

HUMAN RIGHTS SITUATION IN THE FEDERAL REPUBLIC OF NIGERIA

Submission to the 126th Human Rights Committee session by CSW (Christian Solidarity Worldwide)

Introduction

1. CSW (Christian Solidarity Worldwide) is a human rights organisation specialising in the right to freedom of religion or belief (FoRB). CSW wishes to bring the following concerns and recommendations to the Committee's attention, in reference to the Federal Republic of Nigeria (hereafter Nigeria). CSW has worked on Nigeria since 1998. This submission draws on CSW's research and detailed witness testimonies, and considers Nigeria's current commitments to the International Covenant on Civil and Political Rights (ICCPR), with a particular focus on Article 18.

Background

2. Nigeria's Federal Constitution prohibits discrimination on the basis of ethnicity, place of origin, gender, religion or political opinion, "either expressly by, or in the practical application of, any law ... or any such executive or administrative action," and guarantees freedom of thought, conscience, religion or belief to all citizens, including the right to change religion or belief. It allows for the freedoms of movement, expression, assembly and association.
3. Nigeria is party to a number of international agreements that guarantee FoRB and non-discrimination, including the African Charter on Human and Peoples Rights (ACHPR). However, violations of the right to freedom of religion or belief have occurred for decades in the north, arising mainly from a system of marginalization of minority faiths dating back to the colonial era. A concomitant longstanding impunity in religion-related violence has created an enabling environment for the regular emergence of extremist groups with an antipathy to FoRB.

Violations of the right to freedom of religion or belief (FoRB)

4. While Article 38 of the Constitution articulates the right to freedom of thought, conscience and religion, this right is not always enjoyed by religious minorities in the northern and central states, particularly since 12 states adopted the Shari'a penal code successively from 1999 and effectively rendered Islam the official state religion. As well as contravening constitutional stipulations prohibiting the adoption of state religion, this action effectively ended a systematic marginalisation that has existed for decades with a quasi-legality.
5. Non-Muslims in Shari'a states report being denied the rights, opportunities, provisions and protections Muslims enjoy, and to which they are constitutionally entitled. Members of Christian communities have consistently reported such violations as the denial of access to jobs in the security sector, among others, and the denial of promotions once employment is secured, with junior and often less qualified members of staff given priority and seniority on the basis of religion. Christians also report an inability to compete for certain political posts and difficulties in accessing education or being able to study certain courses such as law and medicine.
6. CSW has also been informed of instances where Christian children adopting Muslim names in order to be able to complete school, and of children of pastors being expelled, or being allowed to take exams but never being given their results. In addition, CSW is aware of several instances non-Muslim

communities have also experienced discrimination when social amenities such as boreholes and solar power are allocated.

Christian community: Building restrictions, demolitions and destruction

7. In most Shari'a states, the construction of churches continues to be restricted severely. Most congregations cannot purchase land for the construction of buildings, nor obtain certificates of ownership for land they have purchased for this purpose. When churches seek permission to build, they are generally told to wait, and the waiting becomes indefinite. Church buildings are demolished for real or imaginary infractions, or when land is seized by local authorities, ostensibly for development purposes. For example, the Evangelical Church Winning All (ECWA) in Matazu Local Government Area (LGA), Katsina State, is in protracted negotiations to prevent the construction of a road through its compound.
8. Churches are destroyed regularly during religion-related violence. On 20 March 2015, two men on a motorcycle mounted an arson attack on a Living Faith Church in Giwa LGA, Kaduna State. On 1 April 2015, a Baptist church in Gidan Maso Village, Rogo LGA, Kano State, was torched, causing the daughter of Reverend Habila Garba to die from suffocation. In this instance, and in an extremely rare occurrence, the newly installed Emir of Kano ordered the rebuilding of the church and pastor's house, and has warned against further attacks on churches within his emirate.
9. On 1 January 2018 the Christian Association of Nigeria (CAN)¹ Kwara State Chapter reported that extremists chanting "Allah is God" and "Allah Akbar, this land belongs to the Muslims" attacked Christ Apostolic Church (CAC) in Taiwo Isale, looting and destroying buildings. Several female worshippers returning home were raped. While some were rescued, several ran naked to the Methodist Cathedral for safety. The assailants subsequently broke the Methodist Cathedral's gate, forcefully gained entry, and destroyed some of buildings and the vehicles there. Others attacked St Joseph Catholic Cathedral, destroying buildings and vehicles, breaking and setting statues ablaze, and robbing worshippers of valuables.

Christian community: Right to life – violence by non-state actors

10. Unproven accusations of blasphemy can result in targeted violence, including extrajudicial killings by non-state actors of individual Christians. Often collective punishment is meted out, with other Christians being maimed or murdered, and their homes, churches and businesses looted and destroyed. Survivors are rarely compensated for personal or corporate losses, and, if arrested, perpetrators are rarely prosecuted.
11. On 21 March 2007, Christian teacher and mother of two Christianah Oluwatoyin Oluwasesin was falsely accused of desecrating the Quran by a pupil who was cheating in an exam she had been invigilating at Gandu Government Day Secondary School in Bauchi State. She was stoned, stripped, beaten, and stabbed to death by pupils and local hoodlums, and her body was burned beyond recognition. Sixteen suspects arrested in connection with the murder were released three months later.
12. On 2 June 2016, 74-year-old Mrs. Bridget Agbahime, a trader and wife of a retired pastor, was battered to death by a mob in Kofar Wambai market in Kano State after being falsely accused of blasphemy by Dauda Ahmed, a rival trader who had harassed her on several occasions, and been cautioned for doing so. He was arrested along with four other men. All were released and declared innocent in November 2016, despite overwhelming evidence of guilt.

¹ The Christian Association of Nigeria (CAN) is an umbrella body for Nigeria's Christian community. Its Muslim counterpart is the Jama'atu Nasril Islam (JNI).

13. On 9 July 2016, Redeemed Christian Church of God Pastor Eunice Olawale Elisha was murdered while conducting her daily session of open air preaching in Abuja. Four suspects were detained, but all were released in January 2017 without charge.

