

briefing

Nigeria

Submission to United Nations Human Rights Council Universal Periodic Review

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I. Introduction

This Constitution is supreme and its provisions shall have binding force on the authorities and persons throughout the Federal Republic of Nigeria.

(3) If any other law is inconsistent with the provisions of this Constitution, this Constitution shall prevail, and that other law shall, to the extent of the inconsistency, be void.

The Government of the Federation or of a State shall not adopt any religion as State Religion.

(Article 1 (3), Chapter I Part I and Article 10, Chapter II Part II, Federal Constitution)

In 1999 several northern states announced their intention to adopt the Shari'ah penal code. So far 12 have either implemented full Shari'ah or are in the process of doing so, thereby effectively transforming Islam into the official religion of each of these states. This de facto imposition of Islam as the primary source of state law constitutes at best a challenge to and at worst a violation of the federal constitution, which prohibits the establishment of a state religion and clearly asserts the supremacy of the federal constitution over every other legal system.

Some proponents of full Shari'ah have sought to allay fears by stating that the imposition of full Shari'ah merely reinstates a situation that existed in northern Nigeria prior to the colonial era under the Sultanate of Sokoto. However, this is historically inaccurate, as the area covered by the Sultanate of Sokoto during the pre-colonial era was far smaller than the area placed under the Sultanate as a result of the system of Indirect Rule instituted in northern Nigeria by the British colonial administration. Moreover, despite protestations by its proponents that Shari'ah would only be applicable to Muslims, non-Muslims in many of these states are subjected to Shari'ah strictures on a variety of levels, ranging from the compulsory use of the hijab in both public and private schools to a prohibition on mixed-sex public transport.

For many non-Muslims in northern and central Nigeria daily life consists of a veneer of normality that barely conceals an underlying reality of chronic discrimination and tension which periodically erupts into deadly, but organised, violence. Over 60,000 people have died since the Shari'ah controversy began in 1999. The overwhelming majority have been Christians and followers of traditional faiths who, for the most part, have lost their lives as a result of violence.

Fact finding teams from Christian Solidarity Worldwide (CSW) have visited several states in northern and central Nigeria on nine occasions since 2000, and most recently in 2008. Their findings have consistently confirmed the existence of religious discrimination at almost every level, a general lack of accountability on the part of state governments that institute or allow discriminatory policies and/or religious violence to rage unchecked, the inability of non-Muslims to access justice in the face of seemingly unremitting repression, and the failure of the Federal government to adequately address these challenges despite its obligations to do so under both national and international law. The disturbing findings uncovered by CSW during these visits are duplicated throughout most of the northern and central states of Nigeria. In addition, the information received on a regular basis from CSW's contacts in Nigeria supports these findings, and is reflected in some of the incidents enumerated within this report.

2. Religious Discrimination

A citizen of Nigeria of a particular community, ethnic group, place of origin, sex, religion or political opinion shall not, by reason only that he is such a person:-

(a) be subjected either expressly by, or in the practical application of, any law in force in Nigeria or any executive or administrative action of the government, to disabilities or restrictions to which citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religions or political opinions are not made subject; or

(b) be accorded either expressly by, or in the practical application of, any law in force in Nigeria or any such executive or administrative action, any privilege or advantage that is not accorded to citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religions or political opinions.

(Article 42: 1 a & b, Chapter IV, Federal Constitution)

Christians in northern states complain of being second-class citizens. As one northern church leader put it: "We are not reckoned with as citizens of this country". While some observers have noted that such complaints predate the enactment of the Shari'ah penal code and are echoed by similar complaints from Muslims living in southern Nigeria, an objective perusal of recent events reveals that both religious discrimination and incidences of religiously-tinged violence appear to have intensified in the north since 1999, yet, generally speaking, this has not occasioned commensurate action in the south until the retaliatory violence in Onitsha following the infamous 'Cartoon Riots' of February 2006.

In almost every state in northern and central Nigeria non-Muslims, and particularly Christians, continue to experience discriminatory policies enacted or tacitly sanctioned at state governmental level. These policies appear designed to engineer their social, economic and political marginalisation and to severely impair, if not wholly deny, their federally guaranteed right to practise their religion without let or hindrance.

2.1. Discrimination in Employment

The State shall direct its policy towards ensuring that –

all citizens, without discrimination on any group whatsoever, have the opportunity for securing adequate means of livelihood as well as adequate opportunity to secure suitable employment

(Article 17:3 (a), Chapter II, Federal Constitution)

Every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of the law. Every citizen shall have the right of equal access to the public service of his country.

(Article 13:1 &2, African Charter on Human and Peoples Rights (ACHPR))

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

(c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;

(Article 7 (c) International Covenant on Economic, Social and Cultural Rights (ICESCR))

During a visit to Nigeria in early 2006, CSW heard several complaints of discrimination in the granting of jobs in the state sector. Moreover, once employed, non-Muslims experience difficulty in accessing employment in senior tiers of local government. Several people complained of having been regularly by-passed for promotion on diverse occasions as senior posts were given to less qualified Muslim candidates. One exceptional contact had awaited 13 years for a promotion. When it eventually came, he was promoted without portfolio, and thereby effectively sidelined.

