



LAWYERS ALERT REPORT ON MILITARY INVASION OF NAKA, BENUE STATE, NIGERIA.

Preamble

On the 19th day of April, 2018, six truckloads of fully armed Military personnel invaded and overran the sleepy town of Naka in Gwer West Local Government Area of Benue State. They razed down a sizeable portion of the town in an operation that lasted over 2 hours. The invasion was said to be in reprisal for the alleged killing of a soldier by some residents of the town. At the end of the operation that lasted over 2 hours, more than 250 houses and other property worth millions of naira including foodstuffs and other household items had been destroyed.

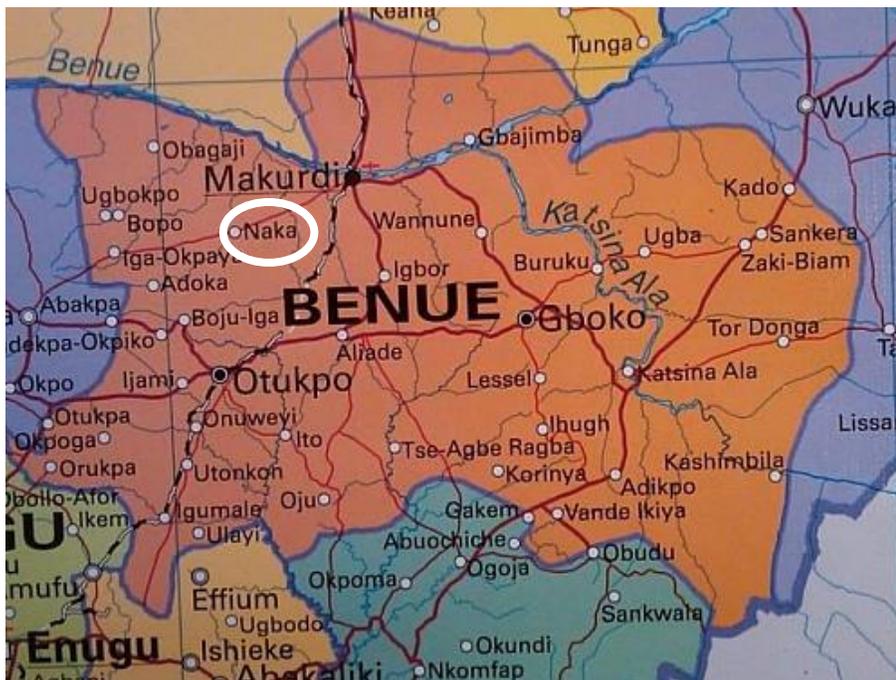


Fig. 1 Map of Benue State with Naka Town outlined in white

Contextual issues

Naka is the headquarters of Gwer West Local Government Area of Benue State in Nigeria's North Central zone. The town is located about 43 Kilometres south of Makurdi, the State Capital. It is an agrarian community and home to about 15,000 people aside refugees and visitors. It will be recalled that Naka town has been under immense tension and pressure since February, 2018 due to regular and recurring attacks on communities and villages surrounding it by killer herdsmen. These attacks forced residents of those communities and villages surrounding Naka to relocate there for safety.

As these families fled to homes of relations in Naka, they carried along their property including food, livestock and other personal belongings. Those that had neither friend nor relations in the town wound up in public places like schools, churches, market squares etc.



The situation deteriorated to a point where the only major road linking Naka town to the State capital was taken over by killer herdsmen, usually dressed in Nigerian Army uniform and armed with sophisticated weapons including AK 47s and AK 49s. These marauders mount roadblocks and lay ambush, attacking unsuspecting motorists with impunity. It is curious that the situation progressed largely unchallenged even in the face of the military operation code named **Operation Cat Race**, established by the Federal Government in a bid to halt these activities.

As a result, most Naka residents avoid that stretch of road, choosing instead to travel to Makurdi, the State Capital via Taraku, a longer route, thereby paying twice as much as they would have paid ordinarily all in a bid to stay safe. This is in addition to time wasted and the associated stress.

It will be recalled that on the 4th day of April, 2018, 7 districts of Gwer East namely, Gbaange/Tongov, Tyoughatee, Sengeev, Mbachohon, Saghev/Ukusu, Merkyen, Nyamshi, and Tswarev/Mbapupuu were attacked by the same killer herdsmen. It was under this tense situation that on the 16th day of April 2018, one Msugh Shaamo of Phase II, Naka Town went into the bush to fetch firewood and ran into a man dressed in military fatigues and clutching an assault rifle.

