda sought the following relief: The commission should make a finding as to what happened to Bagauda Kaltho.

1.16 The Commission should recommend full investigation into the matter by the police so that the truth of what happened to Bagauda Kaltho would be known.

1.17 Those that were responsible for the arrest and subsequent disappearance of Bagauda Kaltho should be brought to book.

1.18 However, during the public hearing on the above petition held on 14 March 2001 at Kano, counsel for Menon Bagauda applied to recall the petitioner to tender the following addendum, seeking reparation, to the initial petition:

“The subject of their petition, Mr. James Bagauda Kaltho, left behind, after his disappearance, a wife, two daughters, two aged parents, three brothers and three sisters, who were all his dependants. These dependents of his have been going through psychological and mental trauma, as well as suffering material deprivation since his disappearance.... He therefore prayed that a compensation of 25 million naira be paid to members of the Kaltho family and dependents to alleviate their suffering”.

1.19 Another issue is the relationship between justice and revenge. Justice, in the context of a truth commission's search for reconciliation, is not revenge or vengeance, though oftentimes petitioners and victims, in the heat of anger, may be tempted to conflate justice with revenge or vengeance.

1.20 Reparation, though a product of justice, is merely part of a process of what has been described as *restorative justice, as opposed to distributive justice, retributive justice and social justice.*

On this view, Reparation is part of what needs to be done to earn justice and facilitate reconciliation. Justice is a three – way traffic, involving considerations of the claims of victims, offenders and the community.

1.21 In other words, *reparation is an important aspect of a process of restorative justice, which seeks to restore the human and civil dignity of both the victims and perpetrators of gross human rights violations. The process is intended to establish the accountability of the perpetrators and to facilitate national understanding of why the violations occurred.*

1.22 This is why the Commission will not be able to do justice and facilitate national reconciliation at the political level, as well as reconciliation between perpetrators and their victims, without addressing the issue of reparation.

CHAPTER TWO

DEFINITION ON CONCEPTS

REPARATION

2.1 What does *Reparation* mean? In what follows, an attempt is made to clarify what *Reparation* and related concepts like *Restitution*, *Compensation* and *Rehabilitation* mean. These are central concepts, which define and constitute aspects of the work of the Commission, in so far finding the truth and laying the ground for national reconciliation are concerned.

2.2 In fact, the right to reparation by victims of gross violations of human rights is explicitly recognized in international human rights law, which clearly establishes an obligation on the part of the state to provide redress for victims of abuses by state actors or agents or functionaries.

2.3 *Reparation* takes many forms. It extends beyond the payment of cash to victims of violations of human rights, in the specific case of the work of the Commission. It is a general term used to refer to all types of redress, including *restitution*, *compensation*, *rehabilitation*, *satisfaction* and *guarantees of non-repetition*. It is a means of repairing the past and setting the norms for the future.

2.4 The question of reparation should, therefore, be viewed in the overall context of the promotion and protection of human rights and fundamental freedoms and of the prevention of violations of such rights and freedoms.

2.5 A basic strategy for approaching the issue of reparation is the consideration of the needs and wishes of victims of violations of human rights.

2.6 The concept of a victim of human rights violation is well articulated in the *United Nations General Assembly Resolution 40/34 of 29 November 1985, the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*.

RESTITUTION

2.7 *Restitution* is an attempt to restore as much as possible the situation that existed before the violation(s) took place. It should, when it is possible to do so, restore the victim to the original situation he/she was before the violation occurred.

2.8 Restitution generally includes the following: (a) *restoration of liberty, legal rights, social status, family life, and citizenship*; (b) *return to one's place of residence*; and (c) *restoration of employment and return of property*.

COMPENSATION

2.9 Compensation is a form of reparation, which relates to any economic redress. Often for this to be possible, the damage resulting from the *violation* must be economically assessable.

2.10 In this respect, compensation involves, in appropriate situations and cases, a substantial reallocation of resources in order to meet the essential needs of persons and groups whose human rights have been grossly violated or neglected.

2.1 Compensation relates to any economically assessable damage resulting from the violations and it should be provided for any economically assessable damage resulting from violations of international human rights and humanitarian law such as:

- (a) physical or mental harm, including pain, suffering and emotional distress;*
- (b) lost opportunities (including education); and*
- (c) material damages and loss of earnings (including loss of earning potentials); (d) harm to reputation or dignity; and*
- (e) costs required for legal or expert assistance, medicines, and medical services, and psychological care as well as legal and social services.*

REHABILITATION

2.2 *Rehabilitation* includes legal, medical, psychological, social, and other care and support services to assist the victim to heal or to cope with the damage done by the violation.

2.3 This may include the following: *(a) relocation for the dislocated and displaced; (b) provision of medical and psychological treatment for victims and survivors (including specialised trauma counseling, self – help groups, family therapy etc.); (c) rehabilitation for perpetrators and their families to assist them come to terms with their violent past and learn constructive and non-violent ways of resolving future conflicts; (d) training for community members to enable them assist victims and survivors of human rights abuses (e.g. on skills such as crisis management, critical incident briefing, trauma awareness, referral skills and knowledge of available resources); and (e) skills training and income generation support for victims and survivors.*

NON-MONETARY REPARATION

2.4 Non-monetary reparation usually takes the form of satisfaction and guarantees of non-repetition, involving the formulation and implementation measures, which not only acknowledge the violations but also are intended to prevent their recurrence.

2.5 Non-monetary reparation serves a moral and social welfare function for victims.

Provisions for satisfaction and guarantees on non-repetition have been clearly and elaborately stated under international and humanitarian law. They include any or all of the following: *(a) cessation of continuing violence; (b) verification of facts and full and public disclosure of the truth, to the extent that such disclosure does not cause further unnecessary harm or threaten the safety of the victim, witnesses or others; (c) the search for bodies of those killed or those who have “disappeared” and assistance in the identification and reburial of bodies in accordance with the cultural practices of the families and communities; (d) an official declaration or a judicial decision restoring the dignity, reputation, and legal and social rights of the victim and of persons closely connected to the victim; (e) apology, including public acknowledgment of the facts and acceptance of responsibility; (f) judicial or administrative sanctions against persons responsible for the violations; (g) commemorations and tributes to the victims; (h) inclusion of an accurate account of the violations that occurred in awareness, training and educational materials at all levels; and (i) preventing the recurrence of the violations.*

2.6 With respect to the prevention of the recurrence of the violations, this objective can be achieved through such means as: (a)

ensuring effective civilian control of military and security forces; (b) restricting the jurisdiction of military tribunals only to specifically military offences committed by members of the armed forces; (c) strengthening the independence of the judiciary; (d) protecting persons in the legal, media and other related professions and human rights defenders; (e) continuing and strengthening of human rights training to all sectors of the society, in particular to military and security forces and to law enforcement officials; (f) prompting the observance of a code of conduct and ethical norms, in particular international standards, by public servants, including law enforcement, correctional, media, medical, psychological, social services and military personnel, as well as the staff of economic enterprises; and (g) creating mechanism for monitoring conflict resolution and preventive intervention.

TYPES AND EFFECTS OF GROSS HUMAN RIGHTS VIOLATIONS

2.7 There are several forms and types of gross violations of human rights, with differing consequences and effects. Typically, the types and consequences of such violations include cultural, economic, physical, political, psychological and social ones, to name a few.

2.8 To take some examples: The physical form of gross violations of human rights includes arbitrary arrest and detention, physical torture, and killing. The psychological form includes mental traumatising, through solitary confinement or the application of drugs, verbal abuse, brainwashing and humiliation. The economic consequences of gross human rights violations on victims include loss of property, of income and of employment.

2.9 According to the *Truth and Reconciliation Commission of South Africa Report, Volume 5, page 127,*

“Perpetrators of human rights violations used numerous tactics of repression, with both physical and psychological consequences. These found their expression in the killing, abduction, severe ill treatment and torture of activists, families and communities. Psychological damage caused by detention was not merely a by-product of torture by state agents. It was deliberate and aimed at discouraging further active opposition ...”

2.10 Human rights violations affect many people beyond the direct victims of such violations. They also affect the family members and friends of the victims, who are described as *“the secondary victims,”* through *disruptions to family life, invasion of homes, arrest and/or torture or killings of family members and separation of families.*

Indeed, relations and friends of perpetrators of these violations, communities, societies and the nation also suffer from some of these effects, like inter-family, inter-ethnic and inter-religious conflicts and the general atmosphere of communal distrust, which are all encouraged and created by gross violations of human rights.

CHAPTER THREE

NIGERIAN AND COMPARATIVE INTERNATIONAL LAW AND PRACTICES OF REPARATION

NIGERIAN LAW & PRACTICE ON REPARATION

3.1 The 1999 Constitution of the Federal Republic Of Nigeria contains a comprehensive bill of rights, whose objective, under a system of limited constitutional government, is to guarantee, promote and protect the rights of the individual to life, the dignity of human person, personal liberty, fair hearing, private and family life, conscience and religion, free thought and expression, free press, peaceful assembly and association, freedom of movement, freedom from discrimination and to acquire and own immovable property anywhere in Nigeria.

