

2006 ANNUAL REPORT OF THE UNITED STATES 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 in that country continues to be inadequate. These concerns include an ongoing series of violent communal conflicts along religious lines; the controversy over 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 the past year, 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 these 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 has continued 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.

Since President Olusegun Obasanjo came to power through popular elections in 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 have 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 most recently, in northern and southeastern Nigeria, in the wake of the controversy over depictions of the Prophet Muhammad in the Danish press (February 2006).

Ethnic and religious violence continued throughout the past year. Hundreds of people were killed, and dozens of churches and mosques destroyed, in communal violence in several towns and villages in southeastern Nigeria, the Middle Belt region, and northern Nigeria. In April and May 2005, at least 17 people were killed in the central state of Benue as a result of sectarian violence and reprisals between Muslims and Christians. From February to May 2005, in the northern state of Sokoto, at least seven people were killed and dozens injured in fighting between groups of Sunni and

Shi'a Muslims. Shi'as claimed their public commemoration of Ashura was attacked in an attempt to stop their procession.

In February 2006, at least 120 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. The reports of human rights groups and others indicate that both Muslim and Christian groups initiated attacks on the other and responded with reprisal attacks. 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 have since been arrested. In early March, the Nigerian Information Minister stated publicly that there are 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."

President Obasanjo has been criticized both inside and outside Nigeria for not responding more decisively to religious violence and the communal tensions brought about by the sharia controversy. He has primarily played a mediating role, stressing political negotiations rather than ordering the government to intervene to stop or prevent further violence. Moreover, many Christians and Muslims have been identified as perpetrators of violence over the years, but very few, if any, have been prosecuted or brought to justice. In fact, security and police forces have sometimes been accused of using excessive force, including extrajudicial killings, to curb communal violence. In an unprecedented admission, in August 2005, President Obasanjo stated publicly that the Nigerian police force had been guilty of torture and extrajudicial killings in numerous instances, and vowed to enforce adherence by police to international human rights standards. After her visit to Nigeria in February-March 2005, the UN Special Rapporteur on Freedom of Religion or Belief 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."

Since October 1999, 12 northern Nigerian states have extended or announced plans to expand the application of sharia in the state's criminal law. 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, oftentimes after trials that fall short of basic international legal standards. Defendants have limited rights

of appeal and sometimes no legal representation. Women have faced particular discrimination under sharia, 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. Some states have instituted or tolerated, as a result of these imposed codes, discriminatory practices disadvantaging women in education, health care, and public transportation. 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 Katsina – have sanctioned quasi-official *Hisbah* (religious police) to enforce sharia violations.

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. No stoning punishments have been carried out as of the time of this report. Nevertheless, sentences involving amputation and flogging have been carried out in recent years. Although no amputations have taken place in the past year, several cases of this kind are in the process of appeal, or awaiting sentencing. There are pending amputation and/or stoning sentences in Jigawa, Bauchi, Niger, Kano, and Zamfara states.

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 stoning and amputation do constitute 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 has incited, 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 religious institutions, access to education and state-run media, representation in government bodies, and government employment. In August 2005, there were reports of the forcible closure by local police and the *Hisbah* of 15

churches in Kano state. 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.

Over the past few years, there have been an increasing number of small, vocal Muslim groups in northern Nigerian 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 of Nigerian society, regardless of religious affiliation. In late 2003 and early 2004, a wave of extremist activities, including attacks on police stations and churches, resulted in at least 18 deaths in Yobe state in northeastern Nigeria. A group of about 200 young militants killed two policemen and seized guns and ammunition. Police responded by killing dozens of militants. A UN press report stated that a Sudanese man was arrested for spearheading the insurrection and that the Islamic foundation he headed, which builds new mosques in Nigeria, was funded by Saudi nationals. The man who heads the militant group reportedly fled to Saudi Arabia. Similar militant activity, resulting in more than a dozen deaths and kidnappings of Christians, continued in late 2004 in Borno and Jigawa states. In a positive development, in the past year, 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.

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 strict 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 have brought back with them a politico-religious ideology that explicitly promotes hatred of, and violence against, non-Muslims.

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. In addition, 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.

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 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;
 - ensuring that sharia codes, where applied, 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;
 - 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;
 - 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 require 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;
 - expand in northern Nigeria the American Corners program; and
 - sponsor several exchange programs each year on the topics of freedom of religion or belief, religious tolerance, and Islamic law and human rights, targeting 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 identifying and 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, 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; and
- 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 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.unhchr.ch/html/menu6/2/fs19.htm>, accessed January 31, 2005).