Right to life – violence by armed non-state actors

14. Violence perpetrated by an armed group comprising members of the Fulani ethnic group (also known as the Fulani militia) has been reported since March 2010, when close to 500 people were murdered in Dogo Nahawa, Zot and Ratsat villages in Plateau State by assailants using firearms and machetes, and targeting women and children specifically. Attacks on non-Muslim communities elsewhere in Central Nigeria have been ongoing since 2011, but increased exponentially in 2015, as the increasingly well-armed militia targeted farming communities in Bauchi, Benue, southern Kaduna, Nasarawa, Plateau and Taraba states.
15. While there is undoubtedly a long history of disputes between nomadic herders and farming communities across the Sahel as a result of competition for resources occasioned by desertification, land encroachment and other factors, the weaponry used during these attacks were generally sticks, stones, machetes and locally made Dane hunting guns. However, the current attacks are not witnessed in neighbouring states with similar climatological and population challenges, and their frequency, organisation and asymmetry render characterisation as ‘farmer-herder clashes’ obsolete. Armed with increasingly sophisticated weaponry, including AK-47s, and in some cases chemicals and rocket launchers, the Fulani militia is believed to have been responsible for more deaths since 2015 than Boko Haram as militia men have destroyed, overrun and seize property, displacing tens of thousands and occupying their land.
16. In a region where ethnicity generally correlates with religion, ethnic minorities are invariably religious minorities also, hence several local observers have described these attacks as being a campaign of ethno-religious cleansing. CSW has interviewed survivors from numerous and disparate locations that have spoken of their land being occupied by Fulani herders and their families, or their farmlands now being used as grazing areas. For example, by June 2018 over 54 communities in Plateau State had been occupied and renamed,² and 11,833 victims displaced by these attacks were housed in around 17 camps in different parts of the state. The majority were children, the elderly and women, including pregnant and nursing mothers.
17. In an effort to illustrate the asymmetry in these attacks, CSW documented 106 attacks on farming communities in central Nigeria during the first quarter of 2018, which claimed 1061 lives in central states,³ while 21 people were killed in 11 attacks in southern Nigeria. Conversely there were seven attacks targeting Fulani herders or communities within the same timeframe, two of them in the south of the country, which claimed 61 lives. In an illustration of how closely this violence correlates with religion, the local chapter of the Christian Association of Nigeria (CAN) revealed in 2018 that herdsmen had destroyed over 500 churches in Benue State since 2011.
18. Attacks continue unabated, with assailants seemingly able to move at will from state to state without interception. Victims from remote areas in the targeted states repeatedly recall well-armed assailants dressed entirely in black. In December 2018 a community in Taraba State, which watched the militia travel in broad daylight to attack another community after assuring them that they was not their target, informed CSW that they had counted 150 “large machines” (motorcycles) with three people sitting on each one. Many who have survived these attacks have informed CSW that one militia man steers the motorcycle, one shoots to the left and another to the right, and that those on motorcycles are followed

² <https://allafrica.com/stories/201802020222.html>

³ CSW (Christian Solidarity Worldwide), ‘Nigeria: Freedom of religion or belief’, 9 July 2018
<https://www.csw.org.uk/2018/07/09/report/4036/article.htm>

by 50 more, some of whom are on foot. Survivors also repeatedly describe how militants who bring up the rear kill survivors, mutilate bodies, loot and destroy.

19. The situation is exacerbated by government inaction, or inadequate action, which has entrenched impunity. Beyond intermittent verbal condemnations, little has been done to address this violence. No attacker has been traced or brought to justice. Instead, as a solution to what it continues to term “farmer-herder clashes,” the government has proposed the creation of cattle ranches from land expropriated from victim communities in central Nigeria and also land in southern states.
20. Moreover, in May 2019 the cattle ranchers organisation Miyetti Allah Cattle Breeders Association of Nigeria (MACBAN), which represents Fulani herders, was reported to have demanded payment of almost US\$ 327,000, 000 from the government, which was initially reported as the price of ending abductions and violence. Following a sustained public outcry a MACBAN official stated that the money was for the construction of these ranches.
21. MACBAN officials regularly excuse militia attacks, often by claiming that herders are retaliating for the cattle rustling or the killing of their cows by members of farming communities. Calls for the arrest and prosecution of MACBAN officials in connection with the violence have arisen regularly. In January 2018 the governor of Benue State wrote to President Buhari requesting the arrest of the leadership of MACBAN, and of the Miyetti Allah Kautal Hore Fulani Socio-Cultural Association following the deaths of 73 people by Fulani assailants.
22. Prior to this attack, the Benue State government had enacted an Open Grazing Prohibition and Ranches Establishment Law (2017) in an effort to control violence that claimed at least 500 lives in a series of attacks on Agatu in late February-early March 2016. In response, in May 2017 leaders of Miyetti Allah Kautal Hore held a press conference calling on Fulani herders from across West Africa to descend on Benue and assist them reclaim “their “ land, and in their own press conference, MACBAN’s leadership said blood would flow if the Law was not rescinded.⁴ Worryingly, as herders descended on Benue during the closing months of 2017 no action was taken to prevent them from doing so.
23. In a 28 June 2018 statement following attacks in Plateau State in which at least 238 people died, Christian denominational heads and CAN’s Plateau State Chapter called for the prosecution of MACBAN leadership who justify “killings as retaliation over cattle rustled by unknown persons. On the contrary, what we have seen is the pampering of these killer groups who rather than being apprehended by the security agencies for justice to take its course are being paid and pacified, giving the impression that they are above the laws of the land.”⁵
24. The Human Rights Writers Association of Nigeria (HURIWA) has also called for the arrest and prosecution of MACBAN members, and for the US, UK, Germany and the EU to declare MACBAN a terrorist organisation.”⁶ A member of HURIWA recently noted that the “government has consistently shielded this Miyetti Allah Association whose leadership has never shied away from instigation of these killings and shortly thereafter claiming responsibility for the killings and offering some illogical reasons but they have never been arrested talk less of declaring them as terrorists. Same government erroneously manipulated the Federal High Court to obtain a kangaroo court declaration of unarmed indigenous peoples of Biafra (IPOB) as a terrorist group just for demanding self-determination but Buhari has become the chief defender of Miyetti Allah Cattle Owners Association.”⁷

⁴ Lower Nigeria Congress, USA, ‘President Buhari, Order an Immediate Arrest & Prosecution of Leadership of MACBAN for Mass Murder’, January 2018, <https://www.lnc-usa.org/blog/president-buhari-order-an-immediate-arrest-prosecution-of-leadership-of-macban-for-mass-murder-ortom/>

⁵ CSW (Christian Solidarity Worldwide), ‘Press Release by church denominational heads in Plateau and Christian Association of Nigeria (CAN), Plateau state, over the renewed armed Fulani herdsmen attacks and killings targeted at Christians across the country’, 28 June 2018 <https://www.csw.org.uk/2018/06/29/news/4017/article.htm>

⁶ Human Rights Writers’ Association of Nigeria (HURIWA), ‘Herdsmen Attacks: Stop chasing shadows-: HURIWA to govt: Demands Arrest of Miyetti Officials’, 27 June 2018 <https://huriwa.blogspot.com/2018/06/herdsmen-attacks-stop-chasing-shadows.html>

⁷ Human Rights Writers’ Association of Nigeria (HURIWA), ‘Nigeria’s integrity challenged leadership By Emmanuel Onwubiko’ 26 June 2018 <https://huriwa.blogspot.com/search?q=MACBAN>