In Borno the current Chief Judge was appointed despite the fact that there six judges senior to him. The two most senior were Christians. Information from Katsina also gives an indication of the degree to which non-Muslims are excluded from decision making in local government. According to a 2006 report, only two of Katsina's 34 Local Government Areas (LGA's) recognise Christians in their legislative assemblies.

2.2. Discrimination in Access to Education

Government shall direct its policy towards ensuring that there are equal and adequate educational opportunities at all levels.

(Chapter II Article 18. (1), Federal Constitution)

No person attending any place of education shall be required to receive religious instruction or to take part in or attend any religious ceremony or observance if such instruction ceremony or observance relates to a religion other than his own, or religion not approved by his parent or guardian.

(Article 38:1 &2, Chapter IV, Federal Constitution)

Nigeria is party to the African Charter on Human and Peoples Rights (ACHPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Rights of the Child (CRC), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Elimination of All Forms of Racial Discrimination (CERD), all of which stipulate the right of every individual to education. Some of these obligations have binding force. Moreover, the United Nations Economic Scientific and Cultural Organisation (UNESCO) promotes education as a fundamental human right, adding that "as an empowerment right, education is the primary vehicle by which economically and socially marginalized adults and children can lift themselves out of poverty, and obtain the means to participate fully in their communities."

In 2006 CSW received several reports of discrimination in education, with placements in institutions of higher education being obstructed or denied. In both Katsina and Borno reports were received indicating the denial of scholarships to Christian students, in contravention of constitutional exigencies, which call for the federal government to ensure equal and adequate access to education at all levels.

According to one estimate nearly 90% of the indigenous Christians in Katsina have not received adequate education and are thus limited with regard to their future potential to participate in their community to the fullness of their abilities. In addition, Christians in both states complain that Christian children who attend state schools receive no instruction in their own religion, and yet are obliged to learn about Islam.

In April 2004, the government of Katsina removed Christian Religious Knowledge from the curricula of primary and secondary public schools whilst making the teaching of Islamic Religious Knowledge compulsory. While the state government pays the salaries of Islamic instructors, churches are obliged to find money for the salaries of teachers of Christianity. In

one primary school in Babaruga, CSW found that the state government was funding the salaries of three Islamic religious instructors, while the local church struggled to meet the salary of one Christian religious instructor. In addition, churches have to fund those seeking to undertake theological training. As a consequence, due to the dire economic straits of most churches, few Christian children currently receive instruction in their own religion whilst in public schools.

Ten years ago Christians in Borno mounted a legal challenge against the denial of Christian religious education in public schools. The then state government agreed to an out of court settlement, yet successive administrations have refused to discuss the matter further, despite numerous representations by Christians.

During his period of office the governor of Kano state, Ibrahim Shekarau, has also increasingly applied Shari'ah practice to the education system. Since introducing mandatory Islamic dress to public schools in 2003, the governor in May 2007 extended this requirement to private schools. Muslim dress is now obligatory for all students, regardless of their individual religious beliefs.

2.3. The Threat of Violence in Educational Establishments

There appears to be a growing trend of outbreaks of religious violence in educational establishments. Such violence usually follows unsubstantiated allegations of blasphemy by Christian students or teachers against Islam, the Qur'an and/or the prophet Mohammed, or student elections in which Christian students appear on the verge of gaining meaningful positions.

In February 2006, the School of Nursing and Midwifery in the Sokoto State capital was closed following the suspected kidnapping by Islamic militants of Ladi Mohammed, a Christian female student. They had previously circulated a pamphlet accusing her of blasphemy against the prophet Muhammad and had threatened her with decapitation.

In April 2006 over 20 people died when violence erupted at a government secondary school in Bauchi State after a Christian teacher confiscated a copy of the Qur'an from a student who was reading it during an English class and was accused of having defiled it. The teacher, Florence Chuckwu, is currently in hiding.

In March 2006 Muslim students at the Federal Polytechnic in Damaturu, Yobe State, torched areas of the campus and city following unsubstantiated allegations against a Christian student. Police intervened to end the violence. However, the students threatened to take worse action in the future.

In March 2007 a Christian teacher named Christiana Oluwatoyin Oluwasesin was killed in a particularly appalling manner at Gandu Government State School in Gombe State. Upon being falsely accused of desecrating the Quran by a student she caught cheating during a religious studies exam, Muslim students and locals beat, stripped, and stabbed her to death, burning her body beyond recognition. The attack lasted an hour, and four armed policemen at the school fled the scene instead of helping her. Classrooms were set on fire, as was Mrs Oluwasesin's car, and the motorbike of another Christian teacher. There was also an attempt to find and kill her 10 month old son, but a woman smuggled the baby to safety under her hijab.

