

Nigeria

UNITED STATES COMMISSION ON
INTERNATIONAL RELIGIOUS FREEDOM
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Over the past year, the Commission and its staff have continued to direct attention to Nigeria. In July 2003, the Commission wrote to President Bush urging him to raise with Nigerian President Obasanjo the need to take action to end Muslim-Christian violence and recommended that President Bush urge President Obasanjo to take various actions to protect religious freedom in Nigeria. A Commission staff delegation undertook a mission to Nigeria in August 2003 and met with numerous Nigerian government officials, religious leaders, and representatives of human rights and other non-governmental organizations. In September 2003, the Commission issued a statement welcoming the acquittal on appeal of a woman sentenced to death by stoning under the sharia criminal code in Katsina state while also expressing concern about ill-treatment of the accused, lack of due process, and trial procedures that violated international norms. In May 2004, the Commission issued a statement condemning sectarian violence in Plateau and Kano states that claimed hundreds of lives.

The right to religious freedom continues to be under threat in Nigeria. Moreover, the response of the Nigerian government to the country's religious freedom problems remains inadequate and ineffectual. These problems include an ongoing series of communal conflicts along religious lines that have claimed the lives of thousands in the last five years; the controversy over the expansion of sharia (Islamic law) into the criminal codes of several northern Nigerian states; and the persistent reports of official discrimination against Christians or Muslims in areas of Nigeria where either group is in the minority. Furthermore, there are increasing reports of foreign sources of funding and support for Islamic extremist activities in northern Nigeria, activities that threaten to fracture already fragile relations between the two main religious groups.

The U.S. Commission on International Religious Freedom continues to place Nigeria on its Watch List because of the nature and extent of violations of religious freedom engaged in or tolerated by the Nigerian government. The Commission will continue to monitor the actions of the Nigerian government to determine if the situation rises to a level warranting designation as a "country of particular concern," or CPC, under the International Religious Freedom Act of 1998. Commission staff traveled to Nigeria in the past year.

The United States is Nigeria's largest trading partner after the United Kingdom, and receives approximately seven percent of its foreign crude oil from Nigeria. Overall U.S. policy toward Nigeria focuses on supporting regional stability and peacekeeping efforts in West Africa, supporting Nigeria's transition to democracy, combating the HIV/AIDS pandemic, and advancing good governance, economic reform, and health and education.

Yet, central to achieving these policy goals is the ability of the Nigerian government and people to deal peacefully with religious conflict and its underlying causes. Nigeria's roughly 133 million inhabitants comprise more than 250 ethnic groups speaking more than 500 languages. While

there are no accurate counts, there are estimates that some 50 percent of Nigerians are Sunni Muslims, and approximately 40 percent are Christians, predominantly Catholics, but also Protestants. Muslims make up about 90-95 percent of the population of the northernmost states. Christians are heavily concentrated in the southeast, where they comprise about 90-95 percent of the local population. In the southwest, Muslims and Christians are more or less evenly split. The popular movement in several northern Nigerian states to expand the legal application of sharia to criminal matters has sparked communal violence and is a source of continuing 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 undermine the foundations of religious freedom in Nigeria.

The U.S. government, however, has not adequately engaged Nigeria in confronting these religious freedom concerns, including the issue of increasing Islamic extremism. Freedom of thought, conscience, and religion is guaranteed in the Nigerian Constitution, including the right to change one's religion and to practice, propagate, and worship. The U.S. government can and should do more to encourage the Nigerian government to take steps to deal effectively with religious tension and conflict, and to support efforts of Nigerians, both inside and outside the government, to do so. The Commission makes several policy recommendations to this end.

