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INTERNATIONAL RELIGIOUS FREEDOM



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United States Commission on International Religious Freedom**

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ON THE COVER: Members of Pakistan's Women Action Forum in Lahore, Pakistan rally against the presence of Taliban and militants in the northwest of Pakistan on Thursday, February 12, 2009. The banners condemn religious extremism, domestic violence, and the burning down of girls' schools in Swat. (AP Photo/K.M. Chaudary)

Nigeria

The response of the government of Nigeria to persistent religious freedom violations and violent sectarian and communal conflicts along religious lines has been inadequate and ineffectual. Years of inaction by Nigeria's federal, state and local governments has created a climate of impunity, resulting in thousands of deaths. In March-April 2009, the Commission traveled to Nigeria to assess religious freedom conditions in the country. Concerns include an ongoing series of violent communal and sectarian 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. Therefore, the Commission, for the first time, is recommending that Nigeria be designated as a country of particular concern, or CPC, for tolerating systematic, ongoing, and egregious violations of religious freedom.*

Sectarian violence

In November 2008, the city of Jos, Plateau state, experienced several days of intense sectarian and communal violence. At least several hundred Muslims and Christians were killed, with some independent groups estimating the death toll closer to 3,000. Even the lowest reported death tolls from Jos represent a significant spike in the number of deaths that the country has seen from a single sectarian and ethnic flare-up in several years.

Jos has been deeply scarred from this violence. At least 10,000 have been displaced. Dozens of churches, mosques, businesses, vehicles, and private homes were burned and destroyed. In the weeks that followed, investigations into the violence were launched by the President and the governor of Plateau state. Both are still ongoing. But in March 2009 a third investigation, by a committee of the Nigerian House of Representatives, concluded that the violence was "absolutely avoidable" and that its

immediate cause was the role of the state government and political parties in igniting violence and manipulating voting results during campaigning for local government councils. The report found, among other things, that the state government failed to act on intelligence from the state security services about violence being planned.

Less than three months later, in February 2009, Muslim-Christian clashes in Bauchi state resulted in at least 11 deaths, although some reports indicated as many as 20 people were killed, with 1,500 individuals displaced. In addition, fourteen churches, eight parsonages, one mosque and approximately 150 homes and businesses were burned and/or destroyed. The causes of the violence reportedly include a dispute between Christians and Muslims in a church parking lot, reprisal for the burning of two mosques in the state capital, and retaliation for events which took place in Jos in November 2008 when rioting Muslims were shot for defying a government imposed curfew. In addition, in April 2009, a group of Muslims in central Niger state reportedly attacked a procession of Christians who were celebrating Easter in two separate towns. Clashes ensued and dozens of Christians were injured and at least two churches and one mosque were burned.

The sectarian conflicts recently witnessed in Jos and Bauchi are just the most recent in a long line of violent incidents resulting in death, destruction, and a sense of fear within Northern and Central Nigerian communities. Indeed, since 1999, a disturbingly large number of Nigerians—12,000, if not more—have been killed in sectarian and communal attacks and reprisals between Muslims and Christians. The most severe 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 (February 2006).

It is this continued pattern of sectarian violence that intensified the Commission's review of conditions in Nigeria, that prompted a delegation to

* Commissioner Cromartie dissents from the CPC recommendation, concluding that Nigeria should remain on the Commission's Watch List.

visit the country in March-April of this year, and that, ultimately, has led the Commission to conclude that, for the first time, Nigeria should be designated as a CPC.

The government of Nigeria has done little, if anything, to address sectarian and communal violence. There have been no serious efforts to investigate or prosecute the perpetrators of the numerous killings and other crimes that have occurred in Bauchi, Jos, and the other incidents noted above. There are reports of specific instances of failures to heed warning signs of violence on the part of various government leaders, and failures on the part of federal police to respond effectively and appropriately—at times, if at all—to violence once it has erupted.

The national legislature has exercised no discernible oversight over either the Ministry of Justice or the National Human Rights Commission in an effort to ensure adequate investigation and resolution of religious violence and intolerance. The Human Rights Commission is, both by design and in practical effect, bereft of the independence it needs to investigate and speak out boldly to address religious conflict. It lacks satisfactory funding or the tools for investigation, and all of its members serve at the pleasure of the President.

Put simply, the Nigerian Government has permitted religious violence and other severe violations of the freedom of religion to occur with impunity. The toleration of such violence is an ample ground under the International Religious Freedom Act to designate Nigeria as a CPC.