On December 11th 2007 the Christian community in Yelwa Tudu, Bauchi state, suffered a violent attack which started with a dispute in a local high school. Without any corroborating evidence, Muslim students accused Christian students of removing of two foundation stones from the building site of a mosque at the school, and proceeded to attack them. The incident then escalated as Muslims from the surrounding locality joined in attacking Christians in the

area, and three churches and dozens of houses were set on fire. Although at least ten people are known to have died in the violence, the local authorities only allowed one body to be publicly identified.

More recently, in February 2008 a Christian policeman was killed and two Christian teenagers injured when Muslim secondary school students became violent after allegations were made that a Christian student had written a blasphemous article in English. However according to one of the teenagers injured during the attack, the student involved could barely speak English, thus writing the article would have been completely beyond him.

2.4. Discrimination in Access to and Provision of Services

Every individual shall have the right of access to public property and services in strict equality of all persons before the law.

(Article 13: 3, African Charter on Human and Peoples Rights (ACHPR))

During a CSW visit to Borno and Katsina in 2006, Christians in both areas complained of an inability to adequately access the media. For example, despite numerous appeals, the main media organ of the state, Borno Radio and Television (BRTV), is reported to rarely air Christian programmes, with the exception of a thirty minute slot on Sundays that is due to be cut down to twenty minutes. Moreover, BRTV does not air Christian adverts even if Christians offer payment.

In some rural parts of Katsina, Muslim settlements receive bore holes, solar electricity and passable approach roads, all at government expense. Christian settlements do not. In fact, according to reports received, in several instances local government administrations were not digging any boreholes near churches or in Christian areas. One Christian settlement in Matazu LGA had not had a new borehole since 1939, when a church in the United Kingdom donated funds to finance one in memory of their deceased missionary.

One evening the team undertook a bone-jarring journey to an isolated Christian settlement that was shrouded in darkness, while surrounding Muslim settlements were lit by solar electricity provided by the government. In addition, while the neighbouring Muslim settlements had been furnished with boreholes, again at government expense, the Christian one had not. Consequently, in order to obtain water, its inhabitants have to undertake a five kilometre journey to the nearest Muslim settlement of Masari, which the government had provided with three bore holes. The CSW team which visited Nigeria in 2006 was informed that ten other Christian communities within the locality were in a similarly desperate situation; they possessed neither boreholes nor wells, and did not even have a primary school nearby for their children to attend.

According to reports received at that time, Christian farmers in Katsina experience discrimination in the distribution of fertilizer. Twenty bags of fertilizer are required per hectare of land and one bag costs Naira 3000-5000. Christian farmers receive no assistance from the state government to offset these prohibitive costs. Consequently, their yields are low and their soil weakened.

Finding adequate burial sites is also problematic for Christians. For example, in Borno State, people of all faiths were recently encouraged to migrate from the nearby hills to Guduf village in Gwoza, an area that had been acquired by the government. Muslim migrants requested a burial site, and nine former farmlands were handed to them for this purpose. However, when the first Christian died in early 2006 and her community made a similar appeal, Muslims refused to allow her to be buried in the area and even attacked the village headman for agreeing to this

request. He only narrowly escaped serious injury. Moreover, ten of the main instigators of the violence openly proclaimed that if the request was granted, then the recent Cartoon Riots in Maiduguri would be as nothing compared to the events they planned to unleash in the area.

On 30 March a burial site was eventually granted, following intervention from one of CSW's local partners. The troublemakers are reported to have continued to be obstructive, and blocked the path to the local church in the area. Although the names of the men responsible for the violence and threats of violence have been handed to the Divisional Police Officer (DPO), no action had been taken against them.

Finally, in 2006 Christians in Katsina State reported experiencing discrimination at the hands of the Ministry of Religious Affairs. The Ministry is meant to cater for all religions. In reality it was said to cater solely for Islam. Amongst other issues, while Muslim pilgrimages were paid for by the ministry, Christian pilgrimages were not.

2.5. Discrimination in the Construction of Churches and Unwarranted Seizure of Property

Subject to the provisions of this Constitution, every citizen of Nigeria shall have the right to acquire and own immovable property anywhere in Nigeria:

No moveable property or any interest in an immovable property shall be taken possession of compulsorily and no right over or interest in any such property shall be acquired compulsorily in any part of Nigeria except in the manner and for the purposes prescribed by a law that, among other things

(a) requires the prompt payment of compensation therefore and

(b) gives to any person claiming such compensation a right of access for the determination of his interest in the property and the amount of compensation to a court of law or tribunal or body having jurisdiction in that part of Nigeria

(Articles 43 and 44:1 (a-b), Chapter IV, Federal Constitution)

Throughout the Shari'ah states Christians face difficulties obtaining permission to build or improve facilities, even on their own land. They also find it difficult to obtain land for the construction of new buildings. These discriminatory restrictions severely impinge on the right of Christians to freely practise their faith.