Communal and Sectarian Violence

Since President Olusegun Obasanjo came to power through popular elections in 1999, ending 40 years of military dictatorship, an estimated 10,000 Nigerians have been killed in sectarian and communal attacks and reprisals between Muslims and Christians. The most serious of the clashes occurred in Kaduna state (February & May 2000); Jos, Plateau state (September 2001); Kaduna (November 2002); and most recently in Kano state and Yelwa, Plateau

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state (February-May 2004). Dozens of other towns and villages in the Middle Belt and northern Nigeria have also been affected.¹ Hundreds of churches and mosques have been burned and destroyed in the violence.

During the Commission staff's visit to Nigeria in August 2003, several interlocutors representing a wide cross section of Nigerian society suggested that most of the communal and sectarian violence is aggravated by political corruption, the failure of the justice system, an ineffective police force at all levels, and lack of transparency in the use of annual revenues from oil and gas. These factors have led subsequently to a rule of law crisis in which political actions are often dictated by self-interest rather than adherence to the law. They have also contributed to the politicization of ethnic and religious divisions, which are the fault-lines along which violence erupts. Many claimed that Nigerian elites over the years have manipulated ethnic and religious tensions for political gain; several Muslim and Christian religious leaders confirmed to Commission staff that religion is used as a vehicle by the elite to gain political power. For example, sometimes churches and mosques are targeted not because of religious differences per se but to get attention and exacerbate highly volatile ethnic conflicts.² The key participants in the sectarian and communal violence are often large numbers of unemployed and disillusioned youth from both religious communities, particularly in urban areas.

The state and local government response to violence generally has been inadequate and has, in some cases, exacerbated communal tensions. President Obasanjo has primarily played a mediating role, stressing political negotiations rather than ordering the government to intervene to protect the lives of Nigerian citizens and more effectively using his position to prevent violence and punish those responsible. While many Christians and Muslims have been identified as perpetrators of violence over the years, very few, if any, have been prosecuted. Moreover, the Nigerian federal police and military have been accused of using excessive force, including extrajudicial killings, to curb the violence.³

The Sharia Controversy

Of particular concern is that the extension of sharia to several areas of Nigeria has resulted in the violation of international

human rights standards with regard to freedom of thought, conscience, and religion or belief. A system of sharia courts adjudicating the personal status of Muslims (e.g., marriage, divorce, and inheritance) has existed in some parts of northern Nigeria since before independence in 1960. Since the return to democracy and civilian rule in 1999, twelve northern Nigerian states began to extend or announced plans to expand the application of sharia.⁴ Although the particulars vary from state to state, each has adopted, or plans to adopt, a sharia-based penal code and provisions to extend the jurisdiction of sharia courts beyond personal status matters to include sharia regulations on social behaviors, punishments, and trial procedures that critically undercut basic internationally-guaranteed freedoms, including freedom of religion or belief and freedom of expression.

Sharia punishments in Nigeria include amputation, flogging, or death by stoning, oftentimes after trials that fall short of basic international legal standards of due process. Women's equal right to due process is particularly affected, as well as fairness under the law. No stoning punishments have been carried out to date; however, sentences involving amputation and flogging have been employed in recent years.

Although sharia court jurisdiction exists over Muslims only, women and the very poorest persons, as well as non-Muslims, are impacted adversely by application of sharia-based criminal and behavioral codes.⁵ Many of the sharia codes apply to all Muslims, regardless of individual choices or beliefs. Defendants in these cases often have limited rights of appeal and sometimes no legal representation.

Some states have instituted or tolerated, as a result of these imposed codes, discriminatory practices disadvantaging women in education, health care, and public transportation. A 2003 ruling in Kano state in northern Nigeria imposes the wearing of headscarves on all schoolgirls, both Muslims and non-Muslims.⁶ According to Muslim women's rights groups in Nigeria, Muslim women are very careful in expressing their views about implementation of sharia for fear that they might be criticized as anti-Islamic by male religious leaders. Several of these groups assert that Muslim women already experienced significant discrimination regarding divorce and inheritance matters under the pre-existing



AMINA LAWAL WAS SPARED DEATH BY STONING IN SEPTEMBER 2003 BY A SHARIA APPEALS COURT Frederic Noy/AFP/Getty Images

sharia-based personal status laws. The application of the sharia penal codes, including discriminatory evidentiary rules,⁷ compounds that pre-existing discrimination, although the situation in practice varies from state to state.

