

KEY FINDINGS

Religious freedom conditions in Nigeria remained poor during the reporting period. The Nigerian government at the federal and state levels continued to repress the Shi'a Islamic Movement of Nigeria (IMN), including holding IMN leader Sheikh Ibrahim Zakzaky without charge, imposing state-level bans on the group's activities, and failing to hold accountable Nigerian Army officers who used excessive force against IMN members in December 2015. Sectarian violence between predominately Muslim herders and predominately Christian farmers increased, and the Nigerian federal government failed to implement effective strategies to prevent or stop such violence or to hold perpetrators accountable.

The Nigerian military continued to successfully recapture territory from Boko Haram and arrest its members, but the government's nonmilitary efforts to stop Boko Haram remain nascent. Finally, other religious freedom abuses continue at the state level. Based on these concerns, in 2017 USCIRF again finds that Nigeria merits designation as a "country of particular concern," or CPC, under the International Religious Freedom Act (IRFA), as it has found since 2009. Nigeria has the capacity to improve religious freedom conditions by more fully and effectively addressing religious freedom concerns, and will only realize respect for human rights, security, stability, and economic prosperity if it does so.

RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Designate Nigeria as a CPC under IRFA;
- 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 counterterrorism, investigative techniques, community policing, nonlethal 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 effective conflict prevention and early warning mechanisms at the local, state, and federal levels using practical and implementable criteria;
- Advise and support the Nigerian government in the development of counter- and deradicalization 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 session of the U.S.-Nigeria Bi-National Commission on the increased sectarian violence to discuss further actions to end the violence, address land concerns, hold perpetrators accountable, and reconcile communities;
- Continue to speak privately and publicly regarding the IMN situation about the importance of all parties respecting rule of law and freedom of religion or belief;
- Expand engagement with federal and state government officials, Muslim and Christian religious leaders, and nongovernmental interlocutors to address hate speech and incitement to violence based on religious identity;
- Use targeted tools against specific officials and agencies identified as having participated in or being responsible for human rights abuses, including particularly severe violations of religious freedom; these tools include the "specially designated nationals" list maintained by the Treasury Department's Office of Foreign Assets Control, visa denials under section 604(a) of IRFA and the Global Magnitsky Human Rights Accountability Act, and asset freezes under the Global Magnitsky Act;
- 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; and
- Assist nongovernmental organizations working to reduce tensions related to the reintegration of victims of Boko Haram, including youth and women, and of former Boko Haram fighters.

BACKGROUND

Nigeria's population of 180 million is equally divided between Muslims and Christians and is composed of more than 250 ethnic groups. The majority of the population in the far north 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. Nigeria's "Middle Belt" is home to numerous smaller ethnic groups that are predominantly Christian, and it also comprises a significant Muslim population.

Managing this diversity and developing a national identity pose challenges for Nigerians and the Nigerian government.

Fears of ethnic and religious domination are longstanding; given that religious identity frequently falls along regional, ethnic, political, and socioeconomic lines, it routinely provides a flashpoint for violence.

The constitutionally mandated "federal character" principle is an attempt to avert ethnocentric tendencies and potential violence by offering each group equal access to national leadership. The federal character principle stipulates that federal, state, and local government agencies and their conduct of affairs should reflect the diversity of their populations and promote unity, thereby ensuring no predominance of persons from a few ethnic or other sectional groups.

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Among the strategies to implement this principle is a type of quota system to redress regional and ethnic disparities, ensure equal access to educational and public sector employment opportunities, and promote equal access to resources at the federal, state, and local levels. However, this principle is applied through the controversial "indigene" concept, which has led to denying certain ethnoreligious groups citizenship rights at the local level. Based on article 147 of the 1999 Constitution, Nigerian law and state and local government practice make a distinction between "indigenes" and "settlers." Indigenes are persons whose ethnic group is considered native to a particular area, while settlers are those who have ethnic roots in another part of the country. State and

local governments issue certifications granting indigene status, which bestows many benefits and privileges. The settler designation can be made even if a particular group may have lived in an area for generations.

