

2008 Annual Report of the U.S. Commission on International Religious Freedom

Countries on the Commission's Watch List: Nigeria

The response of the government of Nigeria to persistent religious freedom concerns continues to be inadequate. These concerns include an ongoing series of violent communal conflicts along religious lines; the expansion of sharia (Islamic law) into the criminal codes of several northern Nigerian states; and discrimination against minority communities of Christians and Muslims. In addition, there are reports of foreign sources of funding and support for Islamic extremist activities in northern Nigeria, activities that threaten to fracture the already fragile relations between the two main religious groups. However, in recent years, Nigerian security forces have responded more quickly to quell sectarian violence and have taken steps to address the activities of Islamic extremist groups. Because of persistent concerns, the Commission continues to place Nigeria on its Watch List.

Over the last year, Nigeria continued to experience incidents of violent communal conflict along religious and ethnic lines, which are often intertwined. The popular movement in 12 northern Nigerian states to expand the legal application of sharia to criminal matters continues to spark communal violence and is an ongoing source of volatility and tension between Muslims and Christians at both the national and local levels. Serious outbreaks of Muslim-Christian violence in the last few years threaten to divide further the populace along religious lines and to undermine the democratic transition and the foundations of freedom of thought, conscience, and religion or belief in Nigeria. Social, economic, and political conditions have not improved in the country, fostering a climate of even greater tension among ethnic and religious communities.

In April 2007, Umaru Yar'Adua was elected President in elections that were widely characterized by international and domestic observers as fraudulent. Reports of vote-rigging and political violence also emerged in some areas. In advance of the April elections, the Christian Association of Nigeria (CAN) and the National Supreme Council for Islamic Affairs issued joint statements urging adherents of the Christian and Muslim communities to exercise vigilance and tolerance. Many observers contend that these statements, among other actions, contributed to the fact that election-related violence along religious lines was minimal.

Since 1999, more than 10,000 Nigerians have been killed in sectarian and communal attacks and reprisals between Muslims and Christians. The most serious of these clashes occurred in Kaduna state (February and May 2000 and November 2002); Jos, Plateau state (September 2001); Kano state and Yelwa, Plateau state (February-May 2004); and in northern and southeastern Nigeria, in the wake of the controversy over depictions of the Prophet Muhammad in the Danish press in February 2006 (see below).

Ethnic and religious violence continued throughout the past year, although the number of deaths resulting from the violence decreased compared to previous years. Dozens of people were killed and dozens of churches and mosques were destroyed in communal violence in several towns and villages in southeastern Nigeria, the Middle Belt region, and northern Nigeria. In September 2007, rioting in the northern state of Kano resulted in the deaths of 10 Christians and the destruction of at least nine churches. At least 60 people were injured and more than 500

displaced. The rioting started after Muslim students from a public high school claimed that a Christian student had drawn a cartoon of the prophet Muhammad on the wall of the school's mosque. A Kano state committee investigating the September attacks stated in November that 19 Christians were killed, not 10 as previously reported. In December 2007, at least 10 people were killed, more than 30 injured, and three churches burned in the northern state of Bauchi. Some 3,000 people fled their homes in the area of the clashes. According to press reports, the violence started after a dispute over the planned construction of a mosque at a secondary school in Yelwa, in a mixed Muslim and Christian neighborhood of the city. Muslim students reportedly began to riot after unidentified individuals pulled out two foundation blocks of the mosque under construction. In February 2008, also in Bauchi, a violent clash between a Muslim mob and the police over a woman accused of blaspheming the prophet Mohammed left at least one person dead and five seriously injured. Muslim youth torched a police station and looted homes of Christians and of the police. Also in February, in the state of Kano, a policeman was killed and two Christian youth were injured when Muslim high school students started rioting over claims that a Christian student had written an article blaspheming the prophet Muhammad.