3.2 When any of these rights has been violated, the constitution raises the possibility of compensation. The Constitution provides that if any person alleges that any of his/her rights covered by the bill of rights has been or is likely to be violated, that person may apply to the high court for redress.¹

3.3 For example, in the common law of torts, which applies in Nigeria, any person or group that considers that his/her/its rights have been violated is entitled to initiate legal proceedings to recover or to prevent the violation.

¹ See Section 46{1} The Fundamental Human Rights Enforcement Procedure Rules states the procedure for initiating legal proceedings on human rights issues. See *Bello V Attorney-General of Oyo State* {1986}5NWLR 828 citing with approval the dictum of Holt C.J. in *Ashby V White* {1703}2Ld.Raym.938 ‘ If the plaintiff has a right ,he must have the means to vindicate it, and a remedy, if he is injured in the enjoyment or exercise of it: and it is a vain thing to imagine a right without a remedy: for want of right and want of remedy are reciprocal..

3.4 The primary type of compensation for violated human rights is monetary award or damage.² The categories of damages include general damages, special damages and exemplary or punitive damages. The analysis of a number of Nigerian cases on damages reveals some significant features.

3.5 First an action for damages will lie for bodily harm, like battery, assault, false imprisonment, physical injuries and death. In the case of assault, battery and false imprisonment, the damages largely represent a solarium for the mental pain, distress, indignity, loss of liberty and death.

3.6 General damages will be awarded in recognition that a right has been violated. Special damages are awarded to compensate the victim for expenses or costs arising directly out of the violation, including medical expenses, transport expenses and loss of income. The court may award exemplary or punitive damages to a victim in cases in which the agents of the state have conducted themselves in an oppressive, arbitrary and unconstitutional manner.

3.7 The other type of compensation is the restitution or restoration of property, which has been wrongfully seized and in violation of human rights.

3.8 Further decisions of the high court show that the court considers a number of factors in determining the nature and amount of compensation payable.

3.9 These factors include actual injury (physical or mental) to the victim; prospective injury to the complainant, based on prediction of future aggravation of damages; consequential injury or damage to third parties and, in particular, loss of financial and emotional support; and the conduct of the defendant or his agents.

3.10 Local culture and customary law are also relevant to an understanding of the Nigerian law and practice on reparation.

3.11 For example, given the introduction and increasing prominence of Sharia and Islamic law in the Nigerian legal system, it is useful to explore briefly the right to reparation and other remedies for human rights violations under Islamic law in the country, even though Nigerian Islamic criminal jurisprudence is still evolving.

3.12 As a matter of general principle, it can be said that if Sharia accepts the human rights alleged to have been violated, there should be no difficulty in imposing a legal obligation on the state to secure the necessary or requisite reparation for the victim.³ But in such cases, problem will arise where the remedy provided by Shari is in conflict with or is inconsistent with the remedy available under common law or in international statutes. Problems of conflict of laws will additionally arise where Sharia does not recognize the human rights allegedly violated, in the same sense, scope and terms provided for in common law and by international standards.

3.13 Let us consider some problematic examples. Although it guarantees certain fundamental rights for women and non-Muslims,

² Section 35{6} 1999 Constitution –‘Any person who is unlawfully arrested or detained shall be entitled to compensation and public apology from the appropriate authority or person’

³ See Joseph Schacht, *An Introduction to Islamic Law* { Oxford: Clarendon Press, 1964 } Chapters 18 & 19

Sharia does not accord them the same quality or level of remedy for the violation of those rights.

3.14 In this respect, although the right to life is secured for Muslim men and women and for *Dhimis* (protected non-Muslim minorities), the amount of *diyya* (monetary compensation paid for wrongful homicide) depends on whether the victim was a Muslim man, woman or non- Muslim.⁴

3.15 Another type of difficulty that can arise is the situation in which the Sharia recognises the human right allegedly violated, while the remedy it provides for its violation is inconsistent with the relevant international statutes. For example, the punishment for causing grievous bodily harm is either *diyya* (monetary compensation) or *qisas* (retaliation by inflicting the exact harm on the offender: an eye for an eye, a tooth for a tooth).

3.16 In addition to the objection, from the point of view of international human rights law, that differences in the amount of *diyya* imposed on grounds of gender or religion is unjustified discrimination, further objection to *qisas* might be raised on the ground that it is as cruel, inhuman or degrading treatment, and therefore inconsistent with the relevant common law and international human rights law.

3.17 The Commission, therefore, wishes to draw attention to these potentially controversial areas of conflict of laws, in so far as they are likely to arise in the consideration of remedying complaints from those states that have adopted the Sharia legal system. Will it be realistic to expect states, which have adopted and legislated such a

system, to fulfill their obligations under international human rights law? Do these international obligations override their obligations under Sharia?

3.18 Under these circumstances, can victims assert their rights in the face of strong resistance by these states? Would their assertion of these rights not amount to an exercise in legal futility, in the circumstance?

REPARATION IN INTERNATIONAL LAW AND PRACTICE

3.19 The right to remedy for victims of violations of international human rights and humanitarian law is recognized in numerous international instruments, as we have detailed in **Volume 2 of this Report.**

3.20 Typical examples are the provisions of (a) *Article 8 of the Universal Declaration of Human Rights*; (b) *Article 2 of the International Covenant on Civil and Political Rights*; (c) *Article 6 of the International Convention on the Elimination of all forms of Racial Discrimination*; (d) *Article 11 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment*; and (e) *Article 39 of the Convention on the Rights of the Child.*

3.21 The rights are equally provided for in regional Conventions, in particular (a) *Article 7 of the African Charter on Human & Peoples Rights*; (b) *Article 25 of the American Convention on Human Rights*; and (c) *Article 13 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.*

⁴ see Marghinani, *Al-Hidaya*{Cairo:Mustafa al-Babi} p.165. Ibn Rushd, *Bidayat al-Mujtahid wa Nihayat al-Muqtasid*{ Cairo:Dar al-Kutub al-Islamiya, 1983}

3.22 However, the international community, under the auspices of the United Nations, started taking the issue of the right to restitution, compensation and rehabilitation for victims of violations of human rights and fundamental freedoms seriously in the late 1980s, when the *Sub-commission on Prevention of Discrimination and Protection of Minorities by Resolution 1989/13* of 31 August 1989 entrusted Mr. Theo van Boven, as special rapporteur, with the task of undertaking a study concerning the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms.

3.23 Mr. van Boven submitted a final report to the commission⁵, which resulted in the draft basic principles and guidelines.⁶

3.24 The Commission on Human Rights in *Resolution 1994/35* of March 1994 considered the proposed basic principles and guidelines contained in the study of the special rapporteur as a useful basis for giving priority to the question of restitution, compensation and rehabilitation.

3.25 Prior to the above instruments, the United Nations General Assembly *by resolution 40/34* of 29 November 1985, had adopted *the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*.

3.26 This Declaration, apart from defining who is a victim of crime, went ahead to enumerate principles, which, in their application, are intended to make access to justice and fair treatment

⁵ E/CN.4/Sub.2/1993/8

⁶ E/CN.4/1997/104,annex

for victims of crime mandatory. It equally provided for Restitution, Compensation and Assistance for victims of crime and abuse of power.

3.27 Furthermore, the principles called on States to establish, strengthen and expand national funds for compensation to victims.

3.28 It should be noted that the Economic and Social Council of the United Nations in its *Resolution 1989/57* of 24 May 1989 called for the implementation of the *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*.

3.29 The rights of victims of gross abuse of human rights were recognized by the Security Council of the United Nations in *Resolution 827(1993)* of 25 May 1993, where it adopted the statute of the International Criminal Tribunal for the former Yugoslavia.

3.30 The Security Council decided, in that Resolution, that the *“the work of the International Tribunal shall be carried out without prejudice to the right of the victim to seek, through appropriate means, compensation for damages incurred as a result of the violations of international humanitarian law.”*

3.31 To add further impetus to the recognition of the right to remedy for victims of human right abuses, the Rome statute of the International Criminal Court, adopted on 17 July 1998, obliges the court to *“establish principles relating to reparations to, or in respect of, victims, including restitution, compensation and rehabilitation,”* while it also obliges the Parliament of State parties to establish a trust fund for the benefit of victims of crimes within the jurisdiction of the court and of the families of such victims.

3.32 The Rome Statute further mandated the court “to *protect the safety, physical and psychological well being, dignity and privacy of victims and to permit the participation of victims at all stages of the proceeding determined to be appropriate by the court.*”

3.33 Presently the position of the United Nations on the issue of the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms is contained in the *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Violations of International Human Rights and Humanitarian law*. The Commission on Human Rights at its 56th session adopted the principles.⁷

**BASIC PRINCIPLES AND GUIDELINES:
THE RIGHT TO A REMEDY AND REPARATION**

OBLIGATION OF STATES

3.34 The basic principles oblige every Member State of the United Nations to ensure respect for and enforce international human rights and humanitarian law. In other words, member states are required to incorporate norms of international human rights and humanitarian law into their domestic laws and to adopt measures to ensure that appropriate and effective judicial and administrative procedure are available to ensure fair, effective and prompt access to justice.

