



Australian Government
Refugee Review Tribunal

Country Advice

Nigeria

Nigeria – NGA37358 – Demography –
Anambra state – State protection –
Christians – Muslims – Criminal records –
Human sacrifice – Ritual killing – Cults –
Children of mixed parentage – Citizenship

7 October 2010

1. What is the demography of Nigeria by state, and Anambra state particularly? Please provide particular reference to religious, socio-economic, and state protection issues.

Nigeria is a federated constitutional republic of 36 states.¹ The national capital is Abuja, located in the Abuja Capital Territory. In 2009 the Central Intelligence Agency's (CIA) *World Factbook* estimated the total population at 149,230,000.² Population counting and demography are complex issues in Nigeria. For example, births and deaths are significantly underreported in Nigeria³ - 70 per cent of approximately 5 million children born each year are not registered at birth;⁴ and the 2003 census was vigorously disputed in Nigeria for failing to correctly count the population.⁵ Almost two thirds of the population (64 per cent) live in rural areas, the remaining third (36 per cent) live in urban areas.

¹ Alumona, I. 2010, 'The February 6, 2010 Gubernatorial Election in Anambra State (Nigeria): A Study in Political Behavior', *Pakistan Journal of Social Sciences*, Vol. 7, Issue 3, pp. 279 – 286,

<http://www.medwelljournals.com/fulltext/?doi=pjssci.2010.279.286> – Accessed 8 October 2010, Attachment 3

² Central Intelligence Agency (CIA) *World Factbook* – 2009, 'The World Factbook – Nigeria', CIA website, <https://www.cia.gov/library/publications/the-world-factbook/geos/ni.html#> – Accessed 19 October 2010, Attachment 6

There is significant debate regarding the population on Nigeria. The UN reported in 2005, that no census had been conducted since 1991 – see UN Special Rapporteur on freedom of religion or belief (October 2005): *juju*, secret societies and cults in Nigeria (UN Commission on Human Rights 2005, *UN Report of the Special Rapporteur on freedom of religion or belief, Asma Jahangir – Mission to Nigeria*, 7 October, E/CN.4/2006/5/Add.2 – Attachment 51. Other sources state Nigeria has conducted two censuses since the end of military rule in 1999, in 2003 and 2006 – see for instance, Pew Research Centre Forum 2009, *Mapping the Global Muslim Population: A Report on the Size and Distribution of the World's Muslim Population*, Pew Research Centre, <http://pewforum.org/Muslim/Mapping-the-Global-Muslim-Population.aspx> – Accessed 13 October 2010, pg 50, Attachment 38

³ Akande, T. M. & Sekoni, O. O. 2005, 'A Survey on Birth and Death registration in a semi-urban settlement in middle-belt Nigeria', *European Journal of Scientific Research*, Vol. 8, No. 2, <http://www.unilorin.edu.ng/publications/drakande/Birth%20and%20death%20registration%20in%20semi-urban%20settlement.pdf> – Accessed 15 October 2010, Attachment 2

⁴ UNICEF Nigeria 2007, 'Information sheet: Birth Registration', July, UNICEF, http://www.unicef.org/wcaro/WCARO_Nigeria_Factsheets_BirthRegistration.pdf – Accessed 15 October 2010, Attachment 49

⁵ Udofia, Dr C. 2007, 'Advertorial: National Population Commission Lagos State Claim on the Provisional result of the 2006 Census is unfounded', 8 February, <http://web.archive.org/web/20070623051012/http://www.population.gov.ng/press-02-07.pdf> – Accessed 19 October 2010, Attachment 43

The Nigerian population is made up of over 250 ethnic groups, the largest and most influential of which are Hausa and Fulani (Hausa-Fulani) (29 per cent), Yoruba (21 per cent), Igbo (Ibo) (18 per cent), Ijaw (10 per cent), Kanuri (4 per cent), Ibibio (3.5 per cent) and the Tiv (2.5 per cent).⁶

Oil provides 80 per cent of the budgetary revenue of the Nigerian government. The mining industry has significantly contributed to regional unrest across Nigeria. The CIA note that the attendant corruption and mismanagement of natural resources in Nigeria has stoked regional disputes over the distribution of the earnings from the oil industry. Although the national unemployment rate is reported to be under 5 per cent (4.7 per cent), 70 per cent of Nigerians live below the poverty line.⁷

Anambra State

Anambra State has an estimated population of 8.5 million and is the eighth most populous state in Nigeria.⁸ The official language in Anambra is Igbo which is spoken by 90 per cent of the population.⁹ Approximately 85 per cent of the Anambra state population is Christian, 12 per cent are 'traditional believers' and 3 per cent are Muslim.¹⁰

The Catholic Archdiocese based in the local government area (LGA) of Onitsha¹¹ supports dozens of parishes in the state including a parish in the town of Nnewi.¹²

Ethnic and Religious demography

Nigeria is geographically and politically divided by ethnicity and religion and, as a result, each state is "composed of similar ethnic groups co-existing together".¹³ The three most dominant ethnic groups have large geographic areas of influence "[t]he Hausa-Fulani of the north, the Yoruba of the west and the Igbo of the east"¹⁴ – a region also sometimes

⁶ Central Intelligence Agency (CIA) *World Factbook* – 2009, 'The World Factbook – Nigeria', CIA website, <https://www.cia.gov/library/publications/the-world-factbook/geos/ni.html#> – Accessed 19 October 2010, Attachment 6

⁷ Central Intelligence Agency (CIA) *World Factbook* – 2009, 'The World Factbook – Nigeria', CIA website, <https://www.cia.gov/library/publications/the-world-factbook/geos/ni.html#> – Accessed 19 October 2010, Attachment 6

⁸ Law, G. 2007, 'Nigeria States', Statoids website, 23 November, <http://www.statoids.com/ung.html#> – Accessed 13 October 2010, Attachment 31. The author of Statoids, Gwillim Law describes the website as "a guide to Internet sites about the statoids of each country. It can be used independently, but it is meant to be an update to the book Law, G. 1998, *Administrative Subdivisions of Countries*, McFarland & Company, North Carolina."

⁹ 'Anambra State', undated, *Igbo Focus.co.uk*, http://www.igbofocus.co.uk/html/anambra_state.html – Accessed 8 October 2010, Attachment 26

¹⁰ 'Anambra State', undated, *Igbo Focus.co.uk*, http://www.igbofocus.co.uk/html/anambra_state.html – Accessed 8 October 2010, Attachment 26

¹¹ Catholic Archdiocese of Nnewi, undated, *Nnewi Diocese: History*, <http://www.nnewidiocese.org/history.htm> – Accessed 8 October 2010, Attachment 5

¹² Catholic Archdiocese of Nnewi, undated, *Nnewi Diocese: History*, <http://www.nnewidiocese.org/history.htm> – Accessed 8 October 2010, Attachment 5

¹³ Chikwem, R. undated, 'Lifting the Veil of Ignorance: The Issue of Discrimination, Ethnicity and National Integration in Nigeria', www.gamji.com, <http://www.gamji.com/article6000/NEWS7928.htm> – Accessed 13 October 2010, Attachment 7. Gamji is a news portal and discussion forum focusing on Nigerian and African issues.