In February 2006, approximately 50,000 people were displaced and at least 150 Muslims and Christians were killed in four days of sectarian violence across Nigeria, particularly in the cities of Onitsha, Maiduguri, Katsina, and Bauchi, after protests over caricatures of the Prophet Muhammad fueled underlying religious and ethnic tensions. Independent reports indicate that both Muslim and Christian groups initiated attacks on each other and reprisal attacks followed. Unlike in the past, the Nigerian government eventually raised the security alert level and directed law enforcement agents to deal decisively with eruptions of violence in any part of the country. At least 400 people were arrested. In March 2006, the Nigerian Information Minister stated publicly that there were continuing efforts by some individuals, groups, and organizations to instigate "further violence and mayhem" in many northern and southern states and that those "already arrested for their roles in the violence will be fully prosecuted." Widespread destruction of property took place, and numerous churches, mosques, and homes were burned down. To date, it is not clear if any perpetrators of the violence have been prosecuted.

There is sectarian violence within the Muslim community also. In July 2007, in the northern city of Sokoto, five Shi'a Muslims were killed and several houses burned in violence between Sunni and Shi'a Muslims over the murder of a Sunni cleric. The Sunni cleric was shot and killed while leaving a mosque after preaching. The predominantly Sunni population claimed the attack was planned by the minority Shi'a community. According to the State Department, more than 100 people were detained by Nigerian authorities and the investigation is ongoing. Relations had deteriorated between the two religious communities following violent clashes over the right to worship in the city's central mosque in 2005. Shi'a Muslims claimed the murdered Sunni cleric spearheaded the attack against the Shi'a Muslims during the 2005 clashes.

Despite the ongoing nature of sectarian violence, the number of those killed decreased in the past year due to a more rapid and effective response by security authorities. However, prosecution of those accused of instigating sectarian violence remains inadequate. Moreover, many Muslims and Christians have been identified as perpetrators of violence over the years, but very few, if any, have been prosecuted or brought to justice. At the same time, security and police forces have sometimes been accused of using excessive force, including extrajudicial

killings, to curb communal violence. In previous years, former President Olusegun Obasanjo was criticized both inside and outside Nigeria for not responding more decisively to the violence and the communal tensions brought about by the sharia controversy, and for generally urging political negotiations rather than ordering the government to intervene to stop or prevent further violence. After becoming president, President Yar'Adua publicly stated his intent to create an interfaith advisory council of prominent Muslim and Christian leaders to assist the government in maintaining peace among its various religious communities.

After her visit to Nigeria in February-March 2005, the UN Special Rapporteur on Freedom of Religion or Belief, Asma Jahangir, stated that the Nigerian government should ensure that investigations of communal and sectarian violence are thorough, including through the identification and prosecution of the alleged perpetrators. In addition, the Nigerian government “should take very firm positions whenever religion is at the origin of human rights violations, regardless of which religious community is concerned.” In October 2006, the Sultan of Sokoto, Muhammadu Maccido, widely regarded as the spiritual leader of Nigerian Muslims, died in an airplane accident. In past years, Maccido had frequently spoken out in an effort to end sectarian and communal violence between Muslims and Christians in Nigeria. In November 2007, the newly-installed Sultan of Sokoto, Sa’ad Abubakar, principal leader of Nigeria’s 70 million Muslims, traveled to Washington, DC and publicly expressed his commitment to improving Muslim-Christian relations in Nigeria. As one of the new co-chairs of the Nigerian Inter-religious Council (NIREC), composed of 25 Muslim and 25 Christian leaders in Nigeria, Abubakar has expressed support for further addressing the issue by opening NIREC offices at the state and local levels to promote dialogue and greater understanding between Muslims and Christians, a standing USCIRF recommendation.

