



USCIRF Annual Report 2016 - Tier 1 CPCs recommended by USCIRF - Nigeria

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Key Findings

Religious freedom conditions in Nigeria continued to be troubling during the reporting period. While the Nigerian military successfully recaptured territory from and arrested members of Boko Haram, the terrorist group returned to an asymmetrical warfare campaign, including suicide bombings of mosques and other civilian targets. It also reportedly forced Christians to convert and forced Muslims to adhere to its extreme interpretation of Islam. Boko Haram violence and recurring clashes between Muslim herders and Christian farmers continue to impact negatively religious freedom and interfaith relations in the country. The Nigerian federal government fails to implement effective strategies to prevent or stop terrorism and sectarian violence and it does not bring to justice those responsible for such violence, thus fostering a climate of impunity. Additionally, the Nigerian military's excessive use of force against a Shi'a Muslim group in Kaduna in December 2015 killed hundreds and worsened the government's relations and societal tensions with that minority community. Finally, religious freedom abuses continue at the state level, including through the application of Shari'ah law. During the reporting period, a Shari'ah court in Kano state sentenced a Sufi cleric and five followers to death for blasphemy. Based on these concerns, in 2016 USCIRF again recommends that Nigeria be designated as a "country of particular concern" or CPC, under the International Religious Freedom Act (IRFA). USCIRF first recommended that Nigeria be designated a CPC in 2009; Nigeria was on the Commission's Tier 2 (Watch List) from 2002-2009. The State Department has not designated Nigeria a CPC.

Background

Nigeria's population of 180 million is equally divided between Muslims and Christians and is composed of more than 250 ethnic groups. The vast majority of the population of northern Nigeria identifies as Muslim, and primarily is from the Hausa-Fulani ethnic group. In southwest Nigeria, which has large Christian and Muslim populations, the Yoruba is the largest ethnic group. Southeast Nigeria is largely Christian and is dominated by the Igbo ethnic group. The "Middle Belt" in central Nigeria is home to numerous smaller ethnic groups that are predominantly Christian, with a significant Muslim population.

Managing this diversity and developing a national identity has been, and continues to be, a problem for Nigerians and the Nigerian government, especially between its "Muslim north" and "Christian south." Fears of ethnic and religious domination are long-standing. Given that religious identity frequently falls along regional, ethnic, political, and socio-economic lines, it routinely provides flashpoints for violence. In

addition, religious practice is pervasive and churches and mosques operate independently of state control. Polling indicates that Nigeria is one of the continent's most religious nations, that religious identity is of primary importance to many Nigerians, and that Nigerians report high levels of distrust towards people of other religions and high levels of concern about religious conflict.

The 1999 Constitution of Nigeria includes provisions protecting religious freedom and prohibiting discrimination based on religion, among other grounds. However, the implementation of some constitutional provisions in different regions result in religious freedom violations. Article 147 creates the legal category of "indigenes," a term that the constitution does not define but is used in Nigeria to mean persons whose ethnic group is considered native to a particular area (as opposed to so-called "settlers," who have ethnic roots in another part of the country). State and local governments issue certifications granting indigene status, which bestow many benefits and privileges such as political positions, access to government employment, and lower school fees. In Nigeria's Middle Belt, indigene and settler identities often fall along ethnic and religious lines, leading to ethno-religious violence over who controls local governments to determine indigene status and distribute the corresponding benefits. The constitution's federalism provisions also create an overly centralized rule-of-law system that hinders effective and timely police responses to sectarian violence and impedes prosecutions. In 12 Muslim-majority northern Nigerian states, federalism has allowed the adoption Shari'ah law in the states' criminal codes.

Religious Freedom Conditions 2015-2016

Boko Haram

Boko Haram is a terrorist organization engaged in an insurgent campaign to overthrow Nigeria's secular government and impose what it considers "pure" Shari'ah law. Boko Haram opposes Nigeria's federal and northern state governments, political leaders, and Muslim religious elites and has worked to expel all Christians from the north. The Council on Foreign Relations' Nigeria Security Tracker reports that from May 2011 through December 2015, Boko Haram killed more than 15,000 persons; another 12,000 were killed in fighting between Boko Haram and Nigerian security forces. More than 2.2 million Nigerians have been internally displaced by Boko Haram violence, and 180,000 have sought refuge in Cameroon, Chad, and Niger, according to the United Nations. In March 2015, Boko Haram pledged its allegiance to the Islamic State of Iraq and the Levant (ISIL).