¹⁴ International Crisis Group 2006, *Nigeria: Want in the midst of plenty*, ICG website, 19 July, pg. 3 http://www.crisisgroup.org/library/documents/africa/west_africa/113_nigeria_want_in_the_midst_of_plenty.pdf – Accessed 19 October 2010, Attachment 29.

called Biafra.¹⁵ Other Nigerians are wary of this “ethnic triumvirate”, and this politicised tribal feeling has caused a civil war and continues to influence and impede the struggle for democratic rights.¹⁶

A “significant majority of Nigerians are not only believers but regularly attend religious services and are active members of their religious communities.”¹⁷ Although there are no current national figures, the UN Rapporteur estimated in 2005 that,

approximately half of the population is Muslim, about 40 per cent is Christian and the remaining 10 per cent practice traditional African religions or other beliefs, or have no religion. Religious affiliation is usually but not always linked to ethnicity. While most Hausas/Fulanis are Muslims, Yorubas and Igbos are mainly Christians.

Christianity is the dominant religion amongst Igbo (Ibo) and Yoruba people¹⁸ while the Hausa-Fulani and Kunuri people of northern Nigeria are predominantly Muslim.¹⁹

There are three primary forms of religious observance in Nigeria, and the population is divided into three areas, the northern Muslim states, the Southern Christian states, and the ‘middle belt’ states which host both communities:

- Muslim states include Adamawa, Bauchi, Borno, Gombe, Jigawa, Kano, Katsina, Kebi, Nawarawa, Niger, Sokoto, Yobe and Zamfara.²⁰
- Most Christians live in the South, including the Igbo in the South-east and the Ogoni and Ijaw peoples in the Delta region²¹. Mainly Christian states include Abia, Akwa Ibom, Anambra, Bayelsa, Cross River, Delta, Ebonyi, Edo, Ekiti, Enugu, Imo, Ondo and Rivers.²²
- States of the so-called “middle belt” have both Christians and Muslims in

¹⁵ For information on the short-lived republic of Biafra, see for example, ‘Igbo’ in *World Directory of Minorities and Indigenous Peoples*, Minority Rights Group International 2008,

<http://www.minorityrights.org/5753/nigeria/igbo.html> – Accessed 20 October 2010, Attachment 57

¹⁶ International Crisis Group 2006, *Nigeria: Want in the midst of plenty*, ICG website, 19 July, pg 3

http://www.crisisgroup.org/library/documents/africa/west_africa/113_nigeria_want_in_the_midst_of_plenty.pdf – Accessed 19 October 2010, Attachment 29

¹⁷ UN Commission on Human Rights 2005, *UN Report of the Special Rapporteur on freedom of religion or belief*, Asma Jahangir – *Mission to Nigeria*, 7 October, E/CN.4/2006/5/Add.2 – Attachment 51

¹⁸ Khatib, L. 2003, ‘Nigeria: Religious Demography and Diversity’, *PBS Online NewsHour*, July,

http://www.pbs.org/newshour/bb/africa/nigeria/nigeria_religion.html – Accessed 9 October 2010, Attachment 30

¹⁹ Immigration and Refugee Board of Canada 2007, *Country Fact Sheet NIGERIA*, Immigration and Refugee Board of Canada website, August http://www.irb-cisr.gc.ca/en/research/publications/index_e.htm?docid=358&cid=161&version=printable&disclaimer=show – Accessed 14 November 2007, Attachment 28

²⁰ Immigration and Refugee Board of Canada 2007, *Country Fact Sheet NIGERIA*, Immigration and Refugee Board of Canada website, August http://www.irb-cisr.gc.ca/en/research/publications/index_e.htm?docid=358&cid=161&version=printable&disclaimer=show – Accessed 14 November 2007, Attachment 28

²¹ US Department of State 2009, *International Religious Freedom Report 2009*, 26 October,

<http://www.state.gov/g/drl/irf/> – Accessed 19 October 2010, Attachment 53

²² Immigration and Refugee Board of Canada 2007, *Country Fact Sheet Nigeria*, Immigration and Refugee Board of Canada website, August http://www.irb-cisr.gc.ca/en/research/publications/index_e.htm?docid=358&cid=161&version=printable&disclaimer=show –

Accessed 14 November 2007 – Attachment 28

different proportions²³, and are Benue, Kaduna, Kogi, Kwara, Lagos, Ogun, Osun, Oyo, Plateau and Taraba.²⁴

The predominant form of Islam is Sunni, with an emerging Shi'a minority²⁵ in Kano and Sokoto states.²⁶ The Christian population consists of Roman Catholics, Anglicans, Baptists, Methodists, Presbyterians and the Church of Jesus Christ of Latter-day Saints (Mormons).

In addition to institutional religion, many Nigerians continue to practice indigenous religious beliefs.²⁷ Writing for the American Public Broadcasting Service (PBS), Luma Khatib explains that, “[i]t is not uncommon to find Muslims and Christians carrying out ancient religious rites - such as wearing amulets - although younger generations deem compliance with old traditions as renunciation of the newer faith.”²⁸

The ethno-religious tensions which continue to dominate Nigeria's daily life²⁹ are fuelled by lack of governance and accountability, and the continued failure of national and state governments to provide basic services. Close associations between political parties and individual politicians, and the ethnic militia groups which emerged after Nigeria's first democratic elections in 1999 encourage a climate of fear, particularly during elections³⁰, and institutionalise corruption and intimidation. As the academic Johannes Harnischfeger describes,

soon after the democratic elections, people witnessed an explosion of violence. According to one report, it is estimated that at least 50,000 people have been killed in various incidents of ethnic, religious and communal violence since the return to civilian rule [in 1999].³¹

In 2005 the UN Special Rapporteur on freedom of religion or belief (Special Rapporteur) noted that while the reasons for this violence are “manifold and complex”, the instigators “have found that they can gain more support if they put their arguments in religious terms.”³²

²³ UN Commission on Human Rights 2005, *UN Report of the Special Rapporteur on freedom of religion or belief, Asma Jahangir – Mission to Nigeria*, 7 October, E/CN.4/2006/5/Add.2 – Attachment 51

²⁴ Immigration and Refugee Board of Canada 2007, *Country Fact Sheet Nigeria*, Immigration and Refugee Board of Canada website, August http://www.irb-cisr.gc.ca/en/research/publications/index_e.htm?docid=358&cid=161&version=printable&disclaimer=show – Accessed 14 November 2007 – Attachment 28

²⁵ US Department of State 2009, *International Religious Freedom Report 2009*, 26 October, <http://www.state.gov/g/drl/irf/> – Accessed 19 October 2010, Attachment 53

²⁶ ‘Shi'a Islam in Nigeria’, Wikipedia, http://en.wikipedia.org/wiki/Shi'a_Islam_in_Nigeria – Accessed 12 October 2010, Attachment 56

²⁷ US Department of State 2009, *International Religious Freedom Report 2009*, 26 October, <http://www.state.gov/g/drl/irf/> – Accessed 19 October 2010, Attachment 53

²⁸ Khatib, L. 2003, ‘Nigeria: Religious Demography and Diversity’, *PBS Online NewsHour*, July, http://www.pbs.org/newshour/bb/africa/nigeria/nigeria_religion.html – Accessed 9 October 2010, Attachment 30

²⁹ for further information on the religious conflict in Nigeria, see Country Advice 2007, *Research Response NGA32240*, 23 August, Attachment 10.