Accessing land, schools, civil service jobs, or public office without such an indigene certificate can be almost impossible. In the Middle Belt, indigene and settler identities fall along and reinforce ethnic and religious divides, leading to sectarian violence to control state and local governments.

The 1999 Constitution of Nigeria includes provisions protecting freedom of religion or belief and prohibiting religious discrimination. In 12 Muslim-majority northern Nigerian states, federalism

has allowed the adoption of Shari’ah law in the states’ criminal codes.

In March 2016 and January and February 2017, USCIRF visited Abuja, Kaduna, and Yola to assess religious freedom conditions in the country, meeting with government officials, religious communities, civil society organizations, and internally displaced persons from the Northeast.

RELIGIOUS FREEDOM CONDITIONS 2016–2017

Clashes with and Repression of the Islamic Movement of Nigeria

During 2016, the Nigerian government at the federal and state levels continued to repress the IMN. The confrontation started in December 2015 in Zaria, Kaduna State, when the Nigerian Army killed 347 IMN members, arrested almost 200 others, including IMN leader Sheikh Ibrahim Zakzaky, and destroyed the IMN’s spiritual headquarters after the group blocked the procession of the Nigerian Army’s chief of staff.

Since this incident, the Nigerian government has detained Zakzaky without charge. A federal court ruled on December 2, 2016, that Zakzaky should be released within 45 days. On January 26, the Nigerian government appealed the ruling. The Nigerian government also continued to prosecute 191 IMN members for illegal possession of firearms, causing a public disturbance, and incitement. The

government is seeking the death penalty for 50 IMN members accused of causing the death of one military officer.

During the year, a Kaduna State gov-

ernment-appointed Commission of Inquiry (COI) investigated the December 2015 incident. The COI report, released by the government on August 1, found the Nigerian Army was responsible for the mass killing and burial of 347 IMN members, that the IMN did not possess firearms and that its other weapons were of little consequence, and that Zakzaky was responsible for the IMN’s “lawlessness.” COI members recommended that the government prosecute officers responsible for the violence and that

IMN members be held accountable for “acts of habitual lawlessness.” To date, no Nigerian Army officers have been held accountable for the violence.

On October 7, 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. Governors of Kano, Katsina, Plateau, and Sokoto states also prohibited IMN Shi’a processions, including during Ashura. On December 5, the Kaduna State government released a white paper declaring the IMN an insurgent group and finding that the Nigerian Army in 2015 acted within its rules of operations. Kaduna State Governor Nasir El-Rufai told USCIRF in January 2017 that the IMN must register as a society.

In October and November 2016, in Plateau, Katsina, Sokoto, and Kano states, security officers attacked IMN members engaged in Ashura processions. On October 14 in Plateau, soldiers attacked a procession and invaded the IMN Islamic Center, making arrests while threatening to destroy the structure. On November 14, Nigeria’s national police force killed dozens of IMN members when they attacked the group’s procession in Kano State.

Sectarian Violence

Since 1999, violence between Christian and Muslim communities in Nigeria’s Middle Belt states has killed tens of thousands, displaced hundreds of thousands, and damaged or destroyed thousands of churches,

mosques, businesses, homes, and other structures. In recent years, sectarian violence has occurred in rural areas between predominantly Christian farmers and predominantly Muslim nomadic herders. 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. During USCIRF’s 2017 visit to Nigeria, interlocutors cited different reasons for the violence, including land disputes resulting from herders seeking land for their cattle to graze and migrate; herdsmen being more heavily armed to protect their cattle from cattle rustling; Fulani engaging in revenge attacks in southern Kaduna in response

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to the post-election violence in which 500 Muslims were killed in that area; and, for Christian interlocutors, a Fulani ethnic cleansing campaign against indigenous ethnic groups to take their lands.