25. Conversely, members of victim communities are regularly threatened, detained arbitrarily and judicially harassed for voicing concerns or faulting ineffective security arrangements. A series of attacks in the Barkin Ladi LGA of Plateau State claimed several lives during August 2018. On the afternoon of 28 August, militia men attacked youth at a mining pond in Wereh, killing one and injuring two, with two young men missing and presumed dead. That evening, Reverend Adamu Gyang Wurim of the Church of Christ in Nations (COCIN), his wife, and their two children were burnt to death in their home during attacks on communities in Foron District at approximately 8pm by militia men wielding machetes and AK 47s, which claimed at least 10 lives.
26. In a subsequent attack in Fan on 29 August, one person was killed. Yet, the military who arrived after the perpetrators had gone, as invariably occurs, reportedly shot and killed an unarmed woman who had attempted to prevent them from detaining local youth arbitrarily and had asked them to pursue the militia instead.
27. More recently, between 9 February and 16 March, at least 130 people died in Kajuru Local Government Area (LGA), Kaduna State in a series of attacks on the Adara chiefdom of southern Kaduna, and 12,480 were displaced between February and April. The violence followed a televised statement by Governor el Rufai of Kaduna State on the eve of the presidential elections (which were later postponed), in which he asserted 66 people had been killed in Kajuru LGA, insinuating the victims were mostly women and children from the Fulani ethnic group.
28. The governor's claim was widely refuted, including by the Nigeria Emergency Management Agency (NEMA) and the local police chief. As pressure mounted for the Governor to either prove or withdraw his claim, he raised the alleged death toll to 130 and then detained nine Elders from the Adara tribe were detained between 12 and 15 February 2019 and faced dubious charges of incitement and culpable homicide, and denied bail.
29. On 31 May, six of the Elders were released for lack of evidence, one was released on bail and another held pending further investigation into a Dane hunting gun that was found in his home. However, 23 Adara youth, including several minors, have allegedly been detained arbitrarily since September 2018.
30. In a verdict delivered on 26 February 2019⁸ the Court of Justice of the Economic Community of West African States (ECOWAS) ordered the Nigerian government to investigate the mass killings and destruction that occurred in Benue State in 2016, following a series of attacks in which around 500 people are thought to have died when Fulani Militia devastated the Agatu community in Benue State. The government was also ordered to identify and prosecute the perpetrators and compensate the victims.
31. The Court also found the Nigerian government in 'violation of their obligation to protect the human rights of the Agatu Community and prevent its violation.' It additionally ordered the government to provide adequate security by deploying more security personnel to Agatu 'to protect the Community and prevent the further occurrences' of this violence.
32. Significantly, the Court rejected the Federal Governments' description of the violence in Benue State as communal clashes between farmers and herders, and upheld the Plaintiffs' argument that armed Fulani Herdsmen were attacking and killing communities in Benue. The Court also rejected the contention that

⁸ *Suit no: ECW/CCJ/APP/11/16* was brought by Reverend Father Solomon Mfa Reverend Joseph Dooga, Dr. Sam Abah, Dr. David Iordaaah, Hon. Ochebo Yakubu, Hon. Terse Tange, Favour Adah Paul, Samuel Msonter Ijoho, Iorbee Bajah, Ashi Bajah, Terseer Iorbee Bajah and the Movement Against Fulani Occupation (MAFO) against the President, the Inspector General of Police (IGP), the Chief of Army Staff and the Minister of Internal Affairs of Nigeria.

the Defendants (the Nigerian government) could not be held responsible for any ethnic crime committed by unidentified and unknown persons.

33. However, the Court declined to award the monetary compensation of N5,000,000,000 (US\$13,869,625.50) requested by the Plaintiffs, as the personal details of victims and the location and value of destroyed properties had not been supplied.
34. Attacks by herder militia have spread to southern Nigeria. They have also resulted in a growth in vigilantism across the country and periodic retaliatory violence, as communities conclude they can no longer rely on the government for protection or justice. Moreover, an unchecked proliferation in small arms has occasioned a general growth in lawlessness, as kidnappings for ransom increase throughout the country with a particular spike in incidents on the Kaduna-Abuja road, despite regular and large security deployment. Abductees released upon payment of ransom consistently state that the bandits behind these kidnappings are members of the Fulani tribe.
35. Credible observers have noted a growing terrorist element to banditry that has claimed 1000s of lives in Zamfara State in the northwest, and that appears to be spreading to Katsina State. This intra religious and broadly ethnic conflict dates back to 2012. Its genesis is obscured in a history of cattle rustling, mining interests and vigilantes, with Hausa communities generally suffering at the hands of all three, and it now resembles “an attempt at clearing villages in parts of the area of people.”⁹
36. During a two-day fact-finding visit to Zamfara State in 2018, a Federal Senate Ad hoc Committee on Security Infrastructure was informed the armed bandits consist of heavily-armed Fulani herdsmen and fleeing Boko Haram insurgents, and the then deputy governor warned that if left insufficiently addressed, the crisis in Zamfara had “the potential of consuming the state and escalating beyond its borders.”¹⁰
37. In an indication of the degree of lawlessness prevailing in the nation Nigeria’s acting Inspector-General of Police (IGP), Mohammed Adamu, revealed that during the first quarter of 2019 1,071 people were killed in crime-related cases across the country. Most of the killings occurred in the north, where 767 people were killed: 436 of them in the northwest and 250 in the north -central, while the south-south recorded 130 deaths.
38. There have been persistent complaints that the Federal government and several state governors (including the Governor of Kaduna State) have failed to address the militia violence adequately due to shared ethnicity and religion with the perpetrators on the part of the president and chief of army staff or individual governors, such as the governor of Kaduna State.
39. There are also abiding concerns regarding complicity of elements of the armed forces in the militia violence. There have been several instances in which army attire, and in one instance, the ID of a mobile police officer have been found at the site of attacks. In another example, on 15 October soldiers from the 3rd Armoured Division descended on the village of Nkie Doworo in the Irigwe Chiefdom of Bassa Local Government Area (LGA) in Plateau State due to rumours of an imminent attack. They are alleged to have disarmed villagers of every means of self-defence, and advised them to gather in a schoolroom so they could defend them. Twenty one people took up the offer, and as they locked inside the room, the soldiers are alleged to have seized their mobile phones.
40. Some members of the community were suspicious, and hid in houses close to the school. They informed CSW that as the militia approached, the soldiers shot in the air, and withdrew, presumably to their barracks which was a 10 minute drive away. Six villagers were killed as they ran to safety, as were

⁹ Email from SBM Intelligence, ‘Nigeria’s killing fields continue to get deadlier’, 11 May 2018

¹⁰ The Sun News ‘How bandits rape, abduct, kill in Zamfara – Residents’, 8 March 2018, <https://www.sunnewsonline.com/how-bandits-rape-abduct-kill-in-zamfara-residents/>

the 21 people who had been locked in the classroom. Survivors informed CSW the militia was “so busy killing people in the classroom” that they did not note their presence.