³⁰ Country Advice 2010, *NGA36554* 6 May, Attachment 8

³¹ Harnischfeger, J. 2006, ‘State Decline and the Return of Occult Powers: The Case of Prophet Eddy in Nigeria, *Magic, Ritual, and Witchcraft*, Summer, University of Pennsylvania Press, pg 56, <http://magic.pennpress.org/PennPress/journals/magic/sampleArt4.pdf> – Accessed 12 October 2010, Attachment 20

³² UN Commission on Human Rights 2005, *UN Report of the Special Rapporteur on freedom of religion or belief, Asma Jahangir – Mission to Nigeria*, 7 October, E/CN.4/2006/5/Add.2, para 80, Attachment 51

State Protection in Nigeria

Numerous reports from foreign governments, international non-government organisations and Nigerian NGOs discuss the lack of availability of state protection in Nigeria. An overview of some key issues is provided.³³

Corruption is endemic at all levels of government. Police and security forces are also notoriously corrupt, and the progress of criminal proceedings has frequently been reported to depend on paying significant bribes to arresting officers, prison guards and other officials. Improper influence of the judiciary, life-threatening pre-trial detention facilities, and lack of access to legal representation and a fair, timely trial are endemic in the Nigerian criminal justice system.³⁴

A culture of impunity is pervasive, and violent crime is often salaciously reported but very rarely punished through official channels. Politically motivated murder, extra-judicial killings and abductions by police, security forces and militia groups occur regularly throughout the country.³⁵

The reluctance of Nigerians to rely on their elected representatives, or local police force for protection from the vicissitudes of life, including violent crime, graft and corruption has led to the development of a class of non-state groups who ‘protect’ members of their tribe, or enterprise against rival gangs, political parties or other criminal groups. The combination of endemic corruption and systemic mismanagement of state resources has led to a grossly under resourced social services and civil society.

The last President, Yar’Adua, and his successor Goodluck Jonathon, have made gestures toward establishing mechanisms to address at least the most egregious forms of institutional corruption, with only limited success.³⁶

2. Discuss the treatment of Christians in Nigeria, and in Anambra state particularly, including the relationship between Christians and Muslims.

Freedom of religion is guaranteed under the Nigerian Constitution, and includes the “freedom to change one’s religion or belief, and [the] freedom to manifest and propagate

³³ See for instance: United States Department of State 2010, ‘Nigeria’, *2009 Country Reports on Human Rights Practices*, US State Department website, 11 March www.state.gov/g/drl/rls/hrrpt/2009/af/135970.htm - Accessed 20 October 2010, Attachment 55; Human Rights Watch 2010, *World Report – Nigeria*, 20 January, <http://www.hrw.org/world-report-2010> - Accessed 20 October 2010, Attachment 25; Human Rights Watch 2007, *Criminal Politics – Violence, ‘Godfathers’, and Corruption in Nigeria*, 11 October, <http://www.hrw.org/reports/2007/nigeria1007/> - Accessed 14 May 2010, Attachment 24; and United Nations Office for the Coordination of Humanitarian Affairs – Integrated Regional Information Networks (IRIN) 2006, ‘At least 123 killed as anger over cartoons fuels existing tensions’, *ReliefWeb*, 23 February, <http://www.reliefweb.int/rw/RWB.NSF/db900SID/KHII-6MB9TW?OpenDocument> - Accessed 16 October 2010, Attachment 50

³⁴ Human Rights Watch 2010, ‘Nigeria: Corruption Fueling Police Abuses’, *Human Rights Watch Media Release*, 17 August <http://www.hrw.org/en/news/2010/08/17/nigeria-corruption-fueling-police-abuses> – Accessed 16 October 2010, Attachment 21

³⁵ Human Rights Watch 2010, *World Report – Nigeria*, 20 January, <http://www.hrw.org/world-report-2010> - Accessed 20 October 2010, Attachment 25

³⁶ Human Rights Watch 2008, *Nigeria: Firing of Anti-Corruption Chief Would Boost Abusive Politicians*, <http://www.unhcr.org/refworld/docid/47a833fc1a.htm> - Accessed 16 October 2010, Attachment 23

one's religion or belief through worship, teaching, practice, and observance".³⁷

In spite of this formal recognition of religious freedom, civil conflict in Nigeria is fuelled by a combination of religious belief and tribal affiliation which, in turn, are driving forces of national and state politics.³⁸ It is also important to note that intra-sectarian violence also takes place *within* particular religious communities.³⁹ Politicians are frequently unwilling to address the 'dangerous' relationship between religion and politics; indeed, local politicians continue to use religion to promote discord in their communities⁴⁰ as "to them, the wielding of political power is the most lucrative occupation in Nigeria, and its attainment by any means far outweighs the risks posed to the national interest."⁴¹

The failure of successive state and national governments to provide basic services has also encouraged reliance on religious and other non-government organisations to provide these services. This gap in service provision further legitimises religious organisations who step in to provide welfare and other services. As a religious leader interviewed by the International Crisis Group observed in 2006,

[i]n any case, all forms of popular revolt, whether they are ethnic, religious or factional, gush from the same wellspring of unbearable frustrations", explained a religious leader. The political mobilisation of religion is nothing new in Nigeria.

The relationship between Christians and Muslims in Nigeria

Country Advice NGA34366 discusses the relationship between Christians and Muslims in Nigeria in detail.⁴²

In summary, Nigeria is divided into the Muslim north (Zamfara, Kano, Katsina, Niger, Bauchi, Kaduna, Sokoto, Borno, Gombe, Kebbi, Jigawa)⁴³ and the Christian south; and both Christians and Muslims live in the 'middle belt' states.

Inter-religious violence has been reported since independence, and the US Commission *International Religious Freedom Report 2010* estimated that over 12,000 people have died as a result of this civil unrest since 1999.⁴⁴ As recently as March 2010, Christians were killed in their predominantly Christian village in Jos, the provincial capital of the

³⁷ US Department of State 2009, *International Religious Freedom Report 2009*, 26 October, <http://www.state.gov/g/drl/irf/> – Accessed 19 October 2010, Attachment 53

³⁸ See for instance, US Department of State 2009, *International Religious Freedom Report 2009*, 26 October, <http://www.state.gov/g/drl/irf/> – Accessed 19 October 2010, Attachment 53; and Question 1 of *Country Advice 2007, Research Response NGA32240, 23 August*, Attachment 10, for information on Christians in Nigeria. This response contains relevant information from the UN Special Rapporteur on freedom of religion or belief who visited Nigeria, 27 February – 7 March 2005.