3.35 States are also required to make available to victims of violations of international human rights and humanitarian laws

⁷(E/CN. 4/2000/62) of 18 January 2000

reparation and to ensure that they are offered the greatest degree of protection.

SCOPE OF THE OBLIGATION

3.36 The scope of the obligations offered by the principles is wide. States are expected to prevent violations of international human rights and humanitarian law through legal and administrative means. Where violations, however, occur States are expected to use their machineries of justice to investigate the abuses and to take action against violators. States are further expected to provide access to effective justice, apply appropriate remedies and ensure reparations to victims.

VIOLATIONS THAT CONSTITUTE CRIMES UNDER INTERNATIONAL HUMAN RIGHTS LAW AND INTERNATIONAL HUMANITARIAN

3.37 States have a duty to investigate and prosecute those who have allegedly committed violations of international human rights law and humanitarian law. They should also co-operate and assist other States and appropriate international judicial organs in the investigation and prosecution of these violations.

3.38 States are expected to recognize and incorporate universal jurisdiction in their domestic laws for crimes of most serious nature in international law and to enact the necessary legislation that will facilitate the extradition of offenders to other States and international judicial bodies.

STATUTES OF LIMITATION

3.39 Statutes of limitation should not apply to the prosecution of violations of international human rights and humanitarian law norms that constitute crimes under international law.

3.40 It should also not restrict the ability of victims to pursue claims against violators. Indeed, it should not apply at all when no effective remedies exist for the violations suffered.

VICTIMS OF VIOLATIONS OF INTERNATIONAL HUMAN RIGHTS LAW AND HUMANITARIAN LAW

3.41 Under international human rights law and international humanitarian law, “a victim” is defined as a person who, as a result of acts or omissions that constitute a violation of international human rights or humanitarian norms, individually or collectively suffered harm, including physical or mental injury, emotional suffering, economic suffering, economic loss, or impairment of his/her fundamental rights.

3.42 A “victim” may also be a dependent or a member of the immediate family or household of the direct victim or a person who, in intervening to assist a victim or to prevent the occurrence of further violations, has suffered physical, mental or economic harm.

TREATMENT OF VICTIMS

3.43 Victims should be treated by the state and all others concerned with compassion and respect for their dignity and human rights. Their safety and privacy of their families should be guaranteed.

3.44 States should also ensure that administrative procedures, which are designed to provide justice and reparation to victims, exist in their jurisdictions.

VICTIMS' RIGHT TO A REMEDY

3.45 The basic principles recognize remedies as (a) access to justice; (b) reparation for harm suffered; and (c) access to factual information concerning the violations.

Each of these remedies is discussed briefly below.

VICTIMS' RIGHT TO ACCESS TO JUSTICE

3.46 States are obliged to secure the individual and collective right of access to justice and fair and impartial proceedings in their domestic laws to all victims. In order to achieve this objective, states are expected to do the following:

- (i) to make known, through public and private mechanisms, all available remedies for violation of International human rights and humanitarian law;
- (ii) to protect the privacy of victims and to ensure that the victims and their families are safe from intimidation and retaliation during and after any proceedings that affect their interest; and
- (iii) to bring at the disposal of victims all legal and diplomatic measures to ensure that they [victims] are able to enforce their rights to a remedy and reparation for the violations that they have suffered;

3.48 Claims by groups or collectives are also recognized under the principles. States are obliged to make provisions to allow groups and collectives to present and receive reparation collectively.

VICTIMS RIGHT TO REPARATION

3.49 The amount of reparation to be paid to a victim is determined by the gravity of the violation and the harm that he/she has suffered. Reparatory measures should also be adequate, effective and prompt, in order to promote justice by redressing violations of international human rights law and humanitarian law.

3.50 States are expected to provide reparation to victims for acts or omissions of state functionaries or actors that violate international human rights and humanitarian law. The party responsible for the violation shall provide reparation to the victim or to the state where the state had already provided reparations.

3.51 States are encouraged to establish national funds or to seek other sources of funds for reparation for victims, so that they can provide reparation for victims who have sustained bodily injuries or impairment of physical and mental health, as a result of the violations, and to their families.

3.52 Where the victims are dead or incapacitated, the state should provide reparation to their families, if the violator is unwilling or unable to meet these obligations.

3.53 A state is required to enforce valid local and foreign judgment for reparations against violators.

3.54 Where a state becomes defunct, the successor state should provide reparations for injuries that occurred under the defunct state.

PUBLIC ACCESS TO INFORMATION

3.55 States are obliged to develop means of informing the general public and in particular victims of violations of the rights and remedies contained in the basic principles and guidelines and of available legal, medical, psychological, social, administrative and all other services to which victims may have a right of access.

NON-DISCRIMINATION AMONG VICTIMS

3.56 States are obliged to apply the basic principles and guidelines, in line with internationally recognized human rights law. These principles and guidelines must be applied without discrimination on any ground.

CONCLUSION

3.57 To conclude: There is growing awareness that redress and reparation for victims of violations of human rights is an imperative demand of justice and a requirement under international law, in particular the international human rights law.

3.58 The rights of victims of violations of human rights to reparation have become a subject on the international human rights agenda.

3.59 For example, a study on this subject was undertaken by the UN Sub-commission on Prevention of Discrimination and Protection of Minorities, with a view to exploring the possibility of developing some basic principles and guidelines in this area.⁸

⁸ See preliminary report and the progress reports on the subject, prepared by the special rapporteur contained in UN documents E/CN.4/SUB.2/1990/10, E/CN/SUB.2/1991/7 AND E/CN.4/SUB.2/1992/8 and the final report 2 July 1993

3.60 Nigeria's obligations under international law can be found in the following international instruments, to which we have already made reference in this chapter.

- (a) *Universal Declaration on Human Rights* {1948}⁹;
- (b) *International Convention on the Elimination of all Forms of Racial Discrimination* {1965}¹⁰;
- (c) *International Covenant on Civil and Political Rights* {1966}¹¹;
- (d) *African Charter on Human and Peoples Rights* {1981}¹²;
- (e) *Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment* {1984}¹³;
- (f) *ILO Convention* {1969}¹⁴;
- (g) *Indigenous and tribal peoples Convention* {1989}; and (h) *Convention on the Rights of the Child* {1989}¹⁵

3.61 At a different level of legal validity is *Resolution 40/34* of the UN General Assembly of 29 November 1985, i.e. 'Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.'

3.62 This declaration establishes that all victims are entitled to reparation of damages inflicted and where public officials or other security agents acting in an official or quasi-official capacity have violated national criminal laws, the victims should receive restitution from the state whose officials or agents were responsible for the harm inflicted.¹⁶

⁹ Article 8, Accepted as Customary International Law. Note the use of the phase 'effective remedy'

¹⁰ Article 6

¹¹ Article 2 {3} {a} Article 9 {5} See relevant jurisprudence of the Human Rights Committee established under the optional protocol to the ICCPR. Eg *Bleier V Uruquay* {caseNo.30/1978} *Baboerem V Suriname* {Case Nos.146/1983}

¹² Article 31 {2}

¹³ Article 14 {1}

¹⁴ Articles 15 {2} 16 {5}

¹⁵ Article 39

3.63 Through these treaties, Nigeria assumed the legal obligation of respecting the rights of its citizens and of guaranteeing the integrity and dignity of the person.¹⁷ If her agents violate these rights, the laws should be applied against them. By the same token, their victims should be awarded reparation, if the agents of the state are found culpable.

3.64 Furthermore, by acceding to and ratifying these treaties, Nigeria accepted some limitation to her sovereignty, in deference to a supranational entity.

3.65 This is because treaties have a binding legal validity on the contracting states. Thus, by signing them, Nigeria is bound to meet its contractual obligations both with respect to the other states that are parties to the treaty and with regard to its own subjects.

3.66 Of importance, in this respect, is the old principle of *pacta sunt servanda*.¹⁸, which holds that a party may not invoke the provisions of its internal law as justification for its failure to implement a treaty.

3.67 It should also be said that when acts of violations consist of torture, political assassination or arbitrary executions, a state cannot simply, by means of a law or decree, grant amnesty, pardon or by any other measure, which implies a renunciation of investigation, trials and the award of reparation. In order to do so the treaties must be denounced and the lapse of the specified time must be awaited.

¹⁶ See Principle 11

¹⁷ Article 18 Vienna Convention on the Law of Treaties states are obliged to refrain from acts which would defeat the objects and purpose of treaties to which it is a signatory.

3.68 What this means is that if a state were to approve laws, which allowed for immunity, this would amount to a unilateral act. In view of this, the state in question, will not be exempted from meeting its obligations, under international law, to individuals subject to its jurisdiction. Such domestic laws can neither annul nor paralyze the victims' rights to reparation for the damage caused.