In 2006 an ECWA (Evangelical Church of West Africa) church in Katsina city was ordered to cease construction of a larger sanctuary on its own property for its growing congregation on the dubious grounds that two churches should not be constructed in the same area. At the same time, the state government confiscated other land owned by this church because no building had been erected on it. Although the church produced a genuine Certificate of Ownership (C of O) for the land, the state government refused to recognize it and forced the church to re-purchase land that had long been paid for. Despite doing so, the church has yet to receive an updated C of O from the government – a tactic commonly adopted in northern and central states in order to provide a pretext for taking away the land on which churches are built.

On the other hand, the construction of mosques is regularly financed by government and they can be erected everywhere with little opposition. In one Christian village, a large mosque was constructed with government money to mark the conversion of one man from Christianity to Islam.

In Maiduguri, capital of Borno State, churches have neither been allocated land nor have they been given permission for the construction of church buildings for the last 17 years. By contrast, sources report that during the construction of new housing estates, the Borno state government has not only allocated land for the construction of mosques on these estates, but has also used its own resources to provide them.

Churches are regularly demolished by state governments, often on spurious grounds, and usually with little or no compensation. In Kazaure, Jigawa State, the ECWA, Apostolic and Catholic churches were bulldozed on Palm Sunday 2006 with little advance notice, ostensibly in order to make way for a new road. However, only the front perimeter wall and gate of the ECWA church were in the way of the proposed new development, thus the destruction of the entire church, which occurred with two hours of notification, was wholly unwarranted.

Under Governor Shekarau church demolitions have become particularly prevalent in Kano State. In 2005 dozens of churches were demolished throughout the state, with the Hisbah playing a prominent role in the demolitions. In the Challawa area alone fifteen churches were forcibly evicted by the Hisbah.

Also in Kano State, in February 2008 an ECWA church that was earmarked for demolition to make way for a new hospital but that had been assured of protection by the state government pending compensation and the granting of an alternative site, was looted and burned by a mob armed with machetes. The 24 hour police protection which had been provided for the church was removed just prior to the attack, and the Kano State Commissioner for Information, Barrister Haruna Isa Denden, then claimed that the government had averted a religious crisis. He also later alleged that the church had received compensation and declined an offer to relocate the church. These statements were later retracted, and the government expressed its intention to compensate the church, and offer a new site. This has not as yet occurred.

Moreover, none of the churches demolished to make way for new developments have as yet been adequately compensated for their losses, neither have they been provided with alternative land for new buildings, despite having been promised such land.

3. Extrajudicial Killings and Inadequate Government Response

'Every person has a right to life, and no one shall be deprived intentionally of his life, save in execution of the sentence of a court in respect of a criminal offence of which he has been found guilty in Nigeria.

(Articles 33:1, Chapter IV, Federal Constitution)

Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

(Article 6, International Covenant on Civil and Political Rights (ICCPR))

Non-Muslims frequently suffer personal injury and the loss of property, livelihoods and lives during episodes of religious violence in northern and central Nigeria. Most receive little or no compensation for such losses. The organised nature of much of this violence has led Christians to conclude that in reality a campaign of religious cleansing is underway in these areas, since the violence effectively forces Christians to move their homes and churches out of central areas of cities and into the outskirts.

3.1. Case Study: 'The Cartoon Riots', 18 February 2006

At least 65 Christians were killed, 57 churches were destroyed and hundreds of Christian businesses razed to the ground when Muslims rampaged through Maiduguri on 18 February, allegedly in protest at the publication in Denmark the previous year of cartoons depicting the prophet Mohammed. Many victims were burnt alive, often by neighbours they had known for years. The final death toll may be much higher than stated. After the arrival of the mutilated corpses of Igbo victims occasioned retaliatory attacks on Muslims by Igbo youths in southern Nigeria, the Borno State Government refused to immediately release anymore bodies for burial, fearing that such a move might provoke further violence. It sought permission to conduct a mass burial for the remaining victims, but the Christian community was loath to agree to this. As a result of this impasse, many corpses remained in the local morgue instead of receiving immediate burial, and the final death toll is still unknown today.

Sources report that a week before the riots rumours were circulating of imminent violence against Christians. Agitators said to be from the Hausa Fulani tribe, who are not indigenous to Borno, were reported to have accused the Kanuri and Shuwa Muslims, who are indigenous to the area, of having been 'too quiet' in comparison to Muslims elsewhere who are engaged in a 'jihad' against Christianity. Local Christians state that they ignored these rumours, choosing instead to rest on Borno's self proclaimed reputation as 'The Home of Peace'. Moreover the Borno State Chapter of the Christian Association of Nigeria (CAN) had been amongst the first organisations to condemn publication of the cartoons, so Christians felt no undue anxiety.

The violence was organised and systematic. As two cars were set alight in the centre of city sending flames high into the sky, coordinated attacks began on the outskirts of the city, and moved progressively into inner Maiduguri. The violence targeted churches, Christians and especially clergymen. The assailants, who were predominantly Hausa Fulani, were said to hail from Kano, Katsina and Sokoto. CSW also heard several reports of indigenous Shuwa and Kanuri Muslims hiding and defending Christians from their attackers.