³⁹ International Crisis Group 2006, *Nigeria: Want in the midst of Plenty*, 19 July, pp.24-25, Attachment 29

⁴⁰ US Department of State 2009, *International Religious Freedom Report 2009*, 26 October, <http://www.state.gov/g/drl/irf/> – Accessed 19 October 2010, Attachment 53

⁴¹ Eso, H. 2003, 'Nigeria: Religion as a tool of politics', *Kwenu.com*, 16 April, http://www.kwenu.com/publications/hankeso/religion_politics.htm – Accessed 8 October 2010, Attachment 17

⁴² Country Advice 2009, *Research Response NGA34366*, 6 February, Attachment 8

⁴³ Nmehielle, V. O. 2004, 'Sharia Law in the Northern States of Nigeria: To Implement or Not to Implement, the Constitutionality Is the Question', *Human Rights Quarterly*, August, Vol. 26, No. 3, pg 731, Attachment 34

⁴⁴ US Commission on Religious Freedom, 2010, *International Religious Freedom Report 2010 – Nigeria* (UNSCRIF 2010 report), May, <http://www.uscirf.gov/images/annual%20report%202010.pdf> - Accessed 19 October 2010, pg 1, Attachment 54

‘middle belt’ Plateau state. The Muslim perpetrators claimed they were carrying out reprisal attacks for violence which had occurred in January 2010.⁴⁵

Months after the civilian government took office in 1999, Zamfara state proclaimed Shari’a Law as the controlling legal system for the state.⁴⁶ The progressive introduction of Shari’a law in eleven other northern states between 1999 and 2003 exacerbated tensions between Muslim and Christian communities, particularly in the northern and ‘middle belt’ states where these communities had intermixed more readily than in the southern states.

Commentators have claimed that the introduction of Shari’a law was a political strategy by northern states which would shift the power balance within the national government, away from the incumbent southern president, Obasanjo and to counterbalance the perceived power shift to the South.⁴⁷ As Joe Garba explicates, [with] the introduction of *Sharia* laws by several state governments, national politics has all of a sudden become suffused with the deep-seated fear of Islam as a political force.⁴⁸ On her 2005 visit to Nigeria, the UN Special Rapporteur, observed

that tensions and lack of understanding between Muslim and Christian communities, which has been so far contained and confined to certain areas, had [become] aggravated in recent years... [and] while economic, political and other factors contribute to such tensions, they have often led to polarization along religious lines.⁴⁹

In Northern states, discrimination against Christians continues to occur, and many Christians feel that the institution of Shari’a law has effectively made Islam the state religion.⁵⁰ To date, the constitutionality of Shari’a law has not been tested.⁵¹

⁴⁵ The USCIRF 2010 report described events in March 2010: “in the past year, two major outbreaks of sectarian violence took place since January 2010 in and around the city of Jos, Plateau State that resulted in as many as 1,000 people being killed. In addition, religiously-motivated violence by an extremist Islamic sect resulted in 900 – 2,000 deaths in several northern states in July 2009. The Jos violence was the most recent in a long line of violent incidents resulting in death and destruction, and instilling a sense of fear within Northern and Central Nigerian communities” as printed in US Commission on Religious Freedom, 2010, *International Religious Freedom Report 2010 – Nigeria* (UNSCRIF 2010 report), May,

<http://www.uscifr.gov/images/annual%20report%202010.pdf> - Accessed 19 October 2010, pg 80, Attachment 54

⁴⁶ Nmehielle, V. O. 2004, ‘Sharia Law in the Northern States of Nigeria: To Implement or Not to Implement, the Constitutionality Is the Question’, *Human Rights Quarterly*, August, Vol. 26, No. 3, pg 731, Attachment 34

⁴⁷ For further discussion on the reasons for adopting Sharia law in Nigerian states see Nmehielle, V. O. 2004, ‘Sharia Law in the Northern States of Nigeria: To Implement or Not to Implement, the Constitutionality Is the Question’, *Human Rights Quarterly*, August, Vol. 26, No. 3, pp 737 – 741, Attachment 34

⁴⁸ Emphasis in original. Eso, H. 2003, ‘Nigeria: Religion as a tool of politics’, *Kwenu.com*, 16 April, http://www.kwenu.com/publications/hankeso/religion_politics.htm – Accessed 8 October 2010, Attachment 17

⁴⁹ UN Commission on Human Rights 2005, *UN Report of the Special Rapporteur on freedom of religion or belief, Asma Jahangir – Mission to Nigeria*, 7 October, E/CN.4/2006/5/Add.2, pg 2 – Attachment 51

⁵⁰ US Department of State 2009, *International Religious Freedom Report 2009*, 26 October, <http://www.state.gov/g/drl/irf/> – Accessed 19 October 2010, Attachment 53. See also, Terman, R. & Fijabi, M. 2010, ‘Stoning is Not Our Culture: A Comparative Analysis of Human Rights and Religious Discourses in Iran and Nigeria’, March, The Global Campaign to Stop Killing and Stoning Women and the Women Living Under Muslim Laws, http://www.stop-stoning.org/files/Terman_Fijabi.pdf - Accessed 20 October 2010, Attachment 42, which provides information on the implementation of Shari’a law in northern states, particularly the impact on women, including Christian women.

⁵¹ US Department of State 2010, ‘Nigeria’, *2009 Country Reports on Human Rights Practices*, US State Department website, 11 March www.state.gov/g/drl/rls/hrrpt/2009/af/135970.htm - Accessed 20 October 2010, Attachment 55: “Because no relevant case had been appealed to the federal level, federal appellate courts had yet to decide whether such punishments violate the constitution. Courts consistently overturned stoning and

Probably due to the significant Christian majority in southern states, no reports were located detailing the adverse treatment of Christians in this area.

Treatment of Christians and the relationship between Christians and Muslims in Anambra State

Christianity is the predominant religion in Igbo-land which occupies the south-eastern states, including Anambra, Enugu and Imo where “Roman Catholics and Methodists dominate.”⁵² The majority of Nigeria’s Christians are Roman Catholic; however, other Protestant denominations maintain followings in the state, including Baptists, Presbyterians, Evangelists Pentecostal Christians and Methodists.⁵³ The Catholic diocese at Nnewi also report that “there are still some primal religionists (‘pagans’)”⁵⁴ in the diocese.

Little information was located which dealt with the relationship between Christians and Muslims in Anambra State. This is probably due to the religious and ethnic demography of Anambra. In a state with such a large majority Christian community, it would be unlikely that intra state religious violence would break out. One report was located in 2006 which noted the targeting of Muslim Hausa-Fulani speakers in the city of Onitsha in Anambra state. Muslims were being targeted by Igbo Christian youths retaliating against deaths of Igbo Christians in northern states after the publication of caricatures of Mohamed enraged northern Muslims.⁵⁵

The security of Christians in Anambra is demonstrated in their peaceful reception of a politician, General Buhari, the neighbouring Igbo state, Akwa, who had recently publicly suggested that ‘*Muslims should vote only for their fellow Muslims*’.⁵⁶

3. Please provide any information on the treatment of Nigerian citizens who have returned to Nigeria with a criminal record from overseas.

Nigerian citizens returning from overseas with a criminal record may be charged under *Decree 33* (the Decree) which came into force in 1990. The Decree provides for the prosecution of Nigerians returning to Nigeria with criminal convictions from overseas –

amputation sentences on procedural or evidentiary grounds, but the sentences had not been challenged on constitutional grounds.”