Two women recently facing death by stoning sentences for alleged adultery were acquitted on appeal, following intense international pressure and media coverage. The first woman in Sokoto state won her appeal in March 2002. After the other woman's initial appeal was denied in August 2002, a higher Islamic appeals court in Katsina state acquitted her in September 2003. Other cases are pending appeal after sharia courts have handed down sentences of death by stoning for various offenses.

The very poorest persons in Nigeria are also vulnerable. The poor are more frequently targeted by officials or the quasi-official religious police (Hisbah) for sharia violations and are more likely to receive harsher sentences as a result. As they have no funds for a lawyer, they are especially defenseless against due process abuses. Because of the corruption in Nigeria, wealthier persons are more likely to be able to bribe their way out of convictions of sharia violations.

The application of sharia and its impact on non-Muslims, especially Christians, varies from state to state. For example, Kaduna

state is considered to have the most modified approach toward the application of sharia and has not, to date, imposed corporal punishment in any criminal sharia cases. There are no Hisbah groups in Kaduna or Bauchi states, but there are active Hisbah groups in Kano, Zamfara, and Katsina states.

Calls for violence against non-Muslims has sometimes accompanied sharia implementation. In April 2004, press reports quoted the governor of Zamfara state, in northwestern Nigeria, as saying that he intends to implement the second phase of his plan to institute sharia by ordering the destruction of all Christian churches and non-Islamic places of worship, in accordance with what he believes is his "duty to subjugate infidels."⁸ In November 2002, the Deputy Governor of Zamfara state publicly endorsed a fatwa calling on all Muslims to seek the death of the journalist responsible for a newspaper article that some Muslims declared to be blasphemous. However, in this instance, a spokesman for the Nigerian federal government said that the Deputy Governor's judgment was "null and void" and would not be carried out because it contravened the rule of law in Nigeria.

The question of whether the new sharia-based criminal laws violate the Nigerian Constitution is a contentious and sensitive one. The current Constitution prohibits state and local governments from adopting an "official religion," but authorizes state sharia courts and confers on them jurisdiction in civil proceedings involving questions of Islamic personal law. The Constitution also permits state sharia appellate courts with "such other jurisdiction as may be conferred upon it by the law of the State."⁹ At the same time, the Nigerian Constitution calls for due process of law and equality between men and women before the law, both of which principles are often not upheld in states where sharia has been implemented. To date, however, the constitutionality of sharia has not been presented before Nigeria's Supreme Court and the national government has so far failed to challenge state laws or other practices that violate Nigeria's Constitution.

Nigerian government officials informed the Commission staff delegation that President Olusegun Obasanjo prefers not to contend with the sharia issue directly during his presidency. In January 2004, in response to a public question at the World Economic Forum in Davos, Switzerland about how he

would ease tensions in Nigeria, President Obasanjo responded, "you shouldn't worry about sharia...it will fizzle out. It has fizzled out."¹⁰ However, others argue that "the [sharia] movement remains a potent force in Nigerian politics and society, unsettling relations between Muslims and Christians and increasing tension between the north and south of the country."¹¹

Discrimination Against Religious Minorities

Nigeria is plagued by other serious problems regarding freedom of religion or belief, many of which predate the recent initiatives regarding sharia. According to Christian interlocutors on the staff visit to Nigeria, Christians, in areas where they are in the minority and where sharia has been instituted, have experienced discrimination in: (1) the education system; (2) land use; (3) the building of churches; (4) the lack of access to religious broadcasting; and (5) government employment at the state and local level. Several Christians contend that these problems have intensified as a result of the movement to expand sharia in the north. Moreover, several northern states continue to ban some public religious activities, citing public order concerns, although such activities are permitted by the Nigerian Constitution and are in accord with international human rights norms.