41. In another incident, on 3 December 2017 in Adamawa State, instead of pursuing and engaging Fulani militiamen who had rampaged through Demsa LGA in Adamawa State and destroyed five villages, a helicopter deployed by the armed forces allegedly bombed fleeing civilians, several of whom had sheltered in a church.
42. Concerns regarding the complicity of elements in the armed forces in militia violence were given added credence on 24 March 2019, when respected former Army Chief of Staff and Defence Minister Lt General Theophilus Y Danjuma stated publicly that the armed forces were “not neutral - they collude” in the “ethnic cleansing” of riverine states by the Fulani militia. He called on villagers to defend themselves, as depending on the armed forces would result in them dying “one by one.”¹¹
43. In a recent speech¹² former Nigerian president Olusegun Obasanjo, an erstwhile supporter of President Buhari warned that addressing the Fulani militia, a currently resurgent Boko Haram (which consists predominantly of the Kanuri tribe) and the Islamic State (IS) affiliated faction known as the Islamic State West Africa Province (ISWAP), the current government had not responded with appropriate force. As a result, both insurgencies had evolved beyond the capacity of Nigeria to handle, particularly in view of the fact that soldiers were “poorly trained for the unusual mission, poorly equipped, poorly led and made to engage in propaganda rather than achieving results.”
44. The former president added “It is no longer an issue of lack of education or lack of employment for our youths in Nigeria which it began as. It is now West African Fulanisation [in the case of the militia, and]; African Islamisation and global organised crimes of human trafficking, money laundering, drug trafficking, gun running, illegal mining and regime change [in the case of ISWAP and Boko Haram].” He urged the Federal Government to rally local stakeholders and the international community to formulate and put into effect a strategy to address these threats successfully.¹³

Rights of the Child: Abduction and forced conversion

45. In most Shari’a states, and particularly in rural areas, the education of Christian female minors is frequently curtailed by abduction, forcible conversion and marriage without parental consent. Parents seeking the release of their daughters are generally informed they have converted and married willingly, or are in the custody of Muslim traditional rulers or Shari’a Commissions and have no desire to return. Appeals to law enforcement agencies for assistance generally prove fruitless. Local Islamic institutions and traditional rulers are often complicit.
46. According to domestic law, anyone below the age of 18 is a minor. They cannot convert or marry without parental consent as they are deemed under Section 38(ii) of the Constitution to be adherents of their parents’ religion until they reach the age of majority and can make an informed choice. The penal code punishes child abduction and carnal knowledge of minors with prison terms, and there are also penalties for anyone implicated in child betrothal and child marriage.
47. Nigeria’s Child Rights Act (2003), which incorporates the provisions of the Convention on the Rights of the Child (CRA) into national law, stipulates a fine of NGN500,000 (approximately GBP1,056) or a five-year prison sentence or both, for anyone involved in child betrothal and child marriage. The Act also specifies a ten-year sentence for abducting a child from lawful custody if the abductee remains in

¹¹ YouTube, ‘Danjuma speaks tough, accuses Nigerian Armed forces of colluding with Armed Bandits’, 24 March 2018

www.youtube.com/watch?v=ZDZOKvFtIRk

¹² “Mobilising Nigeria’s Human and Natural Resources for National Development and Stability” former president Olusegun Obasanjo, delivered at the second session Synod of Church of Nigeria, Anglican Communion, Delta State, May 2019

¹³ Ibid

Nigeria, and a maximum life term for sexual relations with children. However, these legal provisions are rarely enforced, if ever, in Shari'a states, giving rise to impunity.

48. In a case that brought greater national attention to this longstanding phenomenon, on 12 August 2015 Ese Rita Oruru, then aged 13, was abducted by Yunusa Dahiru in Opolo in Yenagoa, Bayelsa State in the south, trafficked over 800 miles north to his home state, Kano, and was forced to change her religion and name, and “marry” him. Despite numerous attempts by her parents, who endured violence and abuse, Ms. Oruru’s release was not secured until 1 March 2016 when the media intervened, by which time she was five months pregnant. Dahiru was arrested briefly, taken to prison in Bayelsa State, then bailed by an unidentified Muslim benefactor and flown back to Kano.
49. Increased media scrutiny in the immediate aftermath of this case facilitated the release of three other girls, Progress Jacob, Blessing Gopep and Linda Christopher, who were abducted in Bauchi State between August 2015 and January 2016 with the alleged complicity of the Sharia Commissions of Yelwa, Alkaleri, and Tarsha Durumi respectively. On 15 March 2017, the girls were released to the Assistant Inspector General of Police, Zone 12, Bauchi, and returned to their families.
50. Patience Paul, a 15 year-old, was abducted on 12 August 2015 by two neighbours accompanied by members of the Hisbah (Shari’a enforcement) group, in Gidan, Kukah, Runjin Sambo, Sokoto State. An investigation by the Sokoto State Human Rights Commission uncovered she had been “married” to a man who trafficked her over 800km away to Bauchi State. Patience’s release was secured in March 2016 with the help of increased media attention. Prior to this, police had reportedly advised her family to “go away and maintain the peace”. In an interview she gave after her rescue Ms. Paul said she had not been married off to anyone, but had instead been used as a sex slave by her captor.¹⁴
51. On 5 November 2017, 13-year-old Hauwa Dadi was returned to her parents five days after being abducted. Ms. Dadi, who was in her first senior year at Brighter Academy Secondary School in Gashua, disappeared from her home in Yobe State on 1 November 2017. She is thought to have been targeted because her father was a former Secretary of CAN. Ms. Dadi was reportedly taken to the Emir of Gashua’s palace, but regained her freedom following public outcry.
52. 14 year-old Ifeoma Ndubuisi was allegedly abducted in May 2014 and placed by a Shari’a court in the custody of a Muslim man. She was re-named Aisha and transported from her home in Zaria in Kaduna State to a Dar-ul Islam school in Kaduna City. There are also unconfirmed reports of the abduction of Blessing Nimjir Siman in September 2010, then aged 14, with the alleged assistance of a judge in the Kuje Upper Area Court in Abuja who was related to her abductor. Neither of these girls have been released.
53. In August 2018, 16-year-old Zainab Boulus Bawa from Kugawa Anchau in Kubau Local Government Area, Kaduna state, regained her freedom four months after being kidnapped, forcibly converted and forced to marry her abductor. However, Habiba Isiyaku, is among several girls who are still in the hands of their abductors. Fourteen-year-old Ms. Isiyaku from Wawar Kaza village in Kankara LGA, Katsina State disappeared on 16 August 2016. She had just passed her Junior Secondary School Certificate Examination “with flying colours”. Ms. Isiyaku was reportedly abducted on her way home from school, forcibly converted and obliged to “marry” her abductor, Jamilu Lawal, allegedly with the endorsement of the Emir of Katsina. A law suit was filed by her parents with the assistance of NGOs. At a court hearing in January 2017, a paper was presented, ostensibly from Ms. Isiyaku, claiming she was 18 years old and therefore legally able to marry. The case remains unresolved.
54. Women and girls continue to be abducted by the terrorist factions operating in north eastern Nigeria. On 19 February 2018, 110 girls were abducted from the Government Girls Science and Technical College in Dapchi, Yobe state by the Boko Haram breakaway faction, ISWAP. The oldest abductees were 18; the

¹⁴ Kemi Filani News, ‘15yr old Benue state girl, Patience Paul tells how she was abducted & sexually abused for 7 months in Sokoto’, 16 March 2016 <https://www.kemifilani.com/2016/03/15yr-old-benue-state-girl-patience-pau.html>

youngest were 11. Credible sources allege the security forces had failed to act on advance warnings of an impending attack.