⁵² Khatib, L. 2003, ‘Nigeria: Religious Demography and Diversity’, *PBS Online NewsHour*, July, http://www.pbs.org/newshour/bb/africa/nigeria/nigeria_religion.html – Accessed 9 October 2010, Attachment 30

⁵³ Khatib, L. 2003, ‘Nigeria: Religious Demography and Diversity’, *PBS Online NewsHour*, July, http://www.pbs.org/newshour/bb/africa/nigeria/nigeria_religion.html – Accessed 9 October 2010, Attachment 30

⁵⁴ *Nnewi Diocese*, <http://www.nnewidiocese.org/history.htm> – Accessed 8 October 2010, Attachment 5

⁵⁵ United Nations Office for the Coordination of Humanitarian Affairs – Integrated Regional Information Networks (IRIN) 2006, ‘At least 123 killed as anger over cartoons fuels existing tensions’, *ReliefWeb*, 23 February, <http://www.reliefweb.int/rw/RWB.NSF/db900SID/KHII-6MB9TW?OpenDocument> - Accessed 16 October 2010, Attachment 50

⁵⁶ Nigerian commentator Hank Eso reported that the Christian community and leadership “showed the virtue of forgiveness in welcoming him wholesomely.” Eso, H. 2003, ‘Nigeria: Religion as a tool of politics’, *Kwenu.com*, 16 April, http://www.kwenu.com/publications/hankeso/religion_politics.htm – Accessed 8 October 2010, Attachment 17

including those with drug convictions⁵⁷ and other serious crimes including money laundering, advance fee fraud, armed robbery and rape.⁵⁸

The Decree states:

s 12(2)

‘Any Nigerian citizen found guilty in any foreign country of an offence involving narcotic drugs and psychotropic substances and who thereby bring the name Nigeria into disrepute shall be guilty of an offence under this subsection.’

s 12(3)

‘Any person convicted of an offence under subsection [...] (2) of this section shall be liable to imprisonment for a term of five years without an option of [a] fine and his assets and properties shall be liable forfeiture as provided by this Decree.’⁵⁹

Nigerian National Drug Law Enforcement Agency (NDLEA) officials interviewed by the *British – Danish Fact Finding Mission 2007 – 2008* (British – Danish FFM 2007 - 2008) stated that *Decree 33* had been enforced from 1990 to 2000. Although no information was available regarding the number of prosecutions and convictions from 1990 to 1995, in the period 1996 – 2000, NDLEA information indicates that **451 Nigerians had been prosecuted and convicted under the provisions of Decree 33.**⁶⁰

At interview, [NDLEA] officials stressed that these individuals had been prosecuted and convicted for ‘bringing the name of Nigeria into disrepute’ by being convicted of a drugs offence abroad, and not for committing the drugs offence itself. Those individuals therefore were never at risk of being prosecuted and convicted twice for the same offence, a situation otherwise known as ‘double jeopardy’.⁶¹

Although Nigerian officials interviewed by the British-Danish Fact Finding Mission in 2007 – 2008 reported that *Decree 33* had been suspended in 2001 due to the public’s concerns about double jeopardy⁶², reports of returned Nigerians with foreign criminal convictions being targeted by police on return continued into 2005.⁶³ In fact, officials with

⁵⁷ UK Home Office 2005, *Nigeria Country Report*, http://www.ecoi.net/file_upload/1329_1200386969_ds878-03092nig.pdf – Accessed 11 October 2010, Attachment 44, para 13.04

⁵⁸ Spokesperson for Prisoner Rehabilitation and Welfare Action speaking to the British – Danish Fact Finding as quoted in UK Home Office 2005, *Nigeria Country Report*, http://www.ecoi.net/file_upload/1329_1200386969_ds878-03092nig.pdf – Accessed 11 October 2010, Attachment 44, para 5.24

⁵⁹ UK Home Office & Danish Immigration Service 2008, *Report of Joint British-Danish Fact-Finding Mission to Lagos and Abuja, Nigeria 9-27 September 2007 and 5-12 January 2008*, 28 October <http://www.nyidanmark.dk/NR/rdonlyres/2F5AF3E1-0D42-431D-9013-B75488053160/0/NigeriafactfindingrapportIFAfinal.pdf> – Accessed 4 February 2009, Attachment 47

⁶⁰ UK Home Office & Danish Immigration Service 2008, *Report of Joint British-Danish Fact-Finding Mission to Lagos and Abuja, Nigeria 9-27 September 2007 and 5-12 January 2008*, 28 October <http://www.nyidanmark.dk/NR/rdonlyres/2F5AF3E1-0D42-431D-9013-B75488053160/0/NigeriafactfindingrapportIFAfinal.pdf> – Accessed 4 February 2009, Attachment 47

⁶¹ UK Home Office & Danish Immigration Service 2008, *Report of Joint British-Danish Fact-Finding Mission to Lagos and Abuja, Nigeria 9-27 September 2007 and 5-12 January 2008*, 28 October <http://www.nyidanmark.dk/NR/rdonlyres/2F5AF3E1-0D42-431D-9013-B75488053160/0/NigeriafactfindingrapportIFAfinal.pdf> – Accessed 4 February 2009, Attachment 47

⁶² UK Home Office 2010, *Country of Origin information Report – Nigeria*, July, <http://rds.homeoffice.gov.uk/rds/pdfs10/nigeria-150710.doc> – Accessed 20 October 2010, Attachment 46

⁶³ A representative of Prisons Rehabilitation and Welfare Action (PRAWA) speaking with *British-Danish Fact-Finding Mission* (October 2004 - November 2004) Report, dated January 2005 as quoted in UK Home Office

the Nigerian Federal Ministry of Justice participating in interviews conducted in 2005 reasserting that Nigerians returning to Nigeria having been convicted overseas of drug offences “could face being tried and sentenced again on return to Nigeria[. The official] went on to state that drug offences are being punished sternly in Nigeria [adding]: ‘if Nigerian law provides for an additional sentence it will take place.’”⁶⁴

Nigerians appealing deportation from the United States of America for criminal offences in 2010 led evidence that *Decree 33* was still in operation in Nigeria – a claim which was generally accepted by the Third Circuit Court of Appeal, supported by the US State Department.⁶⁵

The possibility of being subjected to arrest and trial upon return was supported by Nigerian civil society organisations. A representative of the Legal Defence and Assistance Project in Nigeria confirmed to the same *British – Danish FFM 2005* that persons:

who have served their sentences abroad for drug trafficking, upon return to Nigeria have been prosecuted and convicted again. The legal argument is that ‘bringing the name Nigeria into disrepute’ as stated in the drug trafficking law is another crime and isolated from drug trafficking as such. The principle of double jeopardy is not violated according to this interpretation.”⁶⁶

Similarly, the Nigerian NGO, Prisoners Rehabilitation and Welfare Association (PRAWA) also reported in 2004 that:

double jeopardy takes place in Nigeria... The Nigerian authorities do not believe that imprisonment in Europe is ‘real punishment’ and therefore ‘proper disciplining’ in a Nigerian prison is needed. Depending on the investigations the courts may add another two to three years and in extreme cases up to seven years in Nigerian prisons to the term a person may already have served overseas. Such persons will often be put into a maximum-security prison.”⁶⁷