Since October 1999, 12 northern Nigerian states have extended or announced plans to expand the application of sharia in the state’s criminal law; however, there have not been further enactments in the past year. Although the particulars vary from state to state, each has adopted, or reportedly plans to adopt, a sharia-based penal code and provisions to extend the jurisdiction of sharia courts beyond personal status matters to include sharia crimes and punishments for Muslims only. Punishments include amputation, flogging, or death by stoning, often after trials that fall short of basic international legal standards. Defendants have limited rights of appeal and sometimes have no opportunity to seek legal representation. Women have faced particular discrimination under these codes, especially in adultery cases where pregnancy alone has been used as adequate evidence of guilt, and allegations of rape and sexual violence are rarely investigated by judges. In addition to criminal code changes that purportedly apply only to Muslims, some states have instituted or tolerated discriminatory practices based on religious precepts such as banning the sale and consumption of alcohol and disadvantaging women in education, health care, and public transportation. These practices affect Muslims and non-Muslims alike. For example, in July 2005, the state government in Kano banned women from riding in the same buses as men and from riding behind men on motorcycles. Moreover, a few northern Nigerian states—Kano, Zamfara, and Niger—have sanctioned quasi-official *Hisbah* (religious police) to enforce sharia violations and other discriminatory practices.

In past years, there have been several cases in which sharia courts have handed down sentences of death by stoning to Muslims for various offenses. In 2003, several such cases were

overturned and thrown out on appeal; stoning sentences remain in several other cases, pending appeal. However, to date, no stoning punishments have ever been carried out in Nigeria. Nevertheless, in the past, sentences involving amputation and flogging have been carried out, although none in the past three years; several cases of this kind have been reversed on appeal, are in the process of appeal, or are awaiting sentencing. There are pending amputation and/or stoning sentences in Jigawa, Bauchi, Niger, Kano, and Zamfara states, though many of these cases have been delayed continuously for various reasons.

Sharia punishments such as death by stoning and amputation have been topics of a national debate in recent years on whether these punishments constitute torture or inhumane or degrading treatment under the Nigerian Constitution. The UN Committee Against Torture, as well as the UN Special Rapporteur on Torture, have stated that flogging, stoning, and amputation do breach the prohibition against inhuman or degrading treatment under international human rights standards and treaties. On this issue, the UN Special Rapporteur stated that the Nigerian government should ensure that practices and codes of all states are in compliance with international human rights conventions and it should conduct an “assessment of all the laws in force and analyze their compatibility with international human rights law.”

In addition to the sharia controversy and the violence it incites, Nigeria is plagued by a number of other serious problems regarding freedom of religion or belief. Christians in the northern states complain of what they view as discrimination at the hands of Muslim-controlled governments and describe their communities as having the status of “second-class citizens.” Most complaints predate the recent initiatives regarding sharia, and include allegations of official discrimination in the denial of applications to build or repair places of worship, access to education and state-run media, representation in government bodies, and government employment. Muslim communities in southeastern Nigeria, where Muslims are a small fraction of the population, echo some of the complaints of minority Christian communities in northern Nigeria. Southern Muslim leaders report official or officially sanctioned discrimination in the media, education, and representation in government institutions. Although proselytizing is permitted by the Constitution, several northern states continue to ban some public religious activities to address public safety and security concerns.

Since 2003, there have been a number of small, vocal Muslim groups in northern Nigeria that advocate strict application of sharia, and which, some argue, are helping create a haven for radical Islamic militants from outside Nigeria. Though not organized as a nationwide movement, some of these groups advocate a more forcible Islamization of all Nigerian society, regardless of religious affiliation. In recent years, Nigerian security forces have dealt more decisively with Islamic extremist groups, resulting in a decrease in the number of incidents related to these groups’ activities, a positive development. However, in April 2007, 12 Nigerian police officers were killed after Islamist extremists attacked a police station in Kano. Nigerian security forces responded by killing at least 25 of the self-styled “Taliban” militants, who Nigerian authorities said came into Nigeria from neighboring Chad.