55. On 21 March 2018, ISWAP returned 105 girls, warning townsfolk to never enrol their children in school again, or they would be seized permanently. Five had died en route to terrorists' hideout. However, 15 year-old Leah Sharibu, the sole Christian among them, remained in captivity due to her refusal to convert as a pre-condition.
56. Three female health workers working for UNICEF and the Red Cross, nurse Alice Loksha Ngaddah and midwives Hauwa Mohammed Liman and Saifura Hussein Ahmed, were captured by ISWAP in March 2018, following an attack in Rann, Borno state. The terror group subsequently murdered two of the healthcare workers, releasing videos of their executions.
57. In a statement ISWAP said both Ms Ahmed (executed in September 2018) and Ms. Liman (executed in October 2018) were considered apostate because they were deemed to have abandoned their faith by working for the Red Cross: "for us there is no difference between the Red Cross and UNICEF. If we see them we kill the apostate among them, men or women, and choose to kill or keep the infidels as slaves, men or women." The group added that Mrs. Ngaddah and Leah Sharibu would be enslaved for life.
58. 14 April 2019 marked the fifth anniversary of the abduction of 276 female students from the Government Girls Secondary School in Chibok, Borno state by the Abubakar Shejau faction of Boko Haram. 176 of these girls are from families belonging to the Ekklesiyar Yan'uwa a Nigeria (EYN, the Church of the Brethren in Nigeria). A handful managed to escape. Others were released following a series of negotiations, and allegedly in exchange for imprisoned key Boko Haram fighters and significant sums of money. 112 girls remain unaccounted for.

Minority Muslim Communities: Right to life, fair trial; freedom of association

59. Minority Muslim communities also experience violations of the right to FoRB. Attacks from 12-14 December 2015 in Zaria, Kaduna State on the mosque, a home and burial ground belonging to the Islamic Movement of Nigeria (IMN) - the Shi'a minority - left around 700 adherents dead (including women, children and in at least one case, an entire family of three), and many detained incommunicado without charge. These attacks occurred a little over a year after another in which 34 IMN members were killed in two attacks, one of them on the Husainiyah Baqiyyatullah religious Centre. Several IMN properties were destroyed, including the Husainiyah Baqiyyatullah Centre and Sheikh Zakzaky's mother's grave.
60. Among those detained were IMN's founder leader Sheikh Ibrahim el Zakzaky and his wife Zeenah, both of whom sustained injuries in an assault on their home in which three of their sons died. Both were detained and the authorities have consistently ignored a federal court order issued in late 2016 which described their detention as unlawful and unconstitutional, and ordered the government to release them by 16 January 2017 and pay compensation.
61. The army admitted before a Kaduna State Judicial Commission of Inquiry to the mass burial of 347 Shi'a following the December violence, and in September 2016 the Commission recommended the prosecution of soldiers involved in the Zaria massacre. State prosecutors ignored the recommendation and instead charged 177 IMN members with the murder of the only military officer who died during the violence.

62. In October 2016, and in a possible violation of article 22 of the ICCPR, the Kaduna state government declared the IMN an illegal society and set penalties for IMN activities, including fines and/or imprisonment for up to seven years for membership. The governors of Kano, Katsina, Plateau, and Sokoto states, all members of the ruling All Peoples Congress (APC), also prohibited IMN Shi'a processions, including during Ashura festivities.
63. Following rumours in January 2018 of the sheikh's declining health and imminent death, the government allowed him to make his first public appearance in two years. During a controlled question and answer session with the press, Sheikh Zakzaky confirmed he had been ill but was improving since being allowed to see his own doctors.
64. Possibly in response to local protests and external calls for the release of Sheikh Zakzaky and his wife, on 15 May 2018 the Nigerian government transported the couple from the Department of State Security (DSS) detention centre in Abuja to the Kaduna High Court, where they were arraigned on eight charges, including abetting in culpable homicide, unlawful assembly and disturbance of the peace. They are detained pending trial. In November 2018, Sheikh Zakzaky was denied bail once again, days after around 40 unarmed Shi'a men had been killed in Abuja by security forces as they protested for his release.

The Atheist community

65. In 2014 Mubarak Bala, a 29-year-old chemical process engineer from Kano state, was forcibly committed to a psychiatric unit by his family, where he was given drugs that are normally administered to psychotic and schizophrenic patients. He was eventually released due to a doctors' strike that resulted in many patients being discharged, and issued a statement saying that he was staying with family, had been assured of his safety and wanted to put things behind him for the sake of reconciliation. However, he was forced to go into hiding soon thereafter, as he began receiving death threats allegedly for having blasphemed against Islam.
66. In a 2018 interview Mr Bala described how he had lost his job twice, and had "lost a lot of property from home and salaries skipped, but fought back to get it, at least some of it, helped by rational people even from the Muslim community, due to the obviousness of the nature of victimisation." He also told of a friend whom he did not identify whose wife had exposed him as an apostate. "We pleaded with him to leave the city to our side, [but] his job would not allow [it]. A few months later, he died from [a] 'motorcycle accident' and before we could organize anything, investigation or reports, he had been buried, as according to Islamic rites. There is most probably foul play."¹⁵

Equal access to public service and judicial independence

67. There have been persistent complaints that the president has disregarded the federal character provision enshrined in the country's Constitution since 1979 and found in Section 14 (3) of the 1999 Constitution, that seeks to ensure that appointments to public service institutions reflect the country's linguistic, ethnic, religious, and geographic diversity of the nation, with a view towards building and uniting the nation.
68. Section 217(3) of the Constitution stipulates that the composition of the armed forces must reflect the federal character of the country. However, a perusal of the presidential appointments in the security sector during his first tenure illustrates this has not been the case. The Director-General of the Department of State Security Services (DSS), the National Security Adviser, the Chief of Army Staff, the Chief of Air Staff, the Comptroller-General of the Nigerian Customs Service (who was retired less-than-honourably and brought out of retirement), the Chairman/Chief Executive Officer of national Drug Law Enforcement Agency (NDLEA), the Comptroller-General of the Nigeria Immigration Service, the

¹⁵ Medium, 'Interview with Muhammad Mubarak Bala— Nigerian Humanist', 23 October 2018, <https://medium.com/humanist-voices/interview-with-muhammad-mubarak-bala-nigerian-humanist-38291f0d790>

Commandant of the Nigeria Security and Civil Defence Corps (NSCDC), the Inspector General of Police (IGP), the Director General of the National Intelligence Agency (NIA), the Minister of Defence, the Minister for Interior, the Director General of the Nigerian Financial Intelligence Unit (NFIU), the Chairman of the Economic and Financial Crimes Commission (EFCC), and the Controller General of the Nigeria Prison Service are all northerners and Muslim.