CROSS-NATIONAL ANALYSIS OF DOMESTIC LAW AND PRACTICE OF REPARATION: LESSONS FROM OTHER COUNTRIES

OVERVIEW

3.69 In this section, we examine the law and practice relating to restitution, compensation and rehabilitation for victims of gross violations of human rights in a number of countries. What obtains in these countries is not wholly the outcome of a truth-seeking exercise.

3.70 It is sometimes the outcome of national legislation, reflecting a clear recognition of the principles that governments, which that succeed dictatorships, have an obligation to provide the means for victims of gross violations of human rights to seek redress through civil suits for damages against the State and individual perpetrators.

3.71 The State also has a duty of acknowledgement and accountability for the crimes and of recognition of the right of the victims of gross violations of their human rights to reparation.

3.72 It is necessary to look at the law and practice of reparation in other countries in order to learn lessons from their different

¹⁸ See Article 26 & 27 Law of Treaties

experiences and to use such lessons, where appropriate and relevant in making recommendations on reparation for victims of abuse of human rights in Nigeria.

3.73 We have earlier on made reference to the obligations of the State, under regional and international treaties and the judgments of international courts, to provide redress and reparation for abuses by State forces to victims of human rights violations.¹⁹

3.74 Another justification for reparation is that because most of the abuses are usually by State forces, many of the victims would certainly win substantial awards from the state, if they were able to bring civil claims in court against the State. In some other instances, victims who would have gone to court are prevented from doing so by amnesty laws, which block both civil and criminal actions against perpetrators.

3.75 One of the clearest and most persistent demands on the State, following a period of wide spread abuse of human rights, is payment of reparation to cover the basic needs of victims.

3.76 Though no amount of money can compensate for the death or disappearance of a loved one, a modest payment can act as an acknowledgement of the wrongs of the past, providing an official, symbolic apology.

3.77 It is also widely recognized that establishing the truth about human rights, offering an apology and respecting the memory of victims through memorials or other official form of acknowledgement

¹⁹ Final report by Theo van Boven, special rapportuer, UN DOC. E/CN.4/sub.2/1993, July 8, 1993

are aspects of reparation. It is in this sense that the work of a truth commission, by providing a conducive forum for victims to testify about the abuses they have suffered, can fruitfully lay the exploratory background for a reparation package, including the reform of State institutions.

3.78 Experiences from other countries where truth commissions were established show that the records of their truth commissions are an obvious source from which to collect data to justify and develop a reparation programme.

3.79 However, it should be remembered that in most cases truth commissions sometimes find it difficult to corroborate the stories or allegations of victims and are able to document only a small portion of the total number of victims. 79. In view of these obvious shortcomings, we think it is generally better for truth commissions to make general recommendations and an overall assessment of need, which can serve as a beginning point for the development and implementation of a substantial reparations package for victims of human rights violations.

3.80 In what follows, we review the experiences and the lessons of a number of countries (Argentina, Chile, Guatemala, South Africa, El Salvador, Uganda and Germany) with the implementation of a reparation package for victims of human rights violations in their respective countries.

Argentina

3.81 *The Argentine National Commission on the Disappeared* was set up in 1983 to investigate aspects of the “dirty war” of state terrorism conducted against its various opponents by the military

regime, which ruled the country between 1976 and 1983 after overthrowing the Peronist regime.

3.82 The Commission documented the “*disappearance*” of 8,960 people under the military regime. The list was compiled from testimonies given by family members and friends of the “disappeared” as well as by those who survived “temporary disappearances.”

3.83 The relatives of any one listed among “*disappeared*” persons by the Commission could claim reparation, though the cases or claims regarding those who allegedly “*disappeared*” were never formally corroborated.

3.84 Family members living in Argentina were entitled to receive a lump sum of \$220,000 paid in government bonds and distributed among surviving family members.⁵

3.85 The reparation programme in Argentina was prompted in part by cases brought before the *Inter-American Commission of Human Rights* in 1988 by a number of former political prisoners demanding compensation for the period they spent in detention.

3.86 In 1991, the Argentine government and the petitioners reached a friendly settlement.⁶ The Decree giving legal force to the settlement and other decrees that followed it authorized payment to about 200 former political prisoners, who had instituted legal proceedings before December 10, 1985.

3.87 Each of the petitioners was paid \$74:00 per day, \$2,200 per month, \$26400 per year up to a maximum of \$220,000. The

Argentine Congress later passed a law extending these payments to other political prisoners.

3.88 Those eligible for reparation include the following: (i) those held in custody under the National Executive authority (political prisoners held without trial); (ii) civilians who were imprisoned on orders of a military court; and (iii) those who were categorized as the temporarily “*disappeared*” (imprisonment unrecognized by the authorities), whose cases were reported at the time or who later gave testimony to the Argentine Truth Commission.

3.89 The period covered extended to 2 years before the military coup of 1976, from the date a state of siege began under the previous government.⁷ The law was later extended to those forced into exile after arrest. Those who fell under this category were, for each day in exile, to receive the same daily allowance as those who had been imprisoned.⁸

3.90 By 1998, the government of Argentina had committed itself to spending up to \$3 billion to cover the projected cost of its reparation programme.

3.91 Apart from the monetary compensation, a new legal status known as the “*forcibly disappeared*” was created in Argentina. This new status is the legal equivalent of death, making it possible for families of the *disappeared* to process wills, distribute inheritance, and to close a *disappeared* person’s estate, among other estate matters.

3.92 The legislation, which came to be described as the *law of historical sincerity*, fell short of declaring the *disappeared* person dead, although it held open the possibility of the person reappearing.⁹ It is to the credit of Argentina that it was the first state to create this legal status. The document that the “bereaved” families obtained is called “*a certificate of forced disappearance.*”

3.93 It is pertinent to point out that the mandate of the Argentine Truth Commission covered only “*disappeared victims.*” It excluded those who were killed outright or those who died in detention and whose bodies were later found and identified.

3.94 The Commission did not have the mandate to document those who survived detention or torture but in the process of implementing the state’s reparation policy, the Human Rights Office of the Ministry of Interior documented non-combatants who were killed under the military regime as well as those who “*disappeared.*”

3.95 The reparation programme in Argentina was not uncontroversial, as families of some of *the disappeared* felt that money could not replace the loss of loved ones. They called the reparation grant blood money and they refused to accept it.

Chile

3.96 President Patricio Aylwin established the *National Commission on Truth and Reconciliation* through a Presidential Decree in 1990, with a view to delivering truth and justice to those who had suffered violations of human rights under authoritarian and harsh regime of General Augusto Pinochet Ugarte, who ruled Chile from September 1973 to March 1990.

3.97 The report of the Commission was completed in February 1991 and it was, thereafter, handed over to the president.

3.98 The Commission recommended symbolic and financial reparations. Following upon commission's report, the *National Corporation for Reparation and Reconciliation* was established to investigate the cases the truth commission was unable to finish and thereafter, to implement the commission's recommendations, including the award of reparations.¹⁰

3.99 The beneficiaries of the reparation programme were the victims listed in the Truth Commission's report as well as those established to be victims through the investigation of the National Corporation for Reparation and Reconciliation. By 1997, 4,866 Chileans were receiving money every month, as part of the government's pension plan for the family members of those who were killed or who *disappeared* under Pinochet's military regime.

3.100 A family comprising a sole survivor received the equivalent of \$345 per month. If there were more survivors, the total amount divided among them totaled \$482 or more per month. In addition to the monthly pay, family members of victims received generous education and health benefits and a waiver from the mandatory military service. Victim's children received full coverage of all university or professional education up to the age of 35 years and an additional monthly stipend to cover living and school expenses.

3.101 The state spent approximately \$16 million yearly to cover these costs.

3.102 The money paid out as reparation in Chile was slightly higher than the national minimum wage and it meant different thing to different people. For the wealthy it was of symbolic value, as it represented recognition by the state that a crime had been committed against them; but for the poor, they depended on the money for their daily survival.

3.103 The reparation programme of the Chilean Commission also provided for moral compensation, which included the following: (a) restoration of the good name of victims through a statement from the President, Parliament or by law; and (b) other symbolic reparation, which may include a monument or a public park in memory of victims of human rights violations.

3.104 Among the shortcomings of the reparation programme in Chile is the fact that it did not cover survivors of torture or illegal imprisonment. This category of people, representing the bulk of the victims of human rights violations in Chile, did not benefit from the programme. The only assistance provided to torture survivors was free access to state medical care.

3.105 The programme received little publicity and so was not used by most of the survivors of torture. The non-recognition of this category of victims could be said to have caused some injustice to victims who were excluded from the reparation programme because they were neither killed nor “*disappeared.*”

3.106 Another problem with the programme and with the implementation of the report of the Chilean truth commission,

generally, was that the military, the right wing of the political spectrum and the courts prevented full accounting and retribution by the perpetrators of the gross violation of human rights in the country.

Guatemala

3.107 *The Commission for Historical Clarification* in Guatemala was set up following the signing of the *Oslo Peace Accord* of 23 June 1994 by the government of the Republic of Guatemala and the Guatemala National Revolutionary Unit.