According to reliable sources, an altercation ensued between Msugh and the man. Fearing for his life, Msugh ran and was hotly pursued by the individual. Msugh got home and reported the incident to his neighbours. In reaction, they quickly formed a group, returned to the bush and captured the man in question. The arrested man claimed to be a soldier but could not produce any form of identification upon demand. Consequently, the mob took him to the army unit operating in the community under **Operation Cat Race** which could not confirm he was part of their team. Believing he was one of the killer herdsmen who usually disguise themselves in military fatigues, the community members took the law into their own hands and killed him. Later, it was discovered that the deceased actually was a soldier attached to the 72 Special Forces Battalion Makurdi, Benue State.

Acting swiftly, the elders and community leaders of Phase II Naka Town, led by Ter Tyoshin, the paramount ruler of Tyoshin, and Daniel Ayua Abomtse, JP, met with the Commandant of the 72 Special Forces Battalion Makurdi, Lt. Col. S. S. Muhammad on Wednesday April 18, 2018. During the meeting, Lt. Col. Muhammad demanded for the apprehension and turning in to the battalion of the prime suspects of the killing, including Msugh Shaamo and others.

In compliance, the elders apprehended the suspects and personally handed them over to the Army formation in Makurdi. It was while they returned to Makurdi with the suspects that information got to them that the Army had invaded Naka.

The Invasion

On the morning of 19th April 2018, a day after the community leaders' visit to the military, over 6 truckloads of well-armed military personnel invaded Naka in a reprisal attack over the death of their colleague who was alleged to have been killed by a mob in Naka town two days earlier. In the attack, over 250 houses were razed down and properties worth several millions of naira including foodstuffs, livestock, electronics and other properties were destroyed. As at the time of



writing this report, thick smoke still billowed from the houses, while the smell of burnt food and livestock filled the air.



Fig. 2 Some of the homes destroyed during the military invasion of Phase II Naka town

Implications

The implications of this act are far reaching and devastating.

First of all, the people, already living in deep fear of their lives owing to the activities of herdsmen and other marauders have now lost faith in the state's ability and or willingness to protect them. Those whose properties were destroyed are innocent of the cause of the attack and therefore had no business suffering any form of damage whether to their homes, properties or sources of livelihood.



Fig.3 Families left desolate in the wake of the military invasion.



As earlier stated, most of the homes in Naka town were already serving as a refuge for other displaced friends and family members, providing shelter to those who fled their own communities after the herdsmen attacked. Now, even Naka, considered a safe haven, has been ravaged, this time by agents of the state, who should ordinarily have handled the incident that ensued according to the laws of the land (due process).



Fig. 4 A family in Naka ponder how to pick up the pieces of their shattered lives after the attack.

The destruction of foodstuff, livestock, granaries etc. could lead to hunger and a loss of income for the affected citizens, who already live below the poverty line of \$1.00 a day. As earlier stated, most of the people of Gwer West are farmers who depend on their farm produce for survival. With the destruction of their food, seeds/seedlings, livestock and other farm inputs, it becomes extremely difficult for the people to continue with their farming activities. These persistent attacks could potentially trigger mass hunger in Gwer West and Benue State as a whole. Benue state is an agrarian state whose farmers mostly live in rural areas and are subsistence farmers.



Fig. 5 Yam seedlings destroyed by the army. Yam is a staple food in Nigeria and Benue is one of the biggest producers of the foodstuff.



The most devastating implication of this attack is that the state, through its military agencies can act with impunity and attack its own citizens. There has been a gross violation of the rights of people of Naka and the victims of this incidence. These violated rights include the right to life, right to own property, right to work, right to shelter and a host of other socio economic rights including the rights of Msugh Shaamo and others held up in a military gulag without access to justice and fair hearing.

The accused persons have a right to legal practitioners of their own choice. They also have the right to be handed over to the Nigeria Police Force who will investigate the matter and try them in civil courts instead of being held indefinitely in military detention facilities.

Recommendations

In view of the above, Lawyers Alert recommends the following:

1. The immediate release of the arrested suspects from military detention facilities and handing over of same to the Nigeria Police Force for necessary investigation and possible trial in a civil court.
2. We also recommend the setting up of a judicial commission of enquiry with the aim of identifying all those culpable in these acts and bringing them to trial
3. The compensation and rehabilitation of the victims of this invasion.
4. The strengthening of security systems in Naka and other hotspots around Benue State to tone down the level of violence between farmers and herdsmen in the state.

Conclusion

In conclusion, Lawyers Alert as a Rights Based Civil Society Organization strongly condemns the killing of any human being including soldiers. As such, we condemn the killing of the soldier in Naka town. However, we condemn in stronger terms the reprisal attacks by the Army in Naka town. Such acts only depict both the Military and Government of Nigeria as bad and incompetent as the major perpetrators of Human Rights violations. We stand with the People of Naka and other Human Rights defenders around the world in strong condemnation of the Military invasion of Naka and call for immediate justice especially for the poor and vulnerable including Women and Children and beyond. We say never should this happen anywhere in Nigeria again. Not after Zaki-Biam.