Extensive reporting on corruption within the police force; extrajudicial killings and abductions; lengthy pre-trial detention in appalling prison conditions, often amounting to cruel and unusual punishment; confessions extracted through torture; and lack of access to representation, are documented by many NGO and state affiliated organisations, including

2005, *Nigeria Country Report*, http://www.ecoi.net/file_upload/1329_1200386969_ds878-03092nig.pdf – Accessed 11 October 2010, Attachment 44, para. 5.23

⁶⁴ A representative of the Federal Ministry of Justice speaking with *British-Danish Fact-Finding Mission* (October 2004 - November 2004) Report, dated January 2005 as quoted in UK Home Office 2005, *Nigeria Country Report*, http://www.ecoi.net/file_upload/1329_1200386969_ds878-03092nig.pdf – Accessed 11 October 2010, Attachment 44, para. 5.24

⁶⁵ See for example: “the [Immigration Judge] made ‘an administrative finding of fact’ that this practice [of detaining, arresting and jailing returned criminal deportees] carried out pursuant to a directive known as ‘Decree 33’, was still in effect”, Scirica CJ, Barry J, Smith J in *Ezeadigo Chinedu Oduche-Nwakaihe (Petitioner) v. Attorney General Of The United States, (Respondent)* 2010; Petition For Review Of An Order Of The Board Of Immigration Appeals; Submitted Under Third Circuit LAR 34.1(a), January 12, <http://vlex.com/vid/75703475> – Accessed 14 October 2010, Attachment 18; and Leonard, A. 2008, (blog) *Leonard Link: Reporting and commentary on law... and current events by New York Law School Professor Arthur S. Leonard, with a special emphasis on Sexuality and the Law*, January 21, <http://newyorklawschool.typepad.com/leonardlink/2008/01/7th-circuit-ord.html> – Accessed 14 October 2010, Attachment 32

⁶⁶ UK Home Office 2005, *Nigeria Country Report*, http://www.ecoi.net/file_upload/1329_1200386969_ds878-03092nig.pdf – Accessed 11 October 2010, Attachment 44, para. 5.23

⁶⁷ UK Home Office 2005, *Nigeria Country Report*, http://www.ecoi.net/file_upload/1329_1200386969_ds878-03092nig.pdf – Accessed 11 October 2010, Attachment 44

Human Rights Watch⁶⁸ and the US Government's Bureau of Citizenship and Immigration Services⁶⁹.

There is also further information on the treatment of failed asylum seekers returning to Nigeria and treatment by authorities⁷⁰ in *Country Advice NGA30831*.⁷¹

4. Please provide any information on the treatment of children from mixed parentage in Nigeria, in particular children from an ethnic Nigerian and an ethnic Chinese, and any information particularly referring to Anambra state if possible.

No information was located which discusses the treatment of children from Nigerian/Chinese parentage in Nigeria, nor was information found more broadly on the treatment of children of mixed parentage. Some information was located which discusses the treatment of non-Nigerian partners of Nigerian citizens. No sources were located which discuss the experiences of the children of these unions.

Nonetheless, ethnicity and familial relationships are primary categories which determine government job opportunities, the ability to run for public office, apply for scholarships at university, and other advantages.⁷² The scarce resources, poor governance and endemic corruption which characterise Nigerian life, are compounded by ethnic minority fears of marginalisation by the three large ethnic groups. Encouraged by public figures, and entrenched in state legislation, discrimination on the basis of indigeneity and ethnicity is at best a misguided attempt to protect cultural diversity and the integrity of ethnic minorities. The results, however, have been inter-ethnic violence; corruption associated with the distribution of certificates of indigeneity, and societal discrimination based on often spurious claims of land ownership and heritage.

The 2006 *Human Rights Watch* report, *They Do Not Own This Place* elucidates the phenomenon of indigeneity in Nigeria. Human Rights Watch explains:

The population of every state and local government in Nigeria is officially divided into two categories of citizens: those who are indigenes and those who are not. The indigenes of a place are those who originally settled there. Everyone else, no matter how long they or their families have lived in the place they call home, is and always will be a non-indigene... [A host of official and unofficial] discriminatory practices effectively relegate non-indigenes to the status of second class citizens...

⁶⁸ *inter alia* Human Rights Watch 2010, 'Nigeria: Corruption Fueling Police Abuses', *Human Rights Watch Media Release*, 17 August <http://www.hrw.org/en/news/2010/08/17/nigeria-corruption-fueling-police-abuses> - Accessed 16 October 2010, Attachment 21; and Human Rights Watch 2007, *Criminal Politics – Violence, 'Godfathers', and Corruption in Nigeria*, 11 October, <http://www.hrw.org/reports/2007/nigeria1007/> - Accessed 14 May 2010, Attachment 24

⁶⁹ US Bureau of Citizenship and Immigration Services, *Nigeria: Information on Whether or Not a Deportee with a Past Drug Conviction in the United States will be Tortured in Prison Upon Return to Nigeria Under the Present Interim Government of Abubakar*, 8 March 2000, <http://www.unhcr.org/refworld/docid/3ae6a6b517.html> - Accessed 20 October 2010

⁷⁰ Edmund Rice Centre for Justice & Community Education 2004, *Deported to Danger – A Study of Australia's Treatment of 40 Rejected Asylum Seekers*, September, pg 28 – Attachment 15

⁷¹ Country Advice 2006, *Research Response, NGA30831*, Attachment 11

⁷² For a discussion of indigeneity, citizenship and the drafting of the Nigerian Constitution see 'Indigenes, Residents or Citizens? The Constitutional Conference: Debating the 1999 Constitution of Federal Republic of Nigeria' 2010, *Gender & Development Action* as reprinted by *This Day Online*, 2 September, <http://www.thisdayonline.info/development/20030312dev06.html> - Accessed 9 October 2010, Attachment 19

A Nigerian who cannot prove that he is an indigene of somewhere by producing a “certificate of indigeneity” is discriminated against in every state of the federation and is barred from many opportunities at the federal level as well... As in other aspects of Nigerian public life, the decision making and allocation of indigeneity certificates is discriminatory, corrupt, [and] arbitrary.⁷³

Conflicts between indigenous and ‘settler’ communities occur throughout Nigeria, and stoke the religious and ethnic tensions which continue to characterise the post-dictatorship era in Nigeria.

In 2007, the Australian Department of Foreign Affairs and Trade (DFAT) provided advice to the Tribunal regarding the treatment of Nigerian women who marry foreign men.⁷⁴ Based on their personal experience, an understanding of Nigerian federalism, as well as discussions with Nigerian men and women, Post informed the Tribunal that it would be reasonable to expect strong opposition to the marriage of a Nigerian woman to a foreign man amongst all levels and ethnicities in Nigeria. As Post explains,

[s]uch an attitude usually arises from family pressure which encourages marriage within the same ethnic group and even within the same tribal/clan in rural areas. Family members are also generally very suspicious of the intentions of foreign men. In situations, where women may be living away from their relatives, opposition generally emanates from religious congregations which strongly encourage marriage within the assembly/followers of the same church.