3.108 The Commission's report recommended to the government of Guatemala some reparatory measures, because it considered that truth, justice, reparation and forgiveness should lay the foundation of the process of the consolidation of peace and national reconciliation. It recognized that it was the responsibility of the state in Guatemala to design and promote a policy of reparation for victims of gross human rights violations and their relatives.

3.109 The primary objective of the Guatemalan reparation programme was to dignify the victims of human rights violations, to guarantee that violations would not be repeated and to ensure respect to national and international human rights law and standards.

3.110 The key recommendations of the Commission were that, (a) the state should create, through national legislation, a national reparation programme to be overseen by a broadly representative board; (b) the programme should provide moral and material reparations, psychological rehabilitation and other benefits to victims of human rights violations and acts of violence connected with internal armed conflict, and for the relatives of the victims; and (c) the State

should fund the national reparation programme by putting into effect the tax reform established by the Peace accords.

3.111 To this end, the government should effect a redistribution of social spending and a reduction in military spending.

3.112 The State should also solicit international co-operation from those countries that lent military and financial aid to the parties. The government and the judiciary should collaborate with the civil society, in order to initiate investigations into all known cases of forced disappearances and, in the case of death, to deliver the remains of the victim to their relatives.

3.113 A national commission should be set up to look for children who have *disappeared*, were illegally adopted or have been illegally separated from their parents and document their disappearance.

3.114 The Guatemalan Commission for Historical Clarification also recommended, following the experience of Chile, that the government should prepare and present a bill to the congress, recognizing absence due to *forced disappearance* as a legal category, with the purpose of validating the legal purpose of filiations, succession, reparation and other civil ends related to it.

3.115 Finally, the Commission recommended that the Guatemalan government should formulate an active exhumation policy and present it to congress to be passed into a law on exhumation.

South Africa

3.116 The *South African Truth and Reconciliation Commission (TRC)* was set up in 1995 by an Act of Parliament, with the mandate, among other mandates, to propose measures that will not only offer reparation to victims of human rights violation but also rehabilitate and give back to these victims their human and civil dignity.

3.117 The Commission's recommendations were based on the following principles:

- The reparation programme must be development-centered.
- It must be simple, fair and efficient.
- It should be sensitive to the religious and cultural beliefs of the various communities in the country.
- It should be community-based.
- The capacity of the community for auto-centered self-development should be nurtured and encouraged.
- Healing and reconciliation should be promoted.

3.118 The TRC act provided for two types and stages of reparation: (i) *the interim reparation*; and (ii) *the final reparation measure*.

3.119 *The interim reparation* was intended for people, who were in urgent need of reparation, in view of the gross human rights violations that they suffered. *The final reparation measure*, as the name indicates, was to be included in the country's truth commission's report.

The TRC proposed the following reparation and rehabilitation policy:

URGENT INTERIM REPARATION

3.120 The commission offered limited financial assistance to people in urgent need by providing them access to appropriate services and facilities. The assistance, ranging from \$200 to \$570 depended on the number of dependents and their needs.

INDIVIDUAL REPARATION GRANT

3.121 This is a financial grant to individual victims. Each victim of gross human rights violation should receive a financial grant of between \$1,700 and \$2,300 per year, according to various criteria over 6 years.

SYMBOLIC REPARATION/LEGAL AND ADMINISTRATIVE MEASURES

3.122 This is to facilitate the process of remembering and commemorating the pain and victories of the past. Measures may include proclaiming a national day of remembrance and reconciliation, the erection of memorials and monuments and the development of museums.

COMMUNITY REHABILITATION PROGRAMME

3.123 This component deals with services and activities that aim at promoting the recovery and healing of the individuals and communities affected by human rights violations.

INSTITUTIONAL REFORMS

3.124 This component of the policy brings into play legal, administrative and institutional measures, which are designed to prevent the reoccurrence of human rights abuses.

3.125 The commission also recommended the setting up of an adhoc body in the President's office to oversee and coordinate the implementation of these policy proposals and recommendations.

3.126 The commission, as we have observed above, also recommended that the government declare a national day of remembrance and create a trust fund to support initiatives that support reparation and restitution.

3.127 It is expected that a total of \$16 million would be expended on interim payments alone. The Commission got the government's commitment to a reparation policy requiring over \$60 million in direct financial reparations to over 25,000 victims. In addition to the money provided by the government of South Africa, the government of Denmark, Switzerland and the Netherlands, each contributed between \$150,000 and \$250,000 into the President's Fund for reparation.

El Salvador

3.128 The agreement for the establishment of the Commission on the Truth for El Salvador was included in the UN-brokered peace accord in the last days of 1991.

3.129 The commission recommended reparation for victims, who suffered human rights abuses as a result of the twelve-year war between the government and leftist guerrillas. The recommendations, which were moral as well as financial, included the following:

- A national monument should be constructed bearing the names of the victims of the conflict;
- The good names of the victims and the serious crimes of which they were victims should be recognized;

- Declaration of a national holiday in memory of the victims;
- A special fund should be established to award appropriate material compensation to the victims. This fund should receive support from the state and the international community;
- Not less than one percent of all international assistance that reaches El Salvador should be set aside to ensure that the recommendation on reparation was implemented. The fund was however never created and no serious discussion has taken place around reparation for victims of the abuses of the war.

Uganda

3.130 The Ugandan government in 1986 set up a Commission of inquiry into violations of human rights in the country.

3.131 The commission, after prolonged delay, submitted its report to the government in 1995.

3.132 However, the report is yet to be distributed to the people. Although very few people within and outside the government have seen the report, the right of victims of violations of human rights and fundamental freedoms to restitution and rehabilitation has evolved and has been given practical effect over the years, as government policy.

3.133 The remedies usually granted by High Courts in the country and made available to victims are monetary awards on damages.

3.134 The other type of compensation is restitution or restoration of property wrongfully seized or acquired and in violation of human rights.

3.135 In 1972, the Idi Amin regime wrongfully seized properties belonging to about 80,000 residents of Asian descent, who were brutally expelled from Uganda. Their properties were taken over by the government and allocated to Africans through a government agency, called the *Deported Asians Property Custodian Board*.

3.136 In 1982, after the fall of the Idi Amin regime, the Ugandan government enacted the *Expropriated Properties Act (Act No. 9 of 1982)*, under which expelled Asians were authorized to return to Uganda and to reclaim their former properties.

3.137 The Ugandan government also set up the *Presidents War Veterans, Widows and Orphans Charity Fund*¹¹. The charity fund disbursed resources to war veterans of Uganda anti- Amin liberation efforts and to dependents of such persons who died in action during such efforts.

Federal Republic of Germany

3.138 Under this section, we review two manifestations or applications of the right to restitution, compensation and rehabilitation for victims of violations of human rights in Germany, namely, (a) *measures taken in the immediate post-World War 11 period in favour of the victims of Nazi persecution, under the Third Reich; and (b) rehabilitation and compensation measures for victims of political persecution under the former German Democratic Republic (GDR).*

¹¹ Incorporations of Trustees Act, 1982

Post-War Measures In Favour Of Victims Of Nazi Persecution

3.139 There were several programmes of reparation developed, first, by the three western occupation powers—Great Britain, the USA and USSR- and, later, by the German authorities.

3.140 The western powers—Great Britain and USA--and the Federal Republic of Germany agreed to the Convention on the Settlement of Matters Arising Out of the War and the Occupation of October 23, 1954. ¹²

3.141 The following interstate treaties were also agreed upon:

- The 1952 treaty with Israel on the compensation and settlement of half a million victims of racial persecution in Europe, who migrated to Palestine or Israel, providing for (a) 3 billion deutschemarks (DM), payable in 14 annual rates until 1964 in merchandises and services; (b) 450 million DM to the “Conference on Jewish Material Claims Against Germany;” and (c) 50 million DM to a special fund in favour of persecuted Jews of non-mosaic faith.
- Between 1959 and 1964 the Federal Republic of Germany concluded conventions with 12 member-states of the Council of Europe, providing a payment of 876 million DM (plus 101 million DM to Austria for damages to life, health and liberty of their nationals living outside the Federal Republic of Germany).
- 122 million DM was paid to states in Eastern Europe for victims of pseudo medical experiments and 56 million DM to UNHCR for refugees;
- By 1988 22 billion DM had been paid from public funds. The government of the Federal Republic of Germany equally carried out

¹² UNTS, Vol. 332 pg. 219

the following other measures to compensate for the damages caused during the Nazi regime. (a) The government instituted reparation in the judicial field to correct some unjust laws, which had been inserted in the penal code. (b) The government initiated restitution and general compensation, different from rehabilitation in penal matters, which had to be realized in a relatively short period after the Armistice. (c) There were also internal restitutions dealing with property rights, aggregates of objects or rights, acquired under duress from a person who had been persecuted for reasons of race, religion, nationality or belief or political opinion, which was contrary to the doctrines of the Nazi regime, even if the victim had sold the object in the period from 1933 to 1945. (d) The external restitution programme dealt with property located in Germany but claimed either by government of countries occupied by Germany during the war or by their nationals from the possessors or possessor in Germany. (e) The last but not the least was the general compensation for damages of various kinds. This programme is based on German legislation and constituted by far the largest amount paid from government funds. The general compensation covered very wide areas, ranging from damages to life, limb, health and liberty, professional or economic losses caused by great violations of human rights.