According to Muslim interlocutors, Muslim communities experience similar forms of discrimination in several of the predominantly Christian southern states. Areas of discrimination against Muslims include lack of access to religious broadcasting, restrictions on building mosques, and limited representation in government institutions. Although other factors contribute to this official and societal discrimination, including ethnic loyalties, widespread government corruption at all levels, rising poverty, and a failing education system, religious affiliation is still one of the primary identities on which discriminatory practices are based.

Religious Extremism

Some experts on Nigeria and Africa have argued that a small, vocal group of northern Nigerian Muslims who advocate strict application of sharia are helping create a haven for radical Islamist militants from outside Nigeria.¹² These experts suggest that

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conditions in northern Nigeria may potentially create a fertile ground for international terrorist networks from the Middle East and North Africa. A significant increase in anti-American sentiment has also become pervasive in northern Nigeria since the September 11 attacks.

During its visit to Nigeria, Commission staff were told by numerous interlocutors that financial support from Libya, Saudi Arabia, and Sudan has been the most visible in helping build mosques and Islamic religious schools in northern Nigeria. Some have suggested that the kind of Islam being preached in these mosques and religious schools is not a form of Islam that is traditional to Nigeria. Others have said that an increasing number of Nigerian Islamic scholars and clerics are being trained in Saudi Arabia and have brought back with them a kind of religious ideology that explicitly promotes hatred of, and violence against, non-Muslims.

According to the May 11, 2004 *New York Times*, military chiefs from nine African nations were brought to European Command headquarters in Stuttgart, Germany in April to discuss similar concerns about religious extremism. All the representatives at the meeting expressed anxiety about the growing threat of Islamic militancy within their borders. "Government officials in Burkina Faso have complained to American officials about 'bearded ones' showing up in remote areas preaching the Salafist, or fundamentalist, strain of Islam that inspires Islamic militants. The foreign imams distribute cassette tapes and have greater wealth than the local imams with whom they are competing." According to a State Department official, "these are people from Pakistan and Saudi Arabia, who are essentially Islamic missionaries preaching a form of Islam that is very, very

different from what these countries want or grew up with."

Though not organized as a nationwide movement, some groups in Nigeria advocate a more forcible Islamization of all society, regardless of religious affiliation. Commission staff met with several religious groups in Kano and Kaduna states whose members advocate intolerant views towards non-Muslims and seek application of sharia for all Nigerians, not just Muslims. There have been a few similar pronouncements from local officials in several Nigerian states, though such statements have not as yet been put into action.

In late 2003 and early 2004, a spate of extremist activities resulted in at least 18 deaths in Yobe state in northeastern Nigeria. In late December, a militant group that seeks to establish a strict Islamic state in Nigeria attacked police stations in two small towns in Yobe State. The group of about

200 young militants killed two policemen and seized guns and ammunition. Police subsequently killed several 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.¹³

A former U.S. Ambassador to Nigeria has stated that, "in Nigeria...a potent mix of communal tensions, radical Islamism, and anti-Americanism has produced a fertile breeding ground for militancy and threatens to tear the country apart."¹⁴ Whether or not the threat is imminent, the situation is serious and warrants immediate and continued attention by the Nigerian government.



In August 2003, USCIRF staff met with Jerry Gana, Special Advisor for Political Affairs to President Obasanjo