During the reporting period, the Nigerian military, assisted by troops from Benin, Cameroon, Chad, and Niger, as well as by local vigilante groups, recaptured almost all the territory Boko Haram had seized in 2013-2014, when it controlled an area roughly the size of Belgium. Since he assumed office in May, President Muhammadu Buhari and his government sought to improve their effectiveness in fighting Boko Haram, including by: relocating the countering Boko Haram command and control center to Maiduguri; initiating corruption cases against former senior government officials charging that they stole money earmarked for arms and operations to defeat terrorists; addressing morale issues in the army; training religious leaders and their congregations on how to provide security for houses of worship and other religious sites; and many other smaller initiatives.

However, while Boko Haram lost territory, it reverted to asymmetrical attacks and expanded its violence into Cameroon, Chad, and Niger. During the reporting period, terrorists attacked at least 30 houses of worship and religious ceremonies in the Lake Chad Basin area, including suicide bombings during Ramadan, Eid al-Adha, and Ashura. Boko Haram also attacked markets, internally displaced persons (IDP) camps, and small villages, which were completely destroyed. Human rights groups and escaped Boko Haram abductees report that Christians under Boko Haram control were forced to convert or die and that Muslim abductees were required to attend Quranic schools to learn the group's extreme interpretation of Islam. There are also reports that Boko Haram applied *hudood* punishments in its camps.

The Nigerian government's efforts against Boko Haram continue to be primarily military actions. While it has announced multiple initiatives to support Boko Haram's victims and address the economic and educational issues driving conflict, there have been no concrete actions. A December 2015

comprehensive conference for the northeast was delayed indefinitely, and it is unclear who in the Nigerian government is responsible for Northeastern affairs. Further, the Nigerian government is doing little to counter radicalization among potential Boko Haram recruits.

In last year's annual report, USCIRF raised concerns about the Nigerian military's use of excessive force in its campaign against Boko Haram. During the reporting period, there were few reports of such military abuses, although little is known about the military's actions in Borno state. On a positive note, in December 2015, the Chief of Staff of the Nigerian army announced that the army and the Nigerian Bar Association will jointly monitor Nigerian military activities to ensure compliance with human rights protections. Finally, despite routine reports of arrests of Boko Haram fighters or terrorist defections, there are very few trials and convictions. Rather, those arrested remain in military detention without charge.

Clashes with the Islamic Movement of Nigeria

Between December 12 and 14, the Nigerian army killed, injured, and detained hundreds of Islamic Movement of Nigeria (IMN) members in Zaria, Kaduna state. The IMN is a Shi'a Muslim movement dedicated to the creation of an Islamic state in northern Nigeria. On December 12, IMN members blocked the procession of the army's chief of staff. Following this incident, soldiers fired on IMN members, killing at least 300, and the army destroyed the group's spiritual headquarters. The group's leader, Sheikh Ibrahim Zakzaky, was severely injured and detained; Zakzaky's son and other leaders were among those killed. The Nigerian army claimed its actions were in response to an IMN assassination attempt on the chief of staff, although there is no evidence of this. The December 2015 confrontation followed a similar, but smaller, clash in 2014, which resulted in the death of three of Zakzaky's sons.

Five separate investigations into the incident were ongoing as of the end of the reporting period, with the leading one by the Kaduna State Commission of Inquiry. However, by the end of the reporting period, the IMN had refused to cooperate with the Commission until its members or lawyers would be able to access Zakzaky who remains detained. On February 10, Nigerian prosecutors charged 191 IMN members with illegal possession of firearms, causing a public disturbance, and incitement.

Sunni-Shi'a relations in Nigeria have worsened since the December 2015 clash. While Nigeria's predominantly Sunni community always has been opposed to the IMN, religious leaders in the past denounced the government's excessive force in other IMN-government clashes, including the 2014 incident. Similar denunciations were not issued following the December 2015 violence. Further, an increasing number of Sufi clerics, including Emir Sanusi, have rejected the IMN on theological grounds. Previously, only Salafi clerics were known to make anti-Shi'a comments.

Sectarian Violence

Since 1999, violence between Christian and Muslim communities in Nigeria, particularly in the Middle Belt states, has resulted in the deaths of more than 18,000 people, displaced hundreds of thousands, and damaged or destroyed thousands of churches, mosques, businesses, homes, and other structures. While this violence usually does not start as a religious conflict, it often takes on religious undertones and is perceived as a religion-based conflict for many involved.