Rehabilitation and Compensation For Victims Of Political Persecution Under The GDR

3.142 In March 1992, the new Federal Republic of Germany (with the accession of the GDR to the Federal Republic in October 1990) created the *Commission of Inquiry for the Assessment of the History and Consequences of the SED Dictatorship in Germany*, to investigate and document the practices of the government of the German Democratic Republic from 1949 to 1989.

3.143 The report of the commission was released in 1994. It recommended the establishment of a follow-up body, the *Commission of Inquiry on Over-coming the Consequences of the SED Dictatorship in the Process of Germany Unity*.

3.144 It is noteworthy that Germany has instituted the most far-reaching and comprehensive reparation programme of all such programmes in the world, in the form of a package of domestic legislation and international agreements with foreign states to compensate victims of Nazi crimes.

In the past fifty years, over 460 billion DM has been paid by Germany in cash payments to victims and their families.

CHAPTER FOUR

RECOMMENDATIONS

POLICY FRAMEWORK FOR NIGERIA'S REPARATION PROGRAMME

Introduction

4.1 We conclude this volume of our report by putting forward a framework for evolving a reparation policy for the country, in this chapter.

4.2 It is our considered view that the main purpose any such policy should be restitution or atonement. It is to say to the victims of gross violations of human rights and fundamental freedoms in our chequered history, as well as to their families, that, considerations of monetary compensation aside, the country is collectively sorry for the violations they have suffered.

4.3 Reparation is mostly about making repairs; self-made repairs on ourselves- mental repairs, psychological repairs, cultural repairs, organizational repairs, social repairs, institutional repairs, technological repairs, economic repairs, political repairs, educational repairs, repairs of every type...¹²

4.4 In considering a comprehensive reparation policy, we offer the following suggestions to government:

INSTITUTIONAL TRANSFORMATION:

THE POLICE & OTHER SECURITY SERVICES

4.5 Because a great majority of the violations brought to our notice was committed by agents of the state in the security and related services, there is an urgent need for government to undertake vigorous corrective institutional reforms of these services.

4.6 We identify the following as critical areas for corrective institutional reforms.

4.7 First, there is need to transform the Nigeria Police into an institution, which is human rights-oriented. Most of the victims who appeared before us raised serious concern about, and identified the Nigeria Police as the major violator of human rights in the country. There is, therefore, a pressing need for the police to transform its perceived role as an instrument of terror and to cultivate and nurture a new one as the protector of human rights.

4.8 In other words, the culture and method of policing by the Nigeria Police has to change, in terms of structure and operations. There should be a war on corruption and indiscipline by police officers. The training and orientation of the police should de-emphasize the use of torture by the police and the general the ill treatment of suspects.

4.9 To this end, there is need for a re-training education programme for police officers. We emphasize the need for such a re-education programme because the police officers, who appeared before the Commission did not accept responsibility for the gross violations of human rights they were alleged to have committed.

4.10 There is need for the government to discipline police officers and other members of the security services, who have been identified and proved to be perpetrators of human rights abuses. This is necessary as a confidence-building measure and as an expression of the good faith of government in laying a new foundation for a culture of respect for human rights and fundamental freedoms in government institutions and among public functionaries.

4.11 In order to prevent the reoccurrence of the disturbingly gross pattern of violations of human rights the country witnessed in recent years, the government should strengthen existing measures and adopt new ones that are designed not only to re-establish the rule of law in the country but also to permit the purposeful re-structuring of all state institutions, under a new culture of respect for human rights.

4.12 For example, the police force, the state security services and the armed forces should be brought under effective civilian control. This objective can be achieved by appointing civilian officials, with oversight and control authority over them.

4.13 It is important to take away from the armed forces all law enforcement and domestic intelligence powers and functions, so that they can redirect their efforts and preparations to the defence of the country against foreign invasion.

4.14 Military jurisdictions should be restricted only to disciplinary offences and crimes that are military in nature. Violations

of human rights by members of the armed forces against civilians should be subjected to the appropriate civilian courts.

4.15 Therefore, military courts should under no circumstances have jurisdiction to try offences committed by civilians.

SYMBOLIC REPARATIONS

4.16 Under this heading, we itemize the following measures as part of our proposed reparation framework:

PUBLIC HOLIDAYS

4.17 There is need for government to recognize the sufferings of victims of past human rights abuses. Some of these victims paid the ultimate price with their lives. It will serve as recognition of the sacrifice and sufferings of the more prominent victims, if government recognizes their birthdays or the days they died as national holidays.

NATIONAL MONUMENTS

4.18 We propose that government should recognize the pains of the victims of gross violations of human rights by establishing national monuments in recognition of the injustices suffered by them.

MATERIAL ASSISTANCE

4.19 We further propose that within the framework of our proposed reparation package, government should offer material assistance victims of human rights violations and, where necessary, their families.

4.20 Though material assistance and compensation, in the form of monetary payments or grants, cannot adequately compensate for

the loss of loved ones in police or prison custody or for many years of incarceration, it is necessary for government to consider the setting up of a fund to which the state as well as individuals, including perpetrators, and the international community could make contributions. There are many victims as well as survivors and their families who are in dire need of financial assistance to make ends meet or for medical treatment for the injuries sustained while in custody.

ACKNOWLEDGE THAT RECONCILIATION HAS NOT BEEN ACHIEVED

4.21 Our proposed reparation package requires that government continue to pursue the objective of national reconciliation. The Commission has provided a useful avenue for pursuing determinedly the process of national reconciliation.

4.22 If followed by a systematic and comprehensive programme by government, the work of the Commission may advance and strengthen the objective of national reconciliation. Government should determinedly and conscientiously follow-up on the efforts and progress, which we have, in the course of our work, made in laying the foundation for national reconciliation.

Access To Psychological/Medical Services

4.23 Our proposed reparation package requires that victims and survivors of gross abuse of human rights should be given free access to accessible psychological and medical services. The money for such services should be paid by the state. A proper referral system should be set up so that psychological services would be accessible to victims in rural areas.

REMOVAL FROM PUBLIC OFFICE

4.24 Another element in our proposed policy framework for a reparation package is the need for government, as a matter of urgency, to remove from office those who have been found culpable or guilty of gross violations of human rights, if they are still holding important security position or top government posts. In fact, such public functionaries should be disqualified from holding public office for a number of years.

4.25 To allow named and identified perpetrators of gross violations of human rights to remain in office in the public service will be insensitive to the pains and sufferings of the victims of gross violations of human rights.

CONCLUSION

4.26 In conclusion, we summarize our recommendations on the elements of our proposed policy framework for government's reparation package.

- Establishment of a fund to be supported by beneficiaries of military regimes and perpetrators of human rights violations.
- Determined and conscientious pursuit of national reconciliation, with policy measures aimed at removing or reducing division and friction among our various communities and ethno-religious groups.
- Provision of security for victims/survivors of human rights violations.
- Prosecution of perpetrators
- Civilian oversights on military and security forces.

- Human rights education for the police, military and other security forces.
- Establishment and maintenance of survivors support group.

CHAPTER FIVE

LIST OF PETITIONERS AND THEIR REQUEST TO THE COMMISSION ON REPARATION, COMPENSATION AND REHABILITATION (APPENDIX)

MEMO NO.	NAME OF PETITIONER	INJURY SUFFERED	RELIEF SOUGHT
1	Alhaji Mohammed Lawal Azaido	Removal from the throne as Village head.	Reinstatement
2	Not stated	Not stated	Not stated
3	Joseph O. Ayodele	Dismissal from the Police after serving 20 years without blemish.	Not stated
4	Col. Sam Inokoba Rtd.	Murder of his son by the Police.	Not stated
5	Hon. Justice Bello A. Gasau	He was removed from office as the Chief Judge of Sokoto State.	Not stated
6	Monitor Newspapers Limited	The wanton destruction to the Company's property by demonstrators at Ibadan during the demonstration on the 1 st of May 1998.	Not stated
7	Mr. E. H. Etuk	Dismissal from FCT	Not stated
8	Miss B. T. Dawodu	Removal from the Federal Civil Service	Not stated

9	V. T. Ewere	Retirement	The matter be looked into.
10	Alhaji Adamu Idris	Wrongful conviction and imprisonment, Singled out for special punishment in respect of an alleged offence committed by many other officers who have been granted State Pardon or released. Ill-health and wrongful confiscation of his assets by the Federal Government.	Grant of State Pardon like others whom were similarly convicted for the alleged coup plots. Release of his confiscated assets by the Federal Government.
11	Engr. Yemi Agoro Baba Abdul Razaq Aipoh Augustine Nsenbong Charles Akpabio	Wrongful termination of appointments by the Abacha and Abubakar regime.	The matter been looked into.
12	Alhaji Muhammadu Kabika Suleiman	Removal from office as District Head Zurmi District.	Not stated
13	Dr. Authur Agwuncha Nwankwo	Unlawful brutalisation, unlawful arrest and detention, illegal search and ransacking of his house by <i>Operation Vigilance</i> and removal of various	It is a case of apparent invasion of the petitioner's fundamental human rights.