Recurrent violence in rural areas increased in the reporting period, resulting in hundreds of deaths and a number of churches destroyed. Such attacks were reported in Kaduna, Plateau, Bauchi, Taraba, and Benue states. For example, in March in Agatu Local Government Area, Benue State, an estimated 100–300 were killed and there were reports of at least six villages destroyed. On December 19, the Catholic Archdiocese of Kafancan reported that in 2016 at least 800 were killed in sectarian violence in 53 villages in southern Kaduna. The Archdiocese also reported that 16 churches were destroyed during the year.

The Nigerian government has long failed to respond adequately to this violence. The federal police are rarely deployed, let alone in a timely manner. While the government deployed police and the military to southern Kaduna to address violence in that area, nongovernmental interlocutors universally told USCIRF that the deployments stick to main roads and do not venture into more rural areas where the violence occurs, and they do not respond when forewarned of the potential for violence or when violence occurs. Corrupt police practices, such as officers requiring victims pay bribes before they respond or listen to reports of violence, also impede government efforts to halt conflicts.

During USCIRF's 2017 visit to Nigeria, government interlocutors explained some new efforts to address the increased violence. The Ministry of Interior said it created a governmental and nongovernmental committee to investigate the violence and is waiting for its report and recommendations. Foreign Minister Geoffrey Onyeama said the Ministry of Agriculture is working to create grazing reserves and routes for cattle herders. In a positive move, the Kaduna State government announced its intention to allocate 20,000 hectares of land in southern Kaduna to grazing reserves, over and above land already occupied illegally by the herders;

in response, Christian indigenous groups announced they will not give up their land. Governor El-Rufai told USCIRF his government will end the tradition of commissioning a report and ignoring its recommendations and instead arrest perpetrators. As of the time of this writing, 17 individuals in Kaduna State have been arrested. The Benue and Baysala state governors also provided land for cattle grazing.

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. Escaped Boko Haram abductees, human rights groups, and news accounts report that Boko

Haram forces Christians to convert or die, applies Shari'ah law and corresponding *hudood* punishments for those deemed guilty of various criminal or morality offenses, and requires Muslims in its areas to attend

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Quranic schools to learn its extreme interpretation of Islam. Boko Haram has attacked churches, executed civilians, and destroyed whole villages. Since May 2011, according to the Council on Foreign Relations' Nigeria Security Tracker, Boko Haram and the military campaign against the terrorists have killed more than 28,000 people. The Boko Haram crisis has resulted in more than 1.8 million internally displaced persons (IDPs).

In March 2015, Boko Haram pledged its allegiance to the Islamic State of Iraq and Syria (ISIS). In August 2016, ISIS announced a new "governor" for West Africa, declaring that a splinter Boko Haram group had been formed, focusing its efforts on military and Western targets.

During the reporting period, the Nigerian military—assisted by regional troops and local vigilante groups known as the Civilian Joint Task Force (C-JTF)—continued to pressure Boko Haram. While the traditional Boko Haram faction is retreating to the Sambesi Forest area, the ISIS-affiliated group has

increased its campaign along the northern border and into Niger. Despite a loss of territory, Boko Haram continues to engage in asymmetrical attacks, including against mosques and markets. In March 2016, USCIRF staff interviewed IDPs in Yola and were told of ongoing security concerns for those who returned to home areas in Borno State, including suspicion between Christians and Muslims and between the C-JTF and those it suspects of being current or former Boko Haram members. USCIRF also received reports that women impregnated by Boko Haram fighters and their children have been shunned from their home communities.

The Nigerian government's efforts against Boko Haram continue to be primarily military. In October, President Muhammadu Buhari announced the creation of the Presidential Committee on North East Initiative (PCNI) to address development and radicalization issues in the northeast. Minister of Foreign Affairs Onyeama told USCIRF in February 2017 that the PCNI will coordinate development initiatives for the northeast, but that more funding is needed for this effort to be successful. Under the Office of the National Security Advisor, the Nigerian prison system operated a small deradicalization program in a prison outside of Abuja. A larger military-led program is not yet operational. The Ministry of Interior told USCIRF in February 2017 that it is deploying police to liberated Boko Haram areas to ensure security. Finally, despite routine reports of arrests of Boko Haram fighters, there are very few trials and convictions. Rather, those arrested remain detained without charge. Further, Boko Haram defectors remain detained without adequate government efforts to deradicalize and/or reintegrate them into society.