In April, rumours that a fresh attack was being planned to mark the two month anniversary of the riots and the arrival in the city of truckloads of Chadians caused tensions to rise anew. The presence of Chadian and other 'jihadis' from neighbouring countries has been a constant feature during outbreaks of communal violence in several northern and central states since 2000. Christians in Maiduguri called urgently for increased security in the area, and the anniversary passed without serious incident.

3.2. Inadequate Government Response and Possible Collusion

Every individual shall be entitled to equal protection of the law.

(Article 3:2, African Charter on Human and Peoples Rights (ACHPR))

The violence in Maiduguri raged, unchecked, for four hours. As it was underway Christian leaders tried repeatedly to alert the authorities of the severity of the violence, but were informed that everything was 'under control'. This was far from the truth.

Similar riots had broken out in Katsina, Yobe and Bauchi, but were limited in scope due to adequate government intervention. However, in the case of Borno, Christian leaders point out that on the day of the protest, and in a change from usual practice, the state government had deployed very few forces around Maiduguri despite the fact that demonstrations regularly end in some degree of mayhem. Worse still, as the violence subsided, several eyewitnesses reported seeing the Governor of Borno State, who is currently seeking re-election, distributing money to the mob and being cheered by them.

Later came worrying indications of official efforts to shift the blame for the violence and destruction onto Christians. Resisting calls for a Judicial Panel of Inquiry to look into the causes of and solutions to the crisis, as is the usual practice after such incidents, the Governor instead convened what he termed a 'High Powered Committee'. Not only did the interim report of this Committee erroneously conclude that the major cause of the violence was the fact that Christians had antagonised Muslims by building churches in predominantly Muslim areas and without permission, but also, when Christian participation in this Committee was eventually agreed upon, the Christian delegates were consistently and deliberately excluded from most deliberations. They eventually repudiated its findings after being summoned to the governor's residence to take part in a press conference for the submission of a final report that they had not even discussed, let alone read. The churches are now actively campaigning for the speedy convening of a visibly independent Judicial Panel of Inquiry. However, the state administration appears impervious to their appeal.

However this was not an isolated instance of such discriminatory responses by the authorities. On 19th September 2006 in Dutse, Jigawa state, police were not deployed to suppress attacks by Muslims on Christians in the area until after violence had ceased. This was despite the requests of local CAN (Christian Association of Nigeria) representatives for help from the police prior to the incident, having heard that potentially incendiary rumours were circulating in the area. Twelve out of fifteen churches in the area were burned down, and the Anglican Bishop Yusufu Lumu and his family were forced to flee their home when it was targeted by Muslims.

The response of the Kano state government to violence on September 28th 2007 in Tudun Wada shows an even greater failure on the part of the authorities. At least 9 Christians were killed, several churches were destroyed, over 60 people injured, Christian homes and businesses looted and burned, and around 1000 people consequently displaced from their homes. During the violence the state government sealed off the area in a possible attempt to try to hide the extent of the violence, and people were forbidden from helping those affected by the attack. A state commissioned report on the incident then went on to suppress the true extent and causes of the violence. Ignoring the evidence from the local Muslim district head and state security official, the committee blamed Christians for the initiation of the violence rather than the 17 Muslims named by those sources. The committee only included three names of those killed, out of the nineteen that were presented to the committee, on the grounds that the other victims had been buried in a common grave and could therefore not be officially identified. All of these decisions were taken by the 9 Muslims on the committee despite the protests of their 3 Christian counterparts.

3.3. The Threat of Imminent Violence

In Katsina, financial pressures and other privations have forced many Christians into communal enclaves on the outskirts of towns or in rural areas where they feel safer, but where they may also constitute an easier target in the event of any outbreak of violence. Some fear that in the future a more serious eruption of violence against Christians may occur in the state. Particular anxiety was expressed regarding a planned celebration to mark the conversion referred to earlier of a man from Christianity to Islam and the subsequent erection of a mosque in his overwhelmingly Christian village. Local Christians feared that such a celebration may be used as an occasion to harm them.

In Gwoza, Christians are under constant threat of imminent violence. During the Maiduguri riots agitators are reported to have come to the area to encourage similar actions, but had failed to elicit sufficient support. Nevertheless, they appear to be persevering and local

Christians face daily provocations aimed at spurring them into action that could be used as a justification for a murderous attack.

Christians in Gwoza spoke of an increase in intimidation and discrimination since the Cartoon Riots. It was reported to the CSW team which visited Nigeria in 2006 that there had been a rise in wife abductions and that a Christian home in the predominantly Muslim area of Gozowakani was constantly stoned by Muslim children who shout out “infidel”. Coincidentally, while driving into Gwoza the team witnessed a group of these children marching behind the green flag of Islam and shouting slogans. There were also reports of a case in the Guduf area of Gwoza where a Christian was arbitrarily fined 1000 Naira by a village headman for selling the meat of his dying animal at his own door. The justification for this arbitrary fine was that the meat had not been prepared in an Islamic manner and Muslims could have eaten it unawares.