The government's toleration of violence has created numerous points of leverage for religious intolerance. In the North, state governments engage in various forms of discrimination in relation to access to education, employment, zoning, and the allocation of benefits. In Kano, state-funded religious police are reported to have been enforcing forms of sharia that abuse human rights as well as creating an environment that leads to the harassment of Christians. Religion is often used by politicians as a proxy for political or economic disputes within

northern communities. Without leadership from top government officials and elected leaders in Abuja, there is little incentive for the governments in Kano and other northern states to create an environment that is more hospitable to Christians in the north, as well as to Muslim minority communities in the south, and to those throughout the country who choose not to conform to whatever the prevailing views of Islam might be.

The Commission concludes that Nigeria could, if it wished, muster the resources and capacity necessary to address communal, sectarian, and religious violence and intolerance. It is among the most economically prosperous countries in all of Africa. It boasts a large, diverse population and a civil society community that seek resolution of these conflicts. In a number of respects, it has the constitutional and governmental structural features that could lead to greater peace and stability if proper stewardship were in place. The United States and other countries provide significant aid, training, and technical assistance for governance, law enforcement, and conflict resolution, and have demonstrated a willingness to do more if resources are not squandered. The severe violations of religious freedom in Nigeria can be addressed, and must be for that country to realize lasting progress, security, stability, and prosperity as a democracy.

After her visit to Nigeria in 2005, the UN Special Rapporteur on the Freedom of Religion or Belief, Asma Jahangir, concluded that in most cases of communal and sectarian violence, Nigerian federal authorities “did not initiate the mechanisms designed to prosecute the offenders and compensate the victims.” The Special Rapporteur found that rather than prosecution and punishment for the violence, the promotion of peace and reconciliation was the authorities' priority. She further concluded that “impunity further strengthens the fears of those who have been affected by previous instances of violence and inherently limits the enjoyment of their right to freely manifest their religion or belief...impunity therefore only escalates religious intolerance.” The Special Rapporteur recommended 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, and that victims should be able to file claims for the damage they incurred and be awarded appropriate compensation. In addition, her report recommended that 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.” To date, none of these recommendations have been implemented fully by the Nigerian government.

The Sharia Controversy

Since October 1999, 12 northern Nigerian states have expanded, or announced plans to expand, the application of sharia in their states’ criminal law; however, there have not been further enactments in the past year. Although the particulars vary from state to state, each of the 12 states are working 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. In addition to criminal code changes that purportedly apply only to Muslims, in recent years, 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.

There are some sharia cases pending appeal or implementation of sentence, including pending amputation and stoning sentences in Jigawa, Bauchi, Niger, Kano, and Zamfara states. Many of these cases have been delayed continuously for various reasons. However, as noted above, a number of stoning cases have been reversed on appeal and there

have been no floggings or amputations carried out during the past year. The *Hisbah*, or religious police, funded and supported by state governments in Zamfara, Niger, Kaduna, and Kano, enforce some sharia statutes in their respective states. In some areas, the *Hisbah* primarily worked as traffic wardens and marketplace regulators.

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.”

Discrimination and Extremism

In addition to the sharia controversy and the violence it incites, Nigeria faces 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. Reports indicate that in certain northern states, it is very difficult to obtain permits to repair or build a non-Muslim place of worship, and that some Christian churches have been torn down because they lacked appropriate government permits; specific zoning laws were invoked to justify action or inaction by state authorities. Muslim communities in southeastern

Nigeria 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.

In addition, there continue to be reports of foreign sources of funding and support for Islamist extremist activities in northern Nigeria, activities that threaten to fracture the already fragile relations between the two main religious groups. 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 Islamist 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. 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.

Other Developments

Over the past year, some state governors, including from northern states, actively encouraged interfaith and inter-communal discussions and undertook efforts to prevent further violence and tension along religious lines; however, implementation of such efforts is limited and varied from state to state. In 2008, the Nigerian Inter-Religious Council (NIREC), composed of 25 Muslim and 25 Christian leaders, issued a communiqué pledging to reduce religious conflict in the country. NIREC decided to “sustain and step up efforts of the leadership of the council aimed at reducing inter-religious tensions; and foster and promote inter-religious cooperation for the common good of the people of Nigeria.” The meeting was co-chaired by the President of the Supreme Council for Islamic Affairs, the Sultan of Sokoto Muhammad Sa’ad Abubakar and Archbishop John Onaiyekan, the Catholic Archbishop of Abuja and President of the Christian Association of Nigeria. President Umaru Yar’Adua continues to publicly support the government-funded NIREC and other non-governmental organizations that promote reconciliation and inter-religious understanding.

Commission Activities

Throughout the past year, Commission staff met with members of non-governmental organizations (NGOs) representing various religious communities in Nigeria, as well as human rights organizations, academics, and other Nigeria experts. The Commission traveled to Nigeria in March-April 2009 to assess religious freedom conditions; the detailed findings from that visit and the full set of recommendation for U.S. policy will be released later in 2009. In December 2008, the Commission expressed concern about the sectarian and ethnic violence in Jos; the Commission called on the U.S. government to urge the Nigerian government to launch an immediate and independent investigation of the clashes that broke out between Muslims and Christians following local elections and to prosecute the perpetrators. In April 2009, the Commission hosted a public briefing on Capitol Hill with Muhammad Sa'ad Abubakar III, the Sultan of Sokoto,

and Rev. Dr. John Onaiyekan, Roman Catholic Archbishop of Abuja and president of the Christian Association of Nigeria, who discussed the causes of and challenges in addressing Nigeria's recurring inter-religious and ethnic violence.