... Women marrying Nigerian men outside their religious congregation can be also disown depending upon the strictness of the church. Complete disowning of women is not uncommon in Nigeria, particularly in northern Muslim states where bigamy is legal for men. It is therefore difficult to conclude that women marrying foreign men would be always disowned, but evidence and custom indicate that it is a possibility. It is a fact, however, that once a Nigerian woman develops a relationship with a foreign man it can be very difficult for the woman to re-integrate in the Nigerian society.⁷⁵

Non-Nigerian women who marry Nigerian men also face discrimination, although Nigerian commentator Roy Chikwem notes, “the practice has managed to stay under the radar”.⁷⁶

Not only are social and economic privileges regulated across ethnicities, but in the eastern Igbo states, intra-ethnic hierarchies also exist. The ‘Osu Caste System’ is traditionally practiced in the Igbolands of eastern and south-eastern Nigeria continues. As Chikwem explains,

⁷³ Human Rights Watch 2006, ‘*They Do Not Own This Place*’: *Government Discrimination against Non-Indigenes in Nigeria*, pg 22, <http://www.hrw.org/en/reports/2006/04/24/they-do-not-own-place-0> - Accessed 20 October 2010, Attachment 22

⁷⁴ On 7th September 2007 a request was sent to DFAT (RRT Information Request 2007, *Country Information Request – NGA32337 (Nigeria)*, 7 September). A reply was received on 18th September 2007 at Department of Foreign Affairs and Trade 2007, *DFAT Report 695 RRT Information Request: NGA32337*, 17 September – Attachment 41

⁷⁵ Ibid.

⁷⁶ Chikwem, R. undated, ‘Lifting The Veil Of Ignorance: The Issue Of Discrimination, Ethnicity And National Integration In Nigeria’, *www.gamji.com*, <http://www.gamji.com/article6000/NEWS7928.htm> – Accessed 13 October 2010, Attachment 7

The Osu Caste system has evolved out of the cultural practices in the Igbo-land and it is an endogamous status group which places culturally defined limits upon the individual members... serious relationship [sic] of love or intermarriage between the lower caste and the rest of the community is usually and highly forbidden.⁷⁷

Chikwem also reports that if the father of a child is Nigerian, they will not face citizenship registration problems. Where the child's mother is Nigerian and their father is a foreigner, this may prevent the child from registering as an indigene. This issue has come before the Nigerian courts in *Mrs. Vayola Sears & Anor vs. Attorney-General of the Federation* (SUIT NO: FHC/L/CS/547/2003) before Justice Mustapha, Court 2 of the Federal High Court of Lagos.⁷⁸ At the time of writing, no further information on the progress or outcomes of this litigation could be located in the time allocated.

5. Provide any information on the status and operation of cults in Nigeria: their practices, membership, beliefs etc. with particular with reference to human sacrifice.

Cults and secret societies

Cults and secret societies exist throughout Nigeria and vary greatly in their organisation, goals and membership. Broadly, there are two kinds of cult activities in Nigeria.

The first type of 'cult' refers to criminal gangs which derive their membership primarily from university students and operate on campus, these cults typically "combine features of traditional Nigerian religion with the public school network of fraternities, seeking to gain influence in the university."⁷⁹ These cults have "one foot in each of the criminal and political spheres"⁸⁰ and are linked to political parties and powerful public figures. These groups routinely commit violent and other crimes at the behest of their political sponsors, including robbery, and the "rape, extortion and murder"⁸¹ of men and women who either oppose their activities, are a member of a rival gang, or otherwise come to the attention of gang members. Human Rights Watch describes these cults which operate across Nigeria, and particularly in the south, as "the most widely feared criminal enterprises in the

⁷⁷ Chikwem, R. undated, 'Lifting The Veil Of Ignorance: The Issue Of Discrimination, Ethnicity And National Integration In Nigeria', *www.gamji.com*, <http://www.gamji.com/article6000/NEWS7928.htm> – Accessed 13 October 2010, Attachment 7

⁷⁸ Chikwem, R. undated, 'Lifting The Veil Of Ignorance: The Issue Of Discrimination, Ethnicity And National Integration In Nigeria', *www.gamji.com*, <http://www.gamji.com/article6000/NEWS7928.htm> – Accessed 13 October 2010, Attachment 7

⁷⁹ UK Home Office 2005, *Nigeria Country Report*, http://www.ecoi.net/file_upload/1329_1200386969_ds878-03092nig.pdf – Accessed 11 October 2010, Attachment 44

⁸⁰ Human Rights Watch, 2007, *Criminal Politics – Violence, 'Godfathers', and Corruption in Nigeria*, 11 October, <http://www.hrw.org/reports/2007/nigeria1007/> – Accessed 14 May 2010, pg 31, Attachment 24; Rotimi, A. 2005, 'Violence in the Citadel: The Menace of Secret Cults in the Nigerian Universities', *Nordic Journal of African Studies*, Vol. 14, Issue 1, pp.79-98 <http://www.njas.helsinki.fi/pdf-files/vol14num1/rotimi.pdf> – Accessed 21 August 2007, Attachment 40; Political parties also pay unemployed youths to act as enforcers for the party's goals, see Question 2, Country Advice 2010, *Research Response NGA36554*, for further information on political violence in Nigeria, Attachment 8.

⁸¹ Immigration and Refugee Board of Canada 2009, 'Nigeria: Societal and government reactions to student cult activities (2007 – July 2009)', *Response to Information Request of 12 August 2009*, as reprinted in UK Home Office 2010, *Country of Origin information Report – Nigeria*, July, <http://rds.homeoffice.gov.uk/rds/pdfs10/nigeria-150710.doc> – Accessed 20 October 2010, Attachment 46

country”.⁸² Although these organisations are illegal, under the Nigerian Constitution, they have “flourished” in Nigeria’s modern political environment.⁸³

Although the Nigerian government has funded universities to tackle the problem of university based cults, it is alleged that the money has typically been used by university officials for their own purposes, rather than to address the issue of cults on campus.⁸⁴ The Canadian Immigration Review Board explains that the “culture of impunity” which exists in Nigeria and the influence of powerful politicians on behalf of cults, has created the impression that student cultists are “above the law and... [and never] fully prosecuted, despite evidence of their criminal activities... Powerful people are believe to use cults to further their own agendas ... Patrons reportedly provide the cults with funding and weapons... According to reports, some of these patrons are university faculty members and administrators.”⁸⁵

In 2007, Human Rights Watch interviewed an anonymous Commissioner of Police from a southern Nigerian state who stated:

‘[o]ne should expect by now that issues like cultism should have been taken seriously, very seriously by the government ... but the reverse appears to be the case. From what I can gather they have accepted cultism as a normal thing that should be expected in the universities. This in spite of the fact that some of these cultists are murderers and armed robbers and they can be recruited easily by politicians to commit violent acts – they are like a cheap market, they are there in large numbers at all times to be recruited. So there is nothing actually to deter students from continuing to enlist in these various cult groups.’⁸⁶

Difficulties also arise when police do attempt arrest and prosecution of cultists. Legislation has hampered the investigation and prosecution of cult activities.⁸⁷

There are also a variety of other secret societies and non-state organisations which operate outside this modern ‘cult’ structure and include such infamous organisations as