		items and sums of money in naira and dollars by members of the said <i>Operation Vigilance</i> .	
14	G. G. Golu	Unlawful and unconscionable detention in 1984 and consequent loss of his position of Attorney General of Plateau State.	Reinstatement
15	A. D. O. Origbo	Wrongful retirement from service.	The matter be reviewed.
16	Olusegun S. Watti	Wrongful termination of appointment as Managing Director/Chief Executive of Gate Way Insurance Plc	Not stated
17	Mr. Dilo Foshiyi Mr. Jonathan Yakubu Mr. Tanko Shamidozhi Mr. Dasha Dauda Mr. Anthony Dakoyi Mr. Musa Pada	Wrong upgrading of the District Head of Bwari to 2 nd Class Chief of Bwari.	Not stated
18	Brig. Gen. Don Idada Ikoponmwun Rtd.	Wrongful removal from Army	Not stated
19	Deputy Registrar,	Termination of	Not stated

	Yaba College of Technology	appointment	
20		<p>Murder of his son.</p> <p>Unnecessary delay by the police to carry on their investigation;</p> <p>Non-release of the vehicles used to perpetrate the murder.</p> <p>Refusal to arrest and/or interrogate Brig. General Laoye, the owner of the said vehicles. And refusal to impound Mr. Victor Ude's mobile phone to decode the communication.</p>	<p>That the Police should carry on their investigation and be empowered to arrest Brig.-Gen. Laoye for interrogation. That the two cars in Aso Rock be released to the Police for proper investigation. The mobile phone of Mr. Victor Ude should be impounded, decoded in order to reveal the information needed.</p>
21	Mr. Fred S. Alasia and Prof. R. N. C. Okafor-Nwanya	<p>Bereavement – Loss of his first son.</p> <p>Loss of job and income by all the petitioners.</p> <p>Loss of due status in the University community.</p> <p>Professional embarrassment & humiliation</p> <p>Harassment by the</p>	<p>Investigation of their complaints</p> <p>Investigation by the Police of the murder of Prof. E.E. Ezenwa's son in 1997.</p> <p>Appropriate redress, compensation and recommendations.</p>

		State Security Services. Eviction from their official residential quarters	
22		Wrongful dismissal	Not stated
23		Bomb explosion that occurred in the stadium.	Not stated
24	Col. Ezekiel Oladipo Coker	Wrongful dismissal from the Nigerian Army	That his right has been violated
25		Forceful retirement from Federal Civil Service	Not stated
26		The petitioner was drugged in order to lose his senses. He was arrested, detained, handcuffed to the wall for days and finally chained with another colleague. He was wrongly dismissed without recourse to the laid down procedure. He was jailed for 5 years, released and later detained for 14 days. And made to face	The right of the petitioner was violated.

		a unilateral and self-made up court martial.	
27		Unlawful Dismissed from Service	Not stated
28		Violation of his fundamental rights.	Claiming his right to work
29		Wrongful suspension from work	Their case be reviewed
30	Nigerian Union of Pensioners and Nigerian Security Printing and Minting Company	Wrongful deprivation of their pension rights since 1991	To prevail on the management of NSPMC to obey the Court Order, discontinue the appeal and other litigations and pay them their due entitlements to date.
31		Violation of citizen's fundamental rights in the frame up of the 1995 coup.	Not stated
32		Dismissal from Federal Civil Service	Not stated
33		Arrest and detention in Wuse, wrongly accused and detained.	Not stated
34		Wrongful dismissal from Public Service Illegal and forceful	Not stated

		<p>ejection from official quarters by the Police.</p> <p>Petitioner was intimidated, harassed and rendered homeless due to the act of the security agents on the instruction of Alhaji Dansumaila Bello.</p> <p>Petitioner was not paid her full entitlements to date.</p>	
35		Unlawful dismissal from service	Not stated
36	Halima Asta Sule	<p>Dismissal and consequential loss of income.</p> <p>Loss of some personal properties</p> <p>Wrongful arrest, detention and suspension without pay</p> <p>Stigma of dismissal</p>	<p>Review of her dismissal from the Police</p> <p>To do justice to her case</p> <p>To be heard</p>
37	Ishaya D. Paul	<p>Dismissal from employment. No query or allegation leveled against the petitioner.</p> <p>No disciplinary</p>	Not stated

		committee found him guilty of any official misconduct.	
38	Col. R. N. Emokpae	<p>Unlawful arrest, detention, torture, trial and conviction.</p> <p>Wrongful dismissal from the Army.</p> <p>Loss of his Mercedes Benz car and other properties.</p> <p>Loss of income and other benefits</p> <p>Excessive and inhuman torture resulting in severe bodily injuries to his waist, knee, private part, sight.</p>	<p>Quashing of the entire trial and conviction.</p> <p>Repealing any enactment or gazette relating to his conviction and dismissal.</p> <p>Restitution and redeployment.</p> <p>Promotion to the higher rank</p> <p>Compensation for loss of job and trauma experienced.</p> <p>Damage for excessive abuse of rights.</p>
39	Hauwa Mohammed	<p>Illegal vacation of petitioner's properties.</p> <p>Unlawful intrusion into petitioner's house.</p> <p>House breaking.</p>	Not stated.

40.	Alhaji Karimu Isa	Non-compliance with High Court of Kwara State Judgment dated 3rd day of September, 1994, ordering the Nigerian Police Force headquarters to pay the benefits/gratuity of the petitioner's deceased father as released by the United Nations Organisation (UNO) and those accrued to him from the Force Headquarters.	Not stated.
41	Engr. Uche Nwoji	Wrongful dismissal from public service without reason. Suffering untold hardship as a result of the dismissal.	Not stated.
42	Mr. Ikechukwu Alexander Chukwudi	Wrongful dismissal without any attached reasons. Petitioner suffered injustice and hardship as a result.	Not stated.
43.	Ugbonna Gabriel Uzoma	Unlawful termination of employment.	Not stated.

		<p>Unlawful victimization and intimidation.</p> <p>Dismissal as a result of malice.</p>	
44.	<p>Engr. Desmond Nlemadim</p>	<p>Loss of innocent lives without jus cause.</p> <p>Nonchalant attitude of the authority concerned by not responding.</p> <p>Tendencies that the assassins are targeting a particular person but yet to succeed.</p> <p>There has been categorical statement that has been made to carry out the above assertions.</p>	Not stated.
45.	<p>Mr. Oluwafemi Ogunbona</p>	<p>Unlawful detention at the Zaria Prison on the order of the Ibrahim Abdulaziz (second respondent) without just cause.</p> <p>Unlawful taking of and damage to the properties of the petitioner by some security agents on the</p>	Not stated

		<p>instruction of Mr. I. N. Sada (first respondent). Molestation, humiliation and threat meted on the petitioner's wife. Infringement on the privacy of he petitioner without lawful authority.</p>	
46.	Mr. Adesina Abondejo	<p>Unlawful arrest, intimidation and prosecution. Unlawful prosecution and humiliation.</p>	Not stated
47.	Some retirees from Nigeria Social Insurance Trust Fund (NSITF).	<p>Refusal to pay pensions after removal from office. Non-compliance with Pensions Decree No. A782, 1979, and No. 102, section 3(4).</p>	Not stated.
48.	Mallam Al-Bishak	<p>Wrongful dismissal. Lack of fair hearing to defend himself against the alleged official misconduct. Failure to comply and give regard to consider the provisions of</p>	Not stated.

		<p>Federal Government Civil Service Rules, 1974.</p> <p>Breach of provisions of Agreement (Bond of Contract) and Declaration signed by the parties.</p>	
49.	Prince Ahmed Adamu Samu	<p>Alhaji Musa Ija-koro is impersonating himself as the leader of traditional ruler of Bwari town.</p> <p>That, HRH Esu Dimas Isuwa Zamayi is the rightful traditional ruler of Bwari town.</p> <p>That Alhaji Ija-koro should be impeached, apprehended, interviewed and punished judiciously.</p>	Not stated.
50.	Mr. Balasundaram Gowribalam	<p>Unlawful and forceful entry into the house of petitioner by security agents of the Military Administrator.</p> <p>Illegal removal of personal belongings of the petitioner worth</p>	Not stated.