Several observers inside and outside Nigeria have reported that financial support from Libya, Saudi Arabia, and Sudan has been used to build mosques and Islamic religious schools in northern Nigeria. Some have suggested that the extreme interpretation of Islam being preached in these mosques and religious schools is not a form of Islam that is traditional to Nigeria. Also,

there are reports that an increasing number of Nigerian Islamic scholars and clerics are being trained in Saudi Arabia and return with a politico-religious ideology that explicitly promotes hatred of, and violence against, non-Muslims.

Throughout the past year, Commission staff met with members of non-governmental organizations representing various religious communities in Nigeria, as well as human rights organizations, academics, and other Nigeria experts. The Commission has traveled twice to Nigeria, most recently in August 2003. In August 2004, the Commission issued a *Policy Focus* on Nigeria, which included recommendations for the U.S. government in relation to communal and sectarian violence, the expansion of sharia law in the north, discrimination against religious minorities, and increasing Islamic extremist activity.

With regard to Nigeria, the Commission recommends that the U.S. government should:

- urge the Nigerian government to address the sharia controversy, oppose religious extremism, and hold accountable perpetrators of religious violence by:
 - ensuring that sharia codes, as applied, uphold the principle of equality under the law between men and women and between Muslims and non-Muslims, and do not result in violations of international human rights standards with regard to freedom of religion or belief, due process of law, equal treatment before the law, freedom of expression, and discriminatory practices against women;
 - ensuring that sharia criminal codes do not apply to non-Muslims or to individual Muslims who do not wish to go before sharia courts, and preventing law enforcement activities in northern states by any quasi-official or private corps of sharia enforcers;
 - taking effective steps to prevent and contain acts of sectarian and communal violence, prevent reprisal attacks, and bring those responsible for such violence to justice; and
 - ceasing immediately any official support for the so-called “religious police,” or *Hisbah*, and ensuring that state governments make greater efforts to halt the activities of these vigilante groups, including prosecuting those found to have taken the law into their own hands;
- expand U.S. presence and outreach efforts, primarily in northern Nigeria, by:
 - opening a consulate or other official presence in Kano or elsewhere in the north;
 - providing adequate Embassy and Consulate staff with appropriate local language skills, and requiring political and public affairs officers to regularly travel throughout Nigeria;
 - increasing the capacity of the Hausa Service of the Voice of America to report fair and balanced views on communal conflict and human rights; and
 - sponsoring several exchange programs each year on the topics of freedom of religion or belief, religious tolerance, and Islamic law and human rights that target religious leaders, human rights advocates, government officials, and northern Nigerians;

- expand U.S. support for communal conflict prevention and mitigation, through U.S. foreign assistance programs or otherwise, by supporting:
 - Nigerian non-governmental organizations working on communal conflict prevention and mitigation, emphasizing capacity-building at the local level;
 - human rights defenders, including legal aid groups that defend the constitutional and internationally recognized rights of individuals, especially women, who are impacted by sharia-based criminal codes;
 - human rights defenders responding to credible allegations of religious discrimination in any part of Nigeria;
 - funds for the expansion of training for the Nigerian federal police in human rights protection;
 - programs and institutions, particularly where communal violence has occurred, that promote objective, unbiased, and non-inflammatory reporting, consistent with the right to freedom of expression; and
 - the expansion of Nigeria's Inter-Religious Council, formed to promote dialogue between Christians and Muslims, and replicate the Council at the state and local levels;
- continue to support and adequately fund the Trans-Sahara Counterterrorism Initiative, a regional U.S. security partnership, succeeding the previous Pan-Sahel Initiative and comprised of African and Maghreb countries, including Nigeria, which helps to identify, publicize, and counter foreign sources of terrorism and religious extremism.

¹ Article 13 of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, passed in 1998, states that "Everyone has the right, individually and in association with others, to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means..."

¹ Principles Relating to the Status and Functioning of National Institutions for Protection and Promotion of Human Rights, found in the Annex to *Fact Sheet No. 19, National Institutions for the Promotion and Protection of Human Rights*, Office of the High Commissioner for Human Rights (<http://www.unhcr.ch/html/menu6/2/fs19.htm>, accessed April 3, 2008).