69. The concentration of the entire security apparatus in the hands of one region and religious community has caused considerable consternation, particularly in areas where security elements have consistently failed to protect communities from militia attacks, to intervene in an effective and timely manner when attacks are underway or to trace and apprehend assailants.
70. Further consternation was caused by the president's decision to suspend and ultimately remove the Nigeria's Chief Justice, Walter Onnoghen, on 25 January 2019 - the eve of the general elections - and replace him with Justice Ibrahim Tanko Mohammad. The suspension may violate the Federal Constitution, as a request to remove the chief justice normally requires the approval of two-thirds of the Senate. The president claimed he was complying with an order issued two days earlier by a tribunal established under the Constitution to decide on alleged breaches of the Code of Conduct for Public Officials. However, the Court of Appeal, the National Industrial Court and the two Federal High Courts had earlier ordered a stay in proceedings.
71. "Moreover, the said order upon which the suspension was based, was issued ex-parte while the motion on notice on the same subject was adjourned the day before by the issuing court."¹⁶ In addition, several judges handling the case had been threatened, as were lawyers for the defence, and one senior advocate was even detained.
72. In February 2019, the UN Special Rapporteur on the independence of judges and lawyers, Diego Garcia-Sayán, warned that the suspension and replacement of the chief justice contravened international human rights standards on independence of the judiciary and the separation of powers: "International human rights standards provide that judges may be dismissed only on serious grounds of misconduct or incompetence.
73. Any decision to suspend or remove a judge from office should be fair and should be taken by an independent authority such as a judicial council or a court. The dismissal of judges without following procedures laid down by the law and without effective judicial protection being available to contest the dismissal is incompatible with the independence of the judiciary."¹⁷
74. In April 2019, and in a process that may amount to a violation of the right to a fair trial, Justice Onnoghen was convicted of falsely declaring his assets, and barred from holding public office in a process and decision which his lawyers described as unconstitutional and premeditated: "Judgment had been passed before today."¹⁸ Had he been reinstated Justice Onnoghen would be playing a key role in determining the outcome of challenges to electoral results, including the ongoing challenge launched by the unsuccessful presidential candidate.

Violations of the freedom of expression

75. Section 22 of the Nigerian Constitution (1999) states that, "the press, radio, television and other agencies of mass media shall at all times be free to uphold the fundamental objectives contained in this chapter and uphold the responsibility and accountability of the government to the people".

¹⁶ 'Nigeria: Judicial independence under threat, warns UN human rights expert'

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24152&LangID=E>, 11 February 2019

¹⁷ Ibid.

¹⁸ Okun Efut SAN, cited in Aljazeera, 'After bloody attack, Sudan army scraps agreements with protesters', 4 June 2019,

<https://www.aljazeera.com/news/2019/06/bloody-attack-sudan-army-scraps-agreements-protesters-190604005733226.html>

76. However, between President Buhari's ascent to power in August 2015 and March 2018, at least 17 journalists and bloggers were arrested, detained and even jailed,¹⁹ as a government which had effectively and without restriction availed itself of social media in the run up to victory in the 2015 elections embarked almost immediately on efforts to control it. Bloggers, on line and print journalists and human rights defenders espousing views differing from or critical of state and federal governments or deemed in any way sensitive, have been targeted, harassed, detained arbitrarily and in some instances, assaulted by security operatives seemingly at the bidding, or with the tacit agreement of state or federal authorities.
77. In one of the more infamous cases, on 21 July 2016 nine armed DSS officers, arrested Jones Abiri, the publisher of the Weekly Source tabloid newspaper, at his office in Yenagoa, Bayelsa State, possibly in relation to the republication in the 10 July 2016 edition of a report alleging that the military was contemplating a coup against Buhari.
78. On 23 July 2016, the DSS emailed a statement to Nigerian journalists accusing Mr. Abiri of being the leader of the separatist group Joint Revolutionary Council of the Joint Niger Delta Liberation Force, and had allegedly confessed to bombing oil pipelines, planning attacks on targets in Abuja, sending threatening messages to international oil companies, and masterminding a hoax military coup against President Buhari.
79. In July 2018, Mr. Abiri was finally arraigned before a court of law. After the court hearing he was sent to a normal prison. He was released on bail a month later and was eventually acquitted. Upon leaving prison he described the torture that he had endured while being held in an unofficial facility where he shared a 40 square metre cell with 25 others.²⁰
80. On 21 November 2016 Aku Obidimma, Coordinator of the Imo Bilie Initiative, was arrested in Owerri, Imo State by members of the Department of State Services (DSS) for a Facebook post in which he criticized the state government. After spending 60 days in detention and was released on January 17, 2017.
81. On 2 January, 2017, plain-clothed policemen arrested Jerry Edoho a journalist based in Uyo, Akwa Ibom State, the Deputy Editor of Ibom Nation newspaper, and transported him to the capital, Abuja, over a post on his Facebook page of a photograph in which he had been tagged and for which he was seeking verification, that was purported to depict the crash of a Dana flight that was heading to Lagos from Abuja.
82. On 9 April 2017 Austin Okai, a blogger from Kogi State, was arrested in Abuja for circulating reports about Kogi State Governor Yahaya Bello's alleged inflation of contracts to acquire vehicles for traditional rulers and commissioners. Following his arrest was handed over to the Kogi State Special Anti-Robbery Squad (SARS).
83. In March 2017, Gambo Saeed was sentenced to nine months imprisonment by a Chief Magistrate Court for defaming Aminu Masari, the Governor of Katsina State. His accuser Mansur Ali Mashi, the Senior Special Assistant (SSA) to the Governor on Radio Monitoring, claimed he had abused the governor and called him names on social media.

¹⁹ Naija News, 'Revealed: Over 17 Bloggers, Journalists Arrested, Detained Under President Buhari', 7 March 2018 <https://www.naijanews.com/2018/03/07/revealed-17-bloggers-journalists-arrested-detained-president-buhari/>

²⁰ Free Press Unlimited, 'Journalist Jones Abiri: tortured and two years in detention', 4 January 2019 <https://www.freepressunlimited.org/en/stories/journalist-jones-abiri-tortured-and-two-years-in-detention>