In what was potentially one of the most serious incidents, CSW was informed of the activities of an individual named Mallam Dalla. Mallam Dalla is reputed to have been behind abortive attempts to bring the Taliban to Gwoza. This plan ended disastrously when the Taliban vanguard was all but annihilated in the Gwoza hills by the Nigerian army.

Mallam Dalla lived in a low-cost housing unit constructed by the government. The unit was put on sale in 2004, and when a Christian offered to buy the house, the offer was accepted by the authorities. However, Mallam Dalla refused to vacate the premises and continued to occupy it until 2006, when he was ejected by bailiffs following a High Court ruling. In response Mallam Dalla trashed the building in an act that constituted serious criminal damage. Mallam Dalla has still not been arrested for the damages caused, although the authorities at the time were said to be hunting for him. Muslims in the area however marched on his behalf, proclaiming that houses should not be taken from Muslims and given to ‘infidels’ and warning that Mallam Dalla should not be arrested under any circumstances.

CSW has also been informed of the case of Yakubu Suye, who had built a house on a portion of farmland that had been given to him by the village headman in 1999. However, in February 2006 when this village headman died, the ward headman seized the land and gave it to a Muslim, who destroyed the house and began to build on top of its ruins. Christians were at a loss as to what action could be taken to secure the return of the property without provoking violence.

Gwoza is on the precipice of organized religious violence. Furthermore, on or around 19 May 2006 Muslim children stoned Christian churches and houses damaging a building belonging to the National Evangelical Mission. Clearly, efforts are being made to provoke a response from local Christians that can be used as a justification for premeditated, lethal violence. Urgent intervention is needed to forestall an outbreak in the very near future.

However the group of militants calling themselves the Taliban has been active in other areas too. In June 2006, 4 Christians were killed and 30 others injured when a group of these militants set fire to Hausa Fulani Christian’s homes in the village of Kumutu in Taraba state. The corpses of those killed were then mutilated. Of even more cause for concern though is the report that shortly after this attack there was a meeting of several thousand Taliban militia men, during which it was stated that funding would be provided in order to create further violence and tension between tribes in Taraba state. Since this time, there have been reports of the militants being seen in the Shendam area of Plateau State.

3.4. Lack of Accountability and Compensation

In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of

everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

(a) *The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution*

(International Convention on the Elimination of All Forms of Racial Discrimination (CERD))

In northern Nigeria perpetrators and organizers of religious violence are rarely, if ever, brought to justice. This lack of accountability has created a climate of impunity that encourages the continuation of such violence. In addition, the fact that violence erupts regularly and continues unchecked and its perpetrators are never brought to justice in turn causes a build up of resentment of a kind that eventually fosters retaliation.

A feature of the violence in northern Nigeria is the fact that people from the Igbo tribe are targeted, whether or not they profess Christianity. The victimization of Igbos by the Hausa Fulanis regardless of their religious creed may largely stem from historical reasons. However, the regularity of targeted attacks on a specific racial group and the lack of legal consequences for its perpetrators and organisers may amount to a violation, albeit by omission, of Nigeria's obligations under CERD.

Christians rarely, if ever receive compensation for losses sustained during violence and, so far, events in the aftermath of the Maiduguri riots are following the usual pattern. During the riots a vast number of Christian businesses were torched. Some were based in premises owned by a Muslim Grand Khadi. He sued, was compensated and his premises are currently being rebuilt by the state government. However, churches and businesses, the main targets and victims of the violence, have yet to be compensated for their losses. Moreover, although a few arrests have been made, little effort appears to have been exerted to track down the organisers as well as perpetrators of this violence. Worse still, reports are emerging that even the few that were arrested are gradually being released.

4. Vulnerability of Converts

Every person shall be entitled to freedom of thought, conscience and religion, including freedom to change his religion or belief, and freedom (either alone or in community with others, and in public or in private) to manifest and propagate his religion or belief in worship, teaching, practice and observance.

Subject as otherwise provided by this Constitution, a person shall not be convicted of a criminal offence unless that offence is defined and the penalty therefore is prescribed in a written law, and in this subsection, a written law refers to an Act of the National Assembly or a Law of a State, any subsidiary legislation or instrument under the provisions of a law

(Article 38:1 and Article 36:1, Chapter IV, Federal Constitution).

Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

(Article 9, International Covenant on Civil and Political Rights (ICCPR))

The Nigerian Constitution allows for freedom of thought, conscience and religion, including the freedom to change ones belief. However, as religious violence in northern and central Nigeria increases the polarization of society, converts from Islam have become extremely vulnerable,

especially since conversion to another religion is seen as apostasy, a crime that can be punishable by death under the version of Shari'ah law currently operational in parts of northern Nigeria.