USCIRF Communications Office photo

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- 1 Human Rights Watch, "The Miss World Riots," July 2003 (<http://www.hrw.org/reports/2003/nigeria0703>, accessed May 21, 2004).
- 2 There is a serious and ongoing ethnic and tribal problem between "settlers" – those who move from one area of the country to live in another area – and "indigenes" – those who trace their ancestral origins to the area in which they live. The problem stems from the fact that indigenes receive more benefits from the state than settlers.
- 3 Human Rights Watch, "Nigeria: No Justice for the Kaduna Killings," July 22, 2003 (<http://www.hrw.org/press/2003/07/nigeria072203.htm>, accessed May 21, 2004).
- 4 Twelve northern states have adopted or plan to adopt variations of sharia: Zamfara, Sokoto, Kebbi, Niger, Kano, Katsina, Kaduna, Jigawa, Yobe, Bauchi, Borno, and Gombe.
- 5 These codes generally ban the sale and distribution of alcohol and gambling for all Nigerians, regardless of religious affiliation. Christians who drink alcohol publicly in most northern states face harassment, a situation which existed even before the formal implementation of sharia in the criminal codes in 1999.
- 6 Integrated Regional Information Networks (IRIN), Office for the Coordination of Humanitarian Affairs, United Nations, "Nigeria: Kano State Directs All School Girls to Wear Muslim Scarves," September 1, 2003 (<http://www.irinnews.org>, accessed May 27, 2004).
- 7 This refers to the official interpretation of sharia which provides that in some circumstances, testimony by a man is said to be equivalent to the testimony of two women.
- 8 P. M. News, "Zamfara Gov. Orders the Demolition of All Churches," April 29, 2004 (<http://allafrica.com/stories/200404290789.html>, accessed May 25, 2004).
- 9 Constitution of the Federal Republic of Nigeria, Article 277.
- 10 David McHugh, The Associated Press, "Business Officials Debate Ethics and Stock Market Pressure at World Economic Forum," January 22, 2004.
- 11 Princeton N. Lyman and J. Stephen Morrison, "The Terrorist Threat in Africa," *Foreign Affairs*, January-February 2004, 79.
- 12 See Lyman and Morrison, "The Terrorist Threat in Africa," and Paul Marshall, "The Next Hotbed of Islamic Radicalism," *The Washington Post*, October 8, 2002, A25.
- 13 IRIN, "Nigeria: Sudanese Arrested, Accused of Funding December Islamic Uprising," January 25, 2004 (<http://www.irinnews.org>, accessed, May 21, 2004.)
- 14 Lyman and Morrison, 75-76.

For U.S. Policy

Over the last five years, the U.S. government has focused its policy on supporting Nigeria's nascent democracy and further developing an economic partnership. However, the United States has not been actively engaged in urging the Nigerian government adequately to protect freedom of thought, conscience, and religion or belief for all Nigerians and to address directly the sharia controversy and increasing religious extremism in the northern part of the country. Furthermore, the U.S. mission to Nigeria has suffered substantial financial cutbacks over the past few years, including its foreign assistance programs, which have significantly affected the level of staffing of the U.S. Embassy in Abuja and the Consulate in Lagos. The U.S. official presence in northern Nigeria is essentially non-existent and support, through U.S. Agency for International Development (USAID) programs, for conflict prevention efforts and human rights assistance in the Middle Belt and northern Nigeria is inadequate.

Embassy staff in Abuja, former U.S. government officials, and Nigeria experts confirm that the United States needs to increase its official presence in the north as soon as possible. The U.S. Information Agency was present in Kano until 1993 and there was a consulate in Kaduna until 1999. USAID's Office of Transition Initiatives also had a presence in the north until January 2002, when it ceased operating in Nigeria. Lack of an official presence in the north decreases U.S. understanding and knowledge of local sentiment and makes more difficult public diplomacy efforts to counter anti-U.S. sentiment, which has been even more pervasive in the past few years.

To promote the protection of religious freedom in Nigeria, the Commission makes the following recommendations.