		<p>millions of naira.</p> <p>Acts of intimidation, embarrassment, mishandling and threat at gun point on the person of the petitioner.</p>	
51.	Mr. O. A. Anigbogu	<p>Wrongful dismissal from Federal Civil Service.</p> <p>Dismissal based on allegation levelled against Acting Head, Security Department, UNTH, Enugu.</p>	Not stated.
52.	Association of Dismissed, Terminated and Retired Staff of UNTH, Enugu	<p>Non-disclosure of reasons for their removal by UNTH management.</p> <p>Wrong application of guidelines for removal of staff.</p> <p>Non-consideration by UNTH Management of affected staff, age and length of service.</p>	Not stated.
53.	A. Y. Araba-Sulaimon (Mrs)	<p>Unlawful dismissal or removal from Federal Civil Service.</p> <p>Mistake as to</p>	Not stated

		correctness of name of person involved (i.e Mrs. A. Y. Araba-Sulaimon/Araba Y. A. Miss)	
54.	A. O. Akindolire	The decree used to retire the petitioner has been faulted in the court of law in a similar case. The singular action of the then Minister caused my infringement to fair hearing.	Not stated.
55.	Mint Workers Forum (MWF) on behalf of 2,042 workers.	Unlawful arrest, detention and brutalization of the workers. Beating, torture, harassment with arm, molestation of workers by company officials, servants and agents. Illegal confiscation of the property and other valuable items belonging to the workers. Mindless brutality,	Not stated.

		<p>inhuman treatment to wit, beating, torture, chasing with arms, striped naked and bathing with sewage by the security agents.</p> <p>Manner of miscarriage of three (3) months pregnancy of Mrs. Charity Egbabonure as a result of brutal assault, torture, harassment and molestation by security agents on the invitation of the company's management.</p> <p>Unlawful termination of the workers appointment without due process of law.</p> <p>Denial of workers' right to associate by NSPMC.</p> <p>Inhuman work conditions such as naked search and exposure to factory hazards practiced by the NSPMC.</p> <p>Forceful eviction of</p>	
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		worker dependents from the company's staff hospital that led to the death of three (3) patients out of 12.	
56.	Mr. Kayode Akhilele, Mrs. Grace Akhilele (Jnr.), Mrs. Grace Akhilele (Snr.) Mother, and Mr. Kenneth Akhilele.	Unlawful arrest.	Not stated.
57.	Emmanuel Erhieyovwe Ekama	Wrongful termination of appointment and lack of fair hearing.	Not stated.
58.	Abraham Adoke	Non-payment of consultation fee on a project given by Abacha's government.	To be paid for the pet project. To be urgently rehabilitated.
59.	Alhaji (Dr.) Ibrahim Dasuki (former Sultan of Sokoto)	Unlawful deposition by the Sokoto State Government, and illegal banishment to Kaduna without necessary maintenance and allowances.	Not stated.
60.	Alhaji Sani Otto	Unlawful killing of petitioner's brother, and lack of investigation by the police, as well as non-	Not stated.

		challant attitude by the police towards the matter.	
61.	Alhaji Mustapha Garba	Unlawful retention of contract documents at Aso Rock Villa, Abuja.	Not stated.
62.	271 staff of NEPA (Technical Staff and others).	Unlawful arrest, detention and torture of the workers, inhuman treatment, harassment, assault and intimidation of the workers, their wives and children by the security agents.	Not stated.
63.	Mr. Alphonsus Akponye Ezenwa	Non-payment of the sum of N80,746 .00 by the former Anambra State Transport Company, Ltd. (TRACAS)	Not stated.
64.	Messrs. Memudu Ajani, A. Y. Haruna and Egbegi, on behalf of Some dismissed Staff of Federal Airport Authority of Nigeria.	Wrongful termination of their appointments and loss of income.	Release of the Review Committee Report, and Appropriate recommendations.
65.	Ibrahim K. Suleiman	Human Rights Violations.	To assist in the assurance of

			physical security of self, family and associates. To recognize and uphold his rights and others under national and international law, and to publicly accept his testimony through financial and other resources.
66.	Mufutau A. Adeboye	Wrongful dismissal from Civil Service	Not stated.
67.	Lt. R. Emuovehe	Unlawful connection with 1995 <i>coup d'etat</i> , losing military career prematurely, unlawful arrest of fiancée and non-payment of arrears of salaries, allowances and other benefits.	Not stated.
68.	Engr. M. O. Ezekwem	Unlawful dismissal from Federal Civil Service.	Not stated.
69.	Kaduna State Public Service Negotiation Council	Unlawful retrenchment of 6,000 workers of Kaduna State, and unlawful detention and malicious prosecution	Not stated.

		by the Kaduna State Government.	
71.	Patrick C. Okoli (CSP)	Wrongful retirement from Police Force contrary to Court Order, harassment, embarrassment, humiliation and mental torture.	Not stated.
72.	Mr. Alaowei Sunday Jombo JP.	Wrongful dismissal from employment contrary to regulations, humiliation, battery, physical abuse, assault, harassment and forceful eviction from staff quarters by the security agents and administrative staff of the board	Not stated
73.	Ahmad C. Okafor	Illegally fixing in an electronic computer through telepathic whispering.	Not stated.
74.	Hassan Sarkin Hausawa and others	Wrongful and forceful acquisition of land without compensation, threat, intimidation, arrest and detention.	Not stated
75.	Alhaji Amadu H.	Failure to commute	Not stated.

	Adama	petitioner's compulsory retirement with benefits, lack of fair hearing on the allegation of obtaining two hajj seats and money from 138 pilgrims to buy rams and unlawful detention.	
76.	Leader of Elders of Enugu State in-charge of Honourable A. C. Orah	Illegal appointment of Prof. Iwu, non-payment of pensioners for 68 months, and starvation and death of some pensioners as a result of the non-payment.	Not stated.
77.	Abubakar Adeniyi Adesanya	Loss of job, income and stigma of dismissal; non-payment of allowances, wrongful ejection from his official quarters.	Reinstatement, payment of all his due entitlements and allowances.
78.	Folusho Komolafe Taiwo	Loss of job, income and stigma of dismissal; non-payment of allowances, wrongful ejection from his official quarters.	Reinstatement, payment of all his due entitlements and allowances.

79.	Mr. I. Toyin Odebiyi	Unlawful dismissal from Federal Civil Service.	Not stated.
79B.	Folorunsho Komolafe	Unlawful dismissal from service.	Not stated.
79C.	Taiwo Abubakar Adeniyi Adesanya	Unlawful dismissal from service.	Not stated.
80.	Peter A. Esemre	Unlawful dismissal from employment, breach of fair hearing, unlawful deduction of salaries.	Not stated.
81.	Not stated.	Not stated	Not stated
82.	Mallam Nasiru Mohammed Tsanya	Loss of son, unlawful invasion of his house and vandalism of properties and unlawful arrest and detention.	Full investigation of the entire incident and appropriate redress.
83.	Mr. Boniface Amadi	Illegal arrest, humiliation assault, intimidation, torture and detention, illegal accusations and conspiracy by state police command and state attorney-general.	Not stated
84.	Wilfred Oden Inah KSM (Chief)	Illegal detention, arrest, torture, assault and humiliation, illegal	Not stated

		frame-up by Directorate of Military Intelligence, monetary inducement by Mr. Clement Ebri to Col. S. K. Togun to frame the petitioner and to silence him.	
85.	Mr. Musa Idoko	Unlawful termination of employment	Not stated
86.	Wadi Ali	Unlawful conversion of petitioner's voluntary retirement to dismissal, breach of fair hearing and deprivation of accrued benefits.	Not stated.
87.	Thomas W. Abuh	Unlawful dismissal from office, and unlawful detention and arrest.	Not stated.
88.	Paul Allanah M.	Unlawful arrest, detention and torture for 40 days, illegal conversion of petitioner's car by the two car dealers, conspiracy by Esigie Police Station DPO, and IPO at Ijesha tedo Police Station.	Not stated.

89.	Denis Ikpeamaeze	Wrongful dismissal from police force and loss of income and due benefits.	Reinstatement to the force and promotion to due rank.
90.	Col. Peter Kolawole Obasa (Rtd)	Unlawful dismissal from the army, unlawful arrest, detention and sentence to 14 years imprisonment, unlawful frozen of petitioner's bank account with his wife and illegal seizure of petitioner's properties.	Not stated.
91.	Engr. Boniface Chukwumaihe Ejehu	Unlawful termination of employment	Not stated
92.	Mr. Udeagwu Emma. U.	Unlawful dismissal from the police force, reduction in rank from corporal to constable, and lack of fair hearing.	Not stated
93.			
94.	Suleja Emirate Council and Kingmakers	Illegal police brutality, torture, intimidation and killings; mass killings by mobile police, loss of properties and	Not stated.

		vandalisation of Emir's palace.	
95.	Engr. Cyril Oluche E.	Unlawful dismissal from Federal Civil Service.	Not stated.
96.	Dr. A. G. Lamorde	False and malicious allegations that has left a permanent strain on his name, non-release and publication of the report on the investigation panel that investigated him.	Release and publication of the report of the panel or any white paper issued in respect of same.
97.	Mr. E. U. Nwanga	Illegal threat to life and attempted assassination, threat to life by the management of Maritime Academy of Nigeria, Oron; and illegal business transaction at Maritime Academy of Nigeria, Oron.	Not stated.
98.	Magboma S. O.	Premature retirement and loss of income and benefits.	Reinstatement and payment of his due benefits.
99.	Balaba Ahmed Chiroma	Loss of job and income and benefit.	Fair treatment and reinstatement.
100.	Levi I. Ibe	Unlawful retirement from service	Not stated.

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