In 2006 CSW heard reports of two converts in Katsina, Tabitha Abila and Nico Udah, who live under constant threat of violence. Two further cases are those of Paul Umar, and his friend Abdullahi, both from Borno, who converted to Christianity after watching a video on the life of Jesus. Abdullahi died a year after his conversion. He was beaten bloody by a mob that was incensed by his 'apostasy', and left in a building where the roof was removed in order to expose him to the elements. He remained there until he died – no one was permitted to assist him. Paul, who was a prosperous, married business man at the time of his conversion, lost his business, and his wife and child were given to another man. When CSW representatives met with him in 2006 he had just seen his son for the first time in six years and requested assistance in ensuring regular access to him.

Once a male member of any family converts to Islam, female members of the family can become vulnerable to forced conversion. In Katsina the team met 21 year old Laraba Sule, who had been born into a Christian family. Her father became a Muslim in 1999 and immediately began to pressurise his family to convert. At one point he even had them locked inside a police cell. When his daughter continued to resist his demands, he threatened to lock her up incommunicado forever. She eventually managed to flee from her home and is currently being cared for by a local church.

In April 2006, CSW was informed of the case in Gwoza of Maira Isa, a woman who had been jailed arbitrarily. She had been taken to Area Court I in Gwoza by her husband, a recent convert to Islam, for refusing to follow him into his new found faith. Having determined her supposed 'guilt', presiding magistrate Alkali Mohammed sentenced her to imprisonment. Fortunately, after appeals by the Christian community, Maira was released on the following day on the orders of the Chief of the Gwoza area. The judge has now apologised for his actions.

More recently in Katsina in 2008, Sanusi Ali was subjected to harassment and imprisonment by his relatives for converting to Christianity. Despite being 21 years of age and therefore legally entitled to change his religion without reference to his parents, Sanusi's father, grandfather and uncle, and the assistant village head, were complicit in engineering Sanusi's imprisonment following his conversion. His uncle at first tried to claim that Sanusi was dead, and then that he was attending a distant religious school. Prior to this Sanusi had been prevented from attending school by his father, and beaten publicly by his uncle until a pastor intervened to stop the assault. Currently Sanusi is still imprisoned, and when his mother was eventually allowed to visit him, she found him with his hands and feet bound. She herself was then strangled by her husband until she lost consciousness, after continually pleading for her son's release. She has since recovered but is too frightened to continue the campaign for her son's freedom.

5. Child Abduction

Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. States Parties shall respect the right of the child to freedom of thought, conscience and religion.

States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.

(Article 8:2, Article 9:1 and Article 14:1 & 2, Convention on the Rights of the Child (CRC))

Since 2005 CSW has been hearing increasingly of the abduction of Christian girls and women in northern and central Nigeria, and their subsequent forcible conversion to Islam. Worse still, many abductees are minors under both Nigerian and international law at the time of their ordeal.

Child abduction is occurring increasingly in such Shari'ah states as Katsina and Bauchi. According to sources in Bauchi, the State Shari'ah Commission is deeply implicated in these abductions. The Commission was involved at some level in a case that was brought to CSW's attention during 2005. Rejoice Gwamikat, a minor abducted by an imam while visiting her father in Bauchi, was only returned to her family following widespread publicity and high level advocacy.

In 2006 there were over 100 cases involving the abduction of Christian children in Katsina State alone. The CSW team that visited in that year learned of a case involving the daughter of Mr. Leonard Ossey Ago, an Igbo Christian. Mr. Ago's wife is a healthcare professional employed by the federal government. She had been transferred to Katsina to work at the Federal Medical Centre, and the entire family moved with her. The couple's eldest daughter, Cynthia was abducted in 2004 at the age of 15 and taken to the house of a man named Yakubu Musa who is said to run the Riyadh Qur'anic School in Katsina City. Mr. Ago's sister-in-law, a convert to Islam, is suspected of having had a hand in the abduction.

Cynthia was forcibly converted and married to a Muslim without the consent of her parents. She is now around 20 and has had a child by her abductor. Her distraught father has tried everything to get her back and on one occasion, following military intervention, he succeeded in returning her to her home. However, a gang came to his home threatening to kill him if he did not hand Cynthia over to them. Fearing for the safety of his four other children, Mr. Ago was forced to give in to their demands.

In November 2006, 13 year old Victor Udo Usen was abducted and forcibly converted to Islam. On 20 February 2007 his mother attempted to rescue him after receiving information on where he was being held but a crowd of Muslims intervened, informing her that Victor had become a Muslim and therefore his parents were no longer entitled to be his legal guardians. However on 6 March Victor successfully managed to escape and return to his mother. The family has since had to move to southern Nigeria in order to guarantee Victor's safety from his abductors.

6. The Hisbah Issue

No association shall retain, organise, train or equip any person or group of persons for the purpose of enabling them to be employed for the use or display of physical force or coercion in promoting any political objective or interest or in such manner as to arouse reasonable apprehension that they are organised and trained or equipped for that purpose.