I. URGE THE NIGERIAN GOVERNMENT TO ADDRESS THE SHARIA CONTROVERSY, OPPOSE RELIGIOUS EXTREMISM, AND HOLD ACCOUNTABLE PERPETRATORS OF RELIGIOUS VIOLENCE

- The U.S. government should publicly urge the Nigerian government (a) to 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 (b) to prevent law enforcement activities in northern states by any quasi-official or private corps of sharia enforcers.
- The U.S. government should publicly and privately urge the Nigerian government to ensure that, if implemented, sharia codes do not in practice result in violations of international human rights standards with regard to freedom of religion or belief, due process of law, and freedom of expression.
- The U.S. government should urge the Nigerian government to address and rectify the ways in which the implementation of sharia in several Nigerian states has resulted in highly discriminatory practices against women and the violation of the internationally guaranteed right of women in Nigeria to equal treatment before the law.
- The U.S. government should urge the Nigerian government to identify, publicize, and counter foreign sources of religious extremism as part of its counter-terrorism efforts. To assist in this effort, the U.S. government should include Nigeria in its Pan-Sahel initiative, a U.S. military training partnership with four Saharan African nations fostering anti-terrorist and anti-extremist cooperation among countries of North and West Africa.
- The U.S. government should urge the Nigerian government to take effective steps to prevent and contain acts of sectarian and communal violence, prevent reprisal attacks, and bring those responsible for such violence to justice. The State Department should address specifically in its human rights reporting the Nigerian government's efforts in this regard.
- The U.S. government should insist to the Nigerian government that any official support for the so-called "religious police," or Hisbah, be halted immediately and that state governments make greater efforts to combat the activities of these vigilante groups.

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II. EXPAND U.S. PRESENCE AND OUTREACH EFFORTS, PRIMARILY IN NORTHERN NIGERIA

Specifically, the U.S. government should:

- open a consulate or other official presence in Kano, or elsewhere in the north, which should include representation from the U.S. Agency for International Development (USAID).
- provide adequate Embassy and Consulate staff with appropriate local language skills, and require political and public affairs officers to regularly travel throughout Nigeria, particularly in the north, to discuss communal conflict, religious extremism, human rights, and related concerns with local and state government officials, religious and other civil society leaders, and non-governmental organizations, women's rights groups, and others.
- increase the capacity of the Hausa Service of the Voice of America to report on communal conflict and human rights, including religious freedom, and continue to monitor such reporting to ensure that it is fair, balanced, and expresses the views of all Nigerians.
- expand in northern Nigeria the American Corners program, a public diplomacy outpost that makes available Internet access, a library, a small reference collection, and other facilities to the public. The American Corners centers should contain information on human rights, including religious freedom.
- support the dissemination of information in relevant local languages on the human rights of every Nigerian under the Nigerian Constitution and international legal instruments to which Nigeria is a party, including the right to freedom of thought, conscience, and religion or belief. The U.S. embassy website should be used as one vehicle to disseminate such information.
- 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.
- encourage a local university in the north to set up an American studies program that would include issues of ethnic and religious diversity.

III. EXPAND U.S. SUPPORT FOR COMMUNAL CONFLICT PREVENTION AND MITIGATION

The U.S. government should, through its foreign assistance programs or otherwise, identify and support:

- Nigerian non-governmental organizations working on communal conflict prevention and mitigation with an emphasis on:
 - *capacity building for local groups in northern Nigeria and the Middle Belt, where the most serious religious violence has occurred;*
 - *programs that encourage participation by religious organizations, religious leaders, and women in addressing conflict, including organizations representing Muslims, Christians, and adherents of traditional African religions;*
 - *implementing positive national efforts at the regional and local levels; and*
 - *connecting Nigerian groups to the expertise of individuals and organizations in other African countries addressing similar issues.*
- 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.
- earmarking and increasing funds for the expansion of training for the Nigerian federal police in human rights protection.
- developing programs and supporting institutions, particularly in regions that have experienced sectarian and communal violence, that promote objective, unbiased, and non-inflammatory reporting, consistent with Nigeria's obligations to protect the right of freedom of expression. Such programs should include encouraging links between journalists and conflict resolution organizations in Nigeria.
- encouraging the Nigerian government to expand the Nigeria Inter-Religious Council, formed by the Nigerian government in 1999 to promote dialogue between Christians and Muslims, and to develop state and local councils to address the same issues.