84. In July 2017, journalist Danjuma Katsina was detained for a day in Katsina State over Facebook comments questioning how Mansur Mashi, who had just been elected to the House of Representatives, had been allowed to contest the elections when he was facing court case regarding his alleged corruption. Mr Mashi later withdrew his complaint.
85. In a more recent development, activist and writer, Maryam Awaisu was arrested on 19 February 2019 at her office in Kaduna State by a convoy of officers from the SARS, and transported to their Abuja offices. She had championed the cause of women from conservative northern Nigerian Muslim society who were detailing their experiences of sexual assault using the Twitter hashtag #ArewaMeToo, and a well-known individual who was alleged to have violated several female responders, and who was connected the Kaduna State Governor had complained of defamation. While she was detained, the police allegedly attempted to access sensitive information in Ms Awaisu's telephone and computer pertaining to other human rights defenders working to assist victims of sexual violence in the north. Ms Awaisu was released on 20 February, following an international outcry.
86. Restrictions on freedom of expression and of the press to offset accountability and control criticism, no matter how mild, have been particularly notable in Kaduna State. Several reporters and activists seeking to highlight the increasing death toll in attacks by the Fulani militia in predominantly Christian southern Kaduna have been intimidated and even prosecuted by the state government.
87. Audu Maikori, CEO of Chocolate City Entertainment, was arrested twice in 2017, allegedly for posting "inciting" materials on the internet over the killings in southern Kaduna. He had posted information on Twitter received from his driver detailing the murder of students by Fulani militia, which later proved false. Despite withdrawing his tweet and issuing an unreserved and public apology, Mr. Maikori was arrested and detained on 17 February, then re-arrested, after having posted bail, on 10 March, in Lagos and Abuja respectively, before being transported to Kaduna State. Despite a Federal High Court in Abuja ordering the Governor of Kaduna State and the police pay him N40million (US\$ 111,018.00) as compensation for his illegal arrest and detention, Mr. Maikori's trial remained pending.
88. On 6 February 2017, and despite having published several articles accurately depicting events in southern Kaduna State, journalist Luka Binniyat was remanded in custody for 96 days, despite ill health, for an article based on the erroneous information received by Mr. Audu Maikori. He had made strenuous but unsuccessfully to pull this article prior to publication, and had apologised publicly and unreservedly post-publication.
89. Nevertheless, Mr. Binniyat was charged with 'breach of the peace' and 'injurious falsehood.' His case was repeatedly adjourned, and he was subject to excessive bail conditions that far exceeded the nature his alleged crime, with the judge insisting that bank bonds specified as part of the bail terms had to be performance bonds from contractors handling government contracts. Mr. Binniyat was released 96 days after his arrest, when the original trial judge died and his successor finally reviewed the bail conditions. However, his trial is yet to be dismissed.
90. Midat Joseph, the Bureau Chief of Leadership newspaper in Kaduna State was arrested on 19 April 2017 for alleged incitement for his part in a conversation in a Whatsapp group regarding a post calling for a demonstration to protest the killing of civilians by the Fulani militia. After being detained by the police for 48 hours, he was arraigned by a Kaduna Magistrate Court, which dismissed the case in July 2017. The police had charged Mr. Joseph and another man named Yayock Eusebiuf with criminal conspiracy, inciting disturbance and injurious falsehood.
91. On 8 May 2019, Christian human rights activist Stephen Kefason was traced to Rivers State and arrested, reportedly on the orders of Governor el-Rufai of Kaduna State, after sharing via social media an exclusive story by online journal *Sahara Reporters* on the events leading up to the abduction and murder by Fulani assailants in October 2018 of the traditional ruler, Agom Adara III HRH Dr Maiwada Raphael Galadima in Kajuru, southern Kaduna State – despite payment of a ransom. He was charged with injurious publication, incitement and false accusation, and transported to Kaduna State on 9 May.

A fearless and relentless critic of the governor's failure ensure protection for the people of southern Kaduna from militia attacks, Mr Kefason was released on bail on or around 13 May.

92. Journalists and activists have also faced charges of 'Cyberstalking' under the Cyber Crime Act (2015),²¹ although so far none have been tried or convicted. In January 2018, online journalists Timothy and Daniel Elombah were arrested in Nnewi, Anambra State by SARS agents and charged with cybercrime and terrorist related offenses for posting an article critical of Nigeria's Inspector-General of Police.
93. On 28 February 2018, DSS agents arrested Tony Ezimakor, Abuja Bureau Chief of the Daily Independent for reporting allegations that the government secretly paid millions of dollars to secure the release of the girls kidnapped in Chibok in 2014. He was released unconditionally on 6 March 2018.
94. Well known pro-democracy activist and coordinator of Concerned Nigerians, Deji Adeyanju, and two members named Daniel Abobama and Boma Williams, were arraigned by the police on charges of cyberstalking, inciting disturbance and criminal defamation after Mr. Adeyanju led a protest to the police headquarters in Abuja on 28 November 2018, carrying a banner stating: "Police are not politicians; this rally is about saving democracy," and asking the police and other security agents to conduct themselves in a non-partisan manner as the 2019 general election approached.
95. Upon being arrested, the three men were remanded in custody in Keffi Prison in Nasarawa State. On 6 December 2018, they appeared at Wuse II Magistrates' Court in Abuja, and were granted bail of N500,000 (US\$ 1,631.59). However, while Mr. Abobama and Mr. Williams were released, Mr. Adeyanju was re-arrested on murder charges resurrected from a case for which he had been tried and acquitted in 2009, and detained in Kano state Central Prison. Seventy-eight days after his arrest Mr Adeyanju was released; however, by then the elections had concluded in a victory by the ruling party that has not been accepted by the opposition, which has mounted a legal challenge to the result.
96. Non-journalists have also been targeted for arrest on the grounds of their for social media posts. In July 2017, primary school teacher Biodun Baba was sacked and arraigned before a magistrate court in Ilorin, Kwara State, for calling the then-Senate President Bukola Saraki "a bastarrd" (sic) on his Facebook page. In August 2017, a 32 year old civil servant named Johnson Musa was arraigned before a court in Kogi State for posting an image of Governor Yahaya Bello's Abuja residence on WhatsApp, contrasting its lavishness with the poverty of the state, which the authorities claimed had compromised the security of the governor and his family.
97. Arrests and judicial harassment for expressing views contrary to or critical of officials appear to be part of a wider attempt to close down civil society space. In August 2017 the federal government, through the National Broadcasting Commission (NBC), issued a restrictive new broadcasting code for media houses. The NBC has the power to close down a radio or television station that it deems to have breached provisions of the Broadcasting Code due to being socially harmful or capable of inciting ridicule or harm and can fine them.
98. In early June the NBC has sent a letter to the Managing Director of the Daar Communications Group over the use of social media comments in one of its programmes, Kakaaki Social. Among other things, the NBC's Director of Broadcast Monitoring accused the programme, which is predicated on soliciting and broadcasting the diverse opinions of ordinary Nigerians on trending issues, of broadcasting "divisive rhetoric from bloggers and social media." The Director, who implies it is the latest of a number of

²¹ "Section 24 of the Act: (1) Any person who knowingly or intentionally sends a message or other matter by means of computer systems or network that:

(a) is grossly offensive, pornographic or of an indecent, obscene or menacing character or causes any such message or matter to be so sent; or

(b) he knows to be false, for the purpose of causing annoyance, inconvenience danger, obstruction, insult, injury, criminal intimidation, enmity, hatred, ill will or needless anxiety to another or causes such a message to be sent commits an offence under this Act and shall be liable on conviction to a fine of not more than N7,000,000.00 [(US\$22,000)] or imprisonment for a term of not more than 3 years or to both such fine and imprisonment."

missives, highlights a broadcast of 22 May 2019, which he alleges contained “treasonable rhetoric”, and goes on to ask the Managing Director of the Daar Communications Group “why the full weight of sanction should not be meted against [him] for this inflammatory broadcast and [his] flagrant disregard for [his] editorial responsibility.”²²