(Article 227, Chapter VI, Federal Constitution)

Since their inauguration in the Shari'ah states of northern and central Nigeria, Hisbah, or Shari'ah law enforcement corps, have frequently been used to harass non-Muslims. Members of

Hisbah forces are regularly reported to assault non-Muslims for minor infractions of Shari'ah strictures, to molest and – in severe instances – rape non-Muslim women, and to take part in the destruction of churches, businesses and homes whenever called upon to do so. Hisbah forces are therefore enforcing Shari'ah law against all citizens, and not merely the Muslim population which its advocates claim it to be restricted to.

Under the governorship of Ibrahim Shekarau Kano State has created a particularly strong Hisbah force of 9000 people, due to his commitment to implementing Shari'ah fully. In 2005 he transformed Kano's previously informal Hisbah into a paid law enforcement agency, and increased the scope of its powers. In line with this policy the Kano Hisbah in 2007 vowed to extend implementation of Shari'ah into the Sabon Gari area of Kano city, one of the few enclaves left in the city which has bars, brothels and night clubs. However this is also the area where many non-Muslims now live, after a series of pogroms against them drove them from their homes. In the last such pogrom in 2004, the Kano chapter of the Christian Association of Nigeria (CAN) reported that around 3000 non-Muslims were killed.

This reinforcement of the Hisbah has occurred in spite of the Federal government's banning of Kano's Hisbah in 2006, after it had received intelligence reports indicating that the Hisbah forces were seeking foreign funding in order to train 100 jihadists. The dissolution of these forces still has not been finalised. Kano State filed a law suit in Nigeria's Supreme Court against the Federal ban but on 2 March 2007 the Supreme Court ruled that the case did not fall within its jurisdiction, and so the issue remains unresolved. Thus, despite federal censure, Hisbah groups continue to operate in Kano.

7. Conclusion

The foreign policy objectives shall be ...

(d) Respect for international law and treaty obligations as well as the seeking of settlement of international disputes by negotiation, mediation, conciliation, arbitration and adjudication.

(Article 19 (d), Chapter II, Federal Constitution)

A system of religious repression that is either tacitly or openly approved or facilitated by state governments has gradually become entrenched in parts of northern and central Nigeria. Moreover, the process of enforcing this system is frequently characterised by the use of recurrent violence that has begun elicited commensurate retaliatory action elsewhere in the country. If left unaddressed, this will have ominous implications for the future of a nation that is more or less equally divided between two major faiths. Given the complicity of many state governments in repressive actions, it is clear that only effective intervention by the federal administration can ensure that these practises are brought to an end as a matter of national interest. CSW applauds President Yar Adua's articulated commitment to religious freedom, his affirmation of the work of the Nigeria Inter-Religious Council (NIREC), and a new-found proactiveness on the part of NIREC itself to ensure religious harmony and dampen tensions when they have arisen in certain areas. However, more needs to be done to ensure that such thinking penetrates to both state and grassroots level, where repression and discrimination have become common practice.

The constitution states that one of Nigeria's foreign policy objectives is to respect international law and treaty obligations, many of which have binding force. CSW is therefore calling on the Nigerian government to:

- ensure the primacy of the Federal Constitution by robustly challenging the

constitutionality of the institution of full Shari'ah law in the twelve northern states;

- continually reiterate to northern and central state governments their constitutional obligation to end all discriminatory practices and policies and to disburse government funding and scholarships in an equitable manner, stressing that such action is taken as a matter of urgency for the good of both the state and the nation;
- withhold federal finance from state governments that persist in utilising these funds to support discriminatory and unconstitutional systems that promote the advancement of one community while neglecting others;
- put pressure on states to end the policy of demolishing and/or seizing churches, church-owned land and/or other religious establishments without compensation, and of arbitrarily disallowing or indefinitely delaying the granting of certificates of ownership, and permission to construct, reconstruct or improve religious premises;
- pressurise the northern states to ensure that the rights of non-Muslims are respected, that non-Muslims are not subjected to Shari'ah requirements, and that non-Muslim establishments, families or individuals receive sufficient and timely compensation for losses or damages sustained during episodes of religious violence;
- fully address the legality of the existence and activities of Hisbah forces;
- ensure that state governments are held accountable for any failure to adequately protect the persons and properties of citizens by taking timely action to end outbreaks of violence, and placing federal forces in a state of readiness to end any violent outbreak if state authorities are slack in taking action;
- in the event of inadequate intervention by state governments, honour Nigeria's binding obligations under the CRC to ensure the swift return of abducted children to their families and the punishment of perpetrators;
- uphold the freedom of all Nigerians to change their religious affiliations if they so wish;
- bring both organisers and perpetrators of violence before courts in a timely manner so that justice is seen to be done and impunity is eroded.

Finally CSW is also requesting that during dialogues with the Nigerian government, key members of the international community emphasise the importance of implementing the aforementioned recommendations.