Security forces have been accused of engaging in indiscriminate and excessive use of force, committing extrajudicial killings, mistreating detainees in custody, making arbitrary arrests, and using collective punishments. The Nigeria Security Tracker reports that state security officers are solely responsible for more than 6,700 deaths from May 2011 through January 2017. USCIRF has 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. In response

to criticism, the Nigerian Army created a human rights monitoring office; however, there are no reports of officers being disciplined for abuses.

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, not violations of morality offenses.

Christian leaders in the northern states continued to report to USCIRF that state governments discriminate against Christians by denying applications to build or repair places of worship, access to education, representation in government bodies, and employment. They also reported that Christian girls are abducted by Muslim men to be brides.

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In this reporting period, mobs killed two women accused of blasphemy. On June 2 in Kano, Bridget Agbahime was killed after she was accused of insulting a man prior to his prayers. Five men were arrested; however, on November 3 the Kano chief magistrate dismissed the case on the recommendation of the Kano State attorney general, who said the accused were innocent.

On July 9, Redeemed Christian Church of God Pastor Eunice Elisha was killed while preaching in Abuja. Police report that four suspects are detained. In January 2017, an Abuja police spokesman confirmed reports that a court ordered the release of the suspects due to lack of evidence. The spokesman said they are still investigating the murder.

During the reporting period, the Kaduna State National Assembly continued to advance the Religious Regulation Bill that Governor El-Rufai introduced on February 22. Although the legislation seeks to address religious hate speech that could incite violence, increased restrictions could limit religious leaders' and communities' religious freedom and right to freedom of speech. The bill proposes restrictions on Muslims' and Christians' religious activities, including the creation of a joint Muslim-Christian ministerial committee to issue or refuse to issue licenses to religious groups, prohibiting preaching without a license, prohibiting "abusive speech" against any person or religious organization, banning the use of audio equipment containing recordings of preaching by licensed preachers except in houses of worship and personal domiciles for religious purposes, and banning sermons that lead to "disturbance of the public peace."

U.S. POLICY

Nigeria is a strategic U.S. economic and security partner in Sub-Saharan Africa. Nigeria is the second-largest recipient of U.S. foreign assistance in Africa, and the United States is the largest bilateral donor to Nigeria. In 2010, the State Department established the U.S.-Nigeria Bi-National Commission, which includes working groups on good governance, terrorism and security, energy and investment, and food security and agricultural development.

On March 30, Nigerian Foreign Minister Onyeama and then Deputy Secretary of State Antony Blinken co-chaired the U.S.-Nigeria Bi-National Commission, with remarks by then Secretary of State John Kerry and then National Security Advisor Susan Rice. The two nations agreed to actions to further military and nonmilitary approaches to counter Boko Haram and assist civilians; assist Nigerian economic growth and development; and strengthen good governance, anti-corruption efforts, conflict mitigation programs, and public service delivery.

The U.S. government has a large military assistance and antiterrorism program in Nigeria to stop Boko Haram. The United States has designated Boko Haram as a Foreign Terrorist Organization and has designated several Boko Haram leaders as terrorists, imposed economic sanctions on them, and offered rewards for

their capture. It also has supported UN Security Council sanctions on Boko Haram to prohibit arms sales, freeze assets, and restrict movement. The U.S. government provides U.S. military personnel, law enforcement advisors, investigators, and civilian security and intelligence experts to Nigeria to advise officials on countering Boko Haram activities. 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 the U.S. Agency for International Development (USAID) and the State Department support counter-radicalization communication programs and humanitarian assistance in northeast Nigeria.

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Senior Obama Administration officials regularly travelled to Nigeria during the reporting period. In February 2016, then Ambassador-at-Large for International Religious Freedom David Saperstein travelled to Abuja and Jos. In August, then Secretary Kerry travelled to Abuja and Sokoto, where he met with the Sultan of Sokoto and gave a speech about religious tolerance and countering violent extremism.

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