99. Hate Speech is yet to be defined in national law. However, in August 2017, the Nigerian vice president, a law professor, declared that Hate Speech was “a species of terrorism”.²³ The statement, which was criticised as an attempt to silence dissenting voices in violation of the Constitution, was soon followed by one from the president expressing distress at the growth of hate speech, and another by the army’s Director of Defence Information decrying “anti-government and anti-military information”.²⁴
100. Soon afterwards, a Hate Speech Bill was introduced and is currently before the Senate. The Bill’s sponsors claimed it was aimed at discouraging harassment on the grounds of ethnicity, religion or any other grounds. However, the Bill has no clear definition of hate speech, leaving it open to subjective interpretation. It also prescribes stiff penalties for offences such as “ethnic hatred”: “Any person who uses, publishes, presents, produces, plays, provides, distributes and/or directs the performance of any material, written and/or visual, which is threatening, abusive or insulting or involves the use of threatening, abusive or insulting words, commits an offence,” and will either be given a minimum five year sentence, a fine of “not less than N10 million²⁵ or both.” It also prescribes the death penalty for situations where hate speech results in a fatality.
101. Perhaps the most damning criticism of the Bill is that rather than seeking to protect vulnerable minorities, it is in reality an attempt to curtail freedom of expression, particularly for minorities seeking justice for violations committed against them. Shehu Sani, the former Senator for the Kaduna state Central District and a member of the governing party, warned it would lead to the prohibition of free speech if enacted, as most Nigerian leaders are intolerant of even the slightest criticism.²⁶
102. Moreover, the Bill infringes on rights outlined in the Constitution, particularly Sections 38 and 39, which guarantee the freedom of thought, conscience and religion; and freedom of expression and the press, in wholesale contravention of Article 19.
103. In May 2016 a draconian Bill for an Act to Prohibit Frivolous Petitions and Other Matters Connected Therewith, which was generally viewed as an attempt to gag the press and curtail freedom of expression, was thrown out by the Senate following a sustained public outcry. An NGO Regulatory Bill (HB585), which critics said would endanger constitutional guarantees of freedom of conscience and religion, ‘license unconstitutional discrimination’ and be ‘a distraction, a threat to...democracy and a disincentive to investment’,²⁷ also failed to pass.

²² For a comprehensive insight into the dubious legality of this action, see Twitter thread by Abdul Mahmoud, Lead Attorney for #EndSARS campaign and Co-Founder of the Centre for Strengthening the Economic Position of the Ultra Poor (CentreStepUp). <https://twitter.com/AbdulMahmud01/status/1136180360721645568>

²³ Punch, ‘Osinbajo declares hate speech as terrorism’, 17 August 2017, <https://punchng.com/breaking-osinbajo-declares-hate-speech-as-terrorism/>

²⁴ Tony Blair Foundation Institute for Global Change, ‘Hate Speech Threatens Co-Existence in Nigeria’ 4 September 2017 <https://institute.global/insight/co-existence/hate-speech-threatens-co-existence-nigeria>

²⁵ US\$ 27,754.50

²⁶ Sahara Reporters, ‘Hate Speech Law Will Be Used Against Free Speech, Sen. Shehu Sani Warns’, 9 March 2018, <http://saharareporters.com/2018/03/09/hate-speech-law-will-be-used-against-free-speech-sen-shehu-sani-warns>

²⁷ Premium Times, ‘NGO regulation bill threatens Nigeria’s hard-won democracy, academics, experts, others warn’, 7 September 2017 www.premiumtimesng.com/news/headlines/242640-ngo-regulation-bill-threatens-nigerias-hard-won-democracy-academics-experts-others-warn.html

Recommendations

The government of Nigeria must be encouraged to:

104. Recognise and promote equality of citizenship, and consider the creation of an Equity Commission with a mandate to promote FoRB and respect for differing religious beliefs. Nigeria should also consider initiating civic education programmes promoting FoRB, unity, and pluralism, and beginning mandatory human rights and equality training for local officials.
105. Ensure that individual states respect FoRB in its entirety, including the right to own land and construct houses of worship.
106. Fully compensate religious groups that have been deprived of places of worship either through violence or seizure of land for development purposes, and facilitate reconstruction and/or access to viable alternative land.
107. Erode the impunity surrounding religion-related crimes by ensuring perpetrators are brought to justice, including through a review of the decisions taken to acquit people implicated in the murders of Bridget Agbahime and Eunice Olawale Elisha.
108. Uphold the right to change ones religion or belief, and the right to hold no religion or belief.
109. Respect rule of law by releasing Sheikh Zakzaky and his wife on bail in line with the judicial ruling, and ensuring due process during ensuing legal proceedings.
110. Recalibrate security arrangements and sufficiently resource the armed forces as a matter of urgency, in order to ensure sufficient protection from terrorist factions to vulnerable communities, and to address the national security threat posed by the Fulani militia and armed banditry.
111. Initiate a robust advocacy programme to enlighten nomadic herders on modern techniques for cattle rearing.
112. Reconsider plans to expropriate communal and ancestral lands to create ranches that essentially benefit a private business, particularly given the unfortunate optics of rewarding perpetrators of violence.
113. Encourage governments of affected states to provide adequately for the burgeoning number of IDPs caused by militia or terrorist attacks within their respective territories, including those sheltering in unofficial camps.
114. Initiate an independent inquiry into concerns regarding collusion, inaction or the targeting of members of victim communities by military elements, and ensure the security forces conduct themselves in accordance with human rights and humanitarian norms.
115. Prioritise the unbiased enforcement of the rule of law at federal and state level, and end the use of security services to detain or otherwise harass citizens for peaceably expressing or espousing dissenting views, or highlighting violations by state or non-state actors.
116. Combat the proliferation of small arms and light weaponry by apprehending and disarming armed non-state actors and prohibiting the possession and use of such weapons by civilians do not comply with the criteria outlined in Article 14 of the ECOWAS Convention on Small Arms and Light Weapons.

117. Urgently address abduction, conversion and forcible marriage of non-Muslim girls in Shari'a states, ensuring that individual states facilitate the swift return of abductees and bring to justice individuals and organisations implicated in such enforced disappearances.
118. Ensure the release and safe return of Leah Sharibu, Alice Ngaddah, and the remaining 112 Chibok Girls.
119. Respect freedom of expression and peaceably expressed dissenting views; protect press freedom, end arbitrary arrests and malicious prosecutions of journalists, bloggers, activists, human rights defenders and others through the misuse of existing laws.
120. Formulate a definition of the crime of hate speech and introduce Hate Speech legislation that truly protects minorities and is consonant with the Rabat Plan of Action and UN Human Rights Council (HRC) Resolution 16/18.
121. Comply with the ECOWAS Court of Justice ruling by investigating and prosecuting the perpetrators of the 2016 attacks on Agatu as swiftly as possible, and compensating the victims. This action should also be replicated for every community that has been devastated by militia attacks in recent years.
122. Address every source of violence in a swift, decisive and unbiased manner, sourcing international assistance if required, and ensuring that every vulnerable community is provided the protection it requires, regardless of the religion or ethnicity of its inhabitants.
123. Ratify the Second Optional Protocol to the ICCPR on the abolition of the death penalty.