In recent years, this violence has occurred primarily in rural areas. Recurrent violence between predominantly Christian farmers and predominantly Muslim nomadic herders in rural areas continued in 2015 and early 2016 and has resulted in hundreds of deaths and destroyed a number of churches. While disputes over land and cattle grazing rights for Muslim herders occur in many Nigerian regions, Christian and Muslim communities in the religiously-balkanized Middle Belt states view these conflicts in religious terms. Once fighting starts, the communities view the conflict in terms of protecting their religious community from violence, not about land.

Nigerian security services have long failed to respond adequately to this violence. The police – a federal entity commanded from Abuja, not by state governors – are rarely deployed, let alone in a timely manner. Rather, the military eventually is called in to end the violence, often with excessive force, indiscriminate

shooting, and extrajudicial killings. During or immediately following most episodes of violence, the police or military round up hundreds of persons; the suspects are then housed in police stations and their weapons and other evidence commingled, making it nearly impossible to link individual suspects to any specific crime. Additionally, the security forces frequently fail to follow up on complaints from victims identifying their perpetrators, leading many victims to stop making such reports. The police's failure to respond to and investigate religious violence impedes prosecutions, which fosters an atmosphere of impunity. In addition, in some cases, federal and state attorneys general argue over jurisdiction.

As in previous reporting periods, the Nigerian federal and state government response was non-existent or ineffective. President Buhari created a committee to investigate herder-farmer violence, but has not implemented the committee's recommendation to create grazing reserves for cattle herders.

State-Level Religious Freedom Concerns

Twelve Muslim-majority northern Nigerian states apply their interpretation of Shari'ah law in their criminal codes. Shari'ah criminal provisions and penalties remain on the books in these 12 states, although application varies by location. State governments in Bauchi, Zamfara, Niger, Kaduna, Jigawa, Gombe, and Kano funded and supported *Hisbah*, or religious police, to enforce such interpretations.

The vast majority of the Shari'ah cases revolve around criminal acts such as cattle rustling and petty theft. However, on January 5, 2016, a Kano Shari'ah Court sentenced Tijaniyya Sufi Muslim cleric Abdul Nyass to death for derogatory remarks against the Prophet Mohammed. Five of his followers were likewise found guilty of blasphemy and sentenced to death in July; an additional four were acquitted. Nyass and his followers are appealing the convictions and sentences.

Christian leaders in the northern states report that state governments discriminate against Christians in denying applications to build or repair places of worship, access to education, and representation in government bodies and employment. In November, in Zamfara state, properties of Anglican, Catholic, and Christian Corpers Fellowship churches were destroyed due to a zoning error. The Zamfara governor promised to reimburse the communities for the destroyed properties, but at the end of the reporting period, the churches had not received any compensation.

Reports of discrimination against Muslims in southern states continued in 2015. Lagos State bans the wearing of the Islamic headscarf in all state schools.

U.S. Policy

Nigeria is a strategic U.S. economic and security partner in Sub-Saharan Africa. Senior Obama Administration officials, including Secretary of State John Kerry and other senior State Department officials, regularly visit the country. The United States is Nigeria's largest trading partner. Nigeria is the second largest recipient of U.S. foreign assistance in Africa and the United States is the largest bilateral donor to Nigeria. Nigeria's importance to U.S. foreign policy was demonstrated in 2010 with the establishment of the U.S.-Nigeria Bi-National Commission. The Bi-National Commission has four working groups, on good governance, terrorism and security, energy and investment, and food security and agricultural development.

Bilateral relations improved following Nigeria's successful presidential elections in April 2015, which resulted in a peaceful political transition. Prior to the inauguration of President Buhari, U.S. officials unsuccessfully urged the Nigerian government to expand its campaign against Boko Haram beyond its military approach, address problems of economic and political marginalization in the north, and end Nigerian security forces' excessive use of force in response to Boko Haram. Following President Buhari's victory, both nations sought to improve the relationship. In July 2015, Secretary Kerry called President Buhari a "ready and willing partner."