Recommendations for U.S. Policy

I. CPC Designation and Next Steps

The U.S. government should:

- designate the government of Nigeria as a “country of particular concern,” or CPC, under the International Religious Freedom Act of 1998 (IRFA), for tolerating particularly severe violations of religious freedom;
- enter into a binding agreement with the Nigerian government, as defined in section 405(c) of the International Religious Freedom Act, that obligates the government to cease or take substantial steps to address policies leading to violations of religious freedom, or take an appropriate commensurate action;
- ensure that the following benchmarks are part of any such binding agreement with the Nigerian government, including, but not limited to:

--vigorously investigating and prosecuting perpetrators of sectarian and communal violence, including the November 2008 Jos incident, but also other past instances where communal and sectarian violence has taken place;

--developing effective conflict prevention and early warning system mechanisms at the local, state, and federal levels using practical and implementable criteria;

--developing the capability to rapidly deploy specialized police and army units to prevent and combat sectarian violence in cities around the country where there has been a history of sectarian violence in central and northern Nigeria, including Jos, Kaduna, Kano, and Bauchi states, among others;

--taking steps to professionalize its police and military forces in its investigative, community policing, crowd control, and conflict prevention capacities; and

--conducting specialized training for its military and security forces to be more adequately trained in human rights standards, as well as non-lethal responses to crowd control and in quelling mob or communal violence;

- urge the Nigerian government to carry out its responsibility to prevent and contain acts of sectarian and communal violence, prevent reprisal attacks, and bring those responsible for such violence to justice;
- urge the Nigerian House of Representatives and Senate to conduct more rigorous oversight of executive branch agencies, including the Ministry of Justice, responsible for preventing sectarian violence, prosecuting perpetrators of sectarian violence, and responding to the various crises; and
- call on the UN Human Rights Council to monitor carefully and demand Nigeria’s compliance with the recommendations of the representatives of those UN special procedures that have already visited Nigeria, particularly the UN Special Rapporteur on Freedom of Religion or Belief (2005) and the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions (2005).

II. Expanding U.S. Support for Communal Conflict Prevention and Mitigation

The U.S. government should offer technical and programmatic assistance by:

- increasing funding, training, and assistance to the Nigerian federal police force through the U.S. Department of State’s Bureau of International Narcotics and Law Enforcement Affairs;
- increasing funds for the expansion of specialized training for Nigerian military and federal and state police forces to be more adequately trained in non-lethal responses to crowd control and in quelling mob or sectarian violence, as well as to

increase their investigative, community policing, crowd control, and conflict prevention capacities;

- engaging existing social institutions, including indigenous religious bodies, and strengthening civil society organizations that have special expertise and a demonstrated commitment in the areas of inter-religious and inter-ethnic reconciliation and conflict prevention, to promote a peaceful civil society;
- supporting the expansion of NIREC, formed to promote dialogue between Christians and Muslims, and replicate NIREC at the state and local levels;
- working with Nigerian NGOs engaging on communal conflict prevention and mitigation, emphasizing capacity-building at the local level;
- assisting 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;
- assisting human rights defenders responding to credible allegations of religious discrimination in any part of Nigeria; and
- creating programs and institutions, particularly in areas where communal violence has occurred, that promote objective, unbiased, and non-inflammatory reporting, consistent with the right to freedom of expression.

III. Urging the Nigerian Government to Oppose Religious Extremism

The U.S. government should urge the government of Nigeria to:

- ensure 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;

- ensure that sharia criminal codes do not apply to non-Muslims or to individual Muslims who do not wish to go before sharia courts, and prevent law enforcement activities in northern states by any quasi-official or private corps of sharia enforcers; and
- cease any official, state-level support for the *Hisbah*, or religious police, by dissolving the *Hisbah* and entrusting law enforcement to professionals in law enforcement agencies with a precise jurisdiction and subject to judicial review.

IV. Expanding U.S. Presence and Outreach Efforts, Primarily in Northern Nigeria

The U.S. government should:

- open a consulate or other official presence in Kano or elsewhere in the north;
- provide Embassy and Consulate staff with appropriate local language skills, and requiring political and public affairs officers to regularly travel throughout Nigeria;
- increase the capacity of the Hausa Service of the Voice of America to report fair and balanced views on communal conflict and human rights issues;
- sponsor 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; and
- 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.