The U.S. government has a large military assistance and anti-terrorism program in Nigeria to stop Boko Haram. The United States has designated Boko Haram as a Foreign Terrorist Organization (FTO), and has designated as terrorists, imposed economic sanctions on, and offered rewards for the capture of

several Boko Haram leaders. It also has supported UN Security Council sanctions on Boko Haram to prohibit arms sales, freeze assets, and restrict movement. In 2014, following the kidnappings of almost 200 schoolgirls in Chibok, President Barack Obama sent to Abuja a multi-disciplinary team composed of humanitarian experts, U.S. military personnel, law enforcement advisors, investigators, and hostage negotiation, strategic communication, civilian security and intelligence experts to advise Nigerian officials and help secure the return of the kidnapped girls. In September 2015, the White House announced it would provide \$45 million to Benin, Cameroon, Chad, Niger, and Nigeria to fight Boko Haram, including providing military training, equipment, and intelligence for the regional force to fight the terrorist group. In October, President Obama informed the U.S. Congress that he planned to send 300 U.S. troops and surveillance drones to Cameroon to provide intelligence, surveillance, and reconnaissance support. In January 2016, the U.S. government donated 24 Mine-Resistant Armor-Protected vehicles to Nigeria's military authorities. U.S. officials also are considering the deployment of U.S. Special Operations personnel to serve in noncombatant advisory roles. However, in compliance with the Leahy Amendment, U.S. security assistance to the Nigerian military is limited due to concerns of gross human rights violations by Nigerian soldiers. Additionally, both USAID and the State Department support counter-radicalization communication programs in northeast Nigeria. Furthermore, across the Lake Chad Basin region, the United States has provided more than \$195 million in humanitarian assistance for persons fleeing Boko Haram.

The State Department and USAID fund programs on conflict mitigation and improving interfaith relations in line with USCIRF recommendations, including a multi-year capacity-building grant to the Kaduna Interfaith Mediation Center to address ethnic and religious violence across the country.

Recommendations

Nigeria has the capacity to improve religious freedom conditions by more fully and effectively countering Boko Haram and sectarian violence, and will only realize respect for human rights, security, stability, and economic prosperity if it does so. For these reasons, USCIRF recommends that the U.S. government designate Nigeria a CPC. In addition, USCIRF recommends that the U.S. government should:

- Seek to enter into a binding agreement with the Nigerian government, as defined in section 405(c) of IRFA, and be prepared to provide financial and technical support to help the Nigerian government undertake reforms to address policies leading to violations of religious freedom, including but not limited to the following:
 - professionalize and train specialized police and joint security units to respond to sectarian violence and acts of terrorism, including in counter-terrorism, investigative techniques, community policing, non-lethal crowd control, and conflict prevention methods and capacities;
 - conduct professional and thorough investigations of and prosecute future incidents of sectarian violence and terrorism and suspected and/or accused perpetrators;
 - develop the capability to monitor patterns in the timing and location of sectarian violence and terrorism as it occurs, and to rapidly deploy specialized police and joint security units to prevent and combat such violence;
 - develop effective conflict-prevention and early-warning mechanisms at the local, state, and federal levels using practical and implementable criteria;
 - advise the Nigerian government in the development of counter- and de-radicalization programs;
 - ensure that all military and police training educates officers on international human rights standards; and
 - develop a system whereby security officers accused of excessive use of force and other human rights abuses are investigated and held accountable.
- Hold a joint session of the U.S.-Nigeria Bi-National Commission working groups on good governance

and security to address issues of Nigeria's recurrent sectarian violence and failure to prosecute perpetrators;

- Encourage the Nigerian government to work with Muslim herders to demarcate and establish reserved pastures and routes for the cattle grazing and migrations to reduce sectarian conflicts in the Middle Belt;
 - Expand engagement with Middle Belt and northern religious leaders and elders on universal human rights, including freedom of religion or belief;
 - Continue to support civil society and faith-based organizations at the national, regional, state, and local levels that have special expertise and a demonstrated commitment to intra-religious and interreligious dialogue, religious education, reconciliation and conflict prevention;
 - Encourage the Nigerian government to increase funding and implementation of initiatives for development assistance, counter radicalization, and conflict mitigation in northeast Nigeria;
 - Assist non-governmental organizations working to reduce tensions related to the reintegration of victims of Boko Haram, including youth and women, and of former Boko Haram fighters; and
 - Ensure that U.S.-funded education efforts in northern Nigeria to increase access to schools and reform traditional Islamic schools include lessons on the promotion of freedom of religion or belief, tolerance, and human rights.
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