⁸² Human Rights Watch, 2007, *Criminal Politics – Violence, ‘Godfathers’, and Corruption in Nigeria*, 11 October, <http://www.hrw.org/reports/2007/nigeria1007/> – Accessed 14 May 2010, pg 31, Attachment 24

⁸³ Ellis, L. 2008, ‘The Okija Shrine: Death and life in Nigerian Politics’, *Journal of African History*, Vol. 49, pg 446, Cambridge University Press, Attachment 16

⁸⁴ The Immigration and Refugee Board of Canada Response to Information Request of 12 August 2009, ‘Nigeria: Societal and government reactions to student cult activities (2007 – July 2009)’, UK Home Office 2010, *Country of Origin information Report – Nigeria*, July, <http://rds.homeoffice.gov.uk/rds/pdfs10/nigeria-150710.doc> - Accessed 20 October 2010, Attachment 46, para 10.04

⁸⁵ Human Rights Watch 2007, *Criminal Politics – Violence, ‘Godfathers’, and Corruption in Nigeria*, 11 October, <http://www.hrw.org/reports/2007/nigeria1007/> - Accessed 14 May 2010, Attachment 24

⁸⁶ The Immigration and Refugee Board of Canada Response to Information Request of 12 August 2009, ‘Nigeria: Societal and government reactions to student cult activities (2007 – July 2009)’, UK Home Office 2010, *Country of Origin information Report – Nigeria*, July, <http://rds.homeoffice.gov.uk/rds/pdfs10/nigeria-150710.doc> - Accessed 20 October 2010, Attachment 46, para 10.09

⁸⁷ Rotimi, A. 2005, ‘Violence in the Citadel: The Menace of Secret Cults in the Nigerian Universities’, *Nordic Journal of African Studies*, Vol. 14, Issue 1, <http://www.njas.helsinki.fi/pdf-files/vol14num1/rotimi.pdf> – Accessed 21 August 2007, Attachment 40, “According to the criminal code, to be successfully accused of secret cultism it is required that the offender be caught wearing full secret cult regalia. This is not possible because most of the secret cult activities take place at night under the cover of darkness in unusual places. Also, for two decades now, policemen have been banned from operating on the university campuses in Nigeria. It is to be noted that former secret cult members hardly come out to share their experiences as cult members with the general public for fear of reprisals from members who are still active. Consequently, data on secret cult activities in Nigeria must be teased out of newspaper reports, magazines and occasionally from anonymous personal anecdotes.”

the Yoruba based ‘Obgoni Society’ and ‘Epke’ organisation, based in the southeast⁸⁸. Although the Obgoni Society has been described “by Nigerians as a secret society, ... Ogboni members would likely self-identify the group as a social club that helps each other in matters such as commerce, marriage etc.”⁸⁹

The pre-dominant, non-state Igbo organisation involved in violent activities in the south-eastern states is the Bakassi Boys, described by Adewale Rotimi in his article ‘Violence in the Citadel’ as “an ethnic militia... [one of a number of] paramilitary groups which dot the whole country... [and grew as a] response to the general feeling of insecurity and lack of confidence in the police which pervades Nigeria.”⁹⁰ Writing in the *Journal of African History*, Stephen Ellis describes the Bakassi Boys as “a vigilante group originally enjoying considerable popularity in [other parts of] the south east... [which emerged in 1999] as a gang of political thugs”.⁹¹ The Bakassi Boys were hired by a governor of Anambra State, Governor Mbadinuju, to further his personal agenda. Mbadinuju “used to enforce his authority in the state government [by] obliging his political appointees to swear an oath of allegiance to him at shrines in Anambra state.”⁹² (This is discussed in more detail below under ‘human sacrifice’.)

It is unclear from the information located whether the Bakassi Boys would also be considered a ‘cult’ in this Nigerian context.

Human Sacrifice and ritual killings (or ritual murders)

The second kind of ‘cult’ activity describes traditional religious practices which have been known to involve *juju*, or traditional rituals which sometimes require human death, or human body parts in order to be effective.

Human sacrifice in Nigeria is a complex issue – human sacrifice and ritual killing (or ritual murder) are each distinct acts which take place within discrete cultural contexts. There are two ways in which killings for ritual purposes may take place. The first is killing a person in order to harvest the organs or body parts required in order to affect a ritual. This practice is usually carried out by a shaman or ‘native doctors’ (or babalawo)⁹³ mostly though “traditional cultic practices that have nothing to do with modern-day cults”⁹⁴.

⁸⁸ Ellis, L. 2008, ‘The Okija Shrine: Death and life in Nigerian Politics’, *Journal of African History*, Vol. 49, pg 447, Cambridge University Press, Attachment 16

⁸⁹ UK Home Office 2010, *Country of Origin information Report – Nigeria*, July, <http://rds.homeoffice.gov.uk/rds/pdfs10/nigeria-150710.doc> - Accessed 20 October 2010, Attachment 46, s10.01,

⁹⁰ Rotimi, A. 2005, ‘Violence in the Citadel: The Menace of Secret Cults in the Nigerian Universities’, *Nordic Journal of African Studies*, Vol. 14, Issue 1, <http://www.njas.helsinki.fi/pdf-files/vol14num1/rotimi.pdf> – Accessed 21 August 2007, Attachment 40

⁹¹ Ellis, L. 2008, ‘The Okija Shrine: Death and life in Nigerian Politics’, *Journal of African History*, Vol. 49, pg 446, Cambridge University Press, Attachment 16

⁹² Ellis, L. 2008, ‘The Okija Shrine: Death and life in Nigerian Politics’, *Journal of African History*, Vol. 49, pg 455, Cambridge University Press, Attachment 16

⁹³ Umahi, H. 2008, ‘T A Orji not member, says man who exposed Okija shrine’, 14 March, <http://nm.onlinenigeria.com/templates/?a=11693#> - Accessed 7 October 2010, Attachment 48

⁹⁴ Consultation conducted by the Canadian Immigration Review Board Research Directorate with the director of the Constitutional Rights Project NGO, reprinted in UK Home Office 2010, *Country of Origin information Report – Nigeria*, July, <http://rds.homeoffice.gov.uk/rds/pdfs10/nigeria-150710.doc> - Accessed 20 October 2010, Attachment 46, para. 20.14

Indeed,

ritual murders are individual acts, often performed following consultation or with the participation of a shaman or witch doctor, and are designed to call the favour of the gods onto an individual⁹⁵ ... those who perform ritual murders are individuals working for their own profit.⁹⁶

The second kind of ritual killing is ‘human sacrifice’, where the murder itself is a ritual practice. This involves the participation of the community in a formalised manner⁹⁷. “In sacrifice the killing of a person to mollify deities is the point.”⁹⁸

It is of note that shrines are often reported to be run by extended family units, and the sons of native doctors have been reported to be trained by their fathers in order to take over the running of the shrine.⁹⁹

The frequency, nature and targets of these attacks are difficult to establish for a variety of reasons. Some reports suggest that many people who are victims of these ritual killings are often trafficked or vulnerable in other ways which mean their death may not be reported, or investigated.¹⁰⁰ The UK Home Office reports that children in Nigeria are particularly vulnerable to kidnapping and forced labour, prostitution and “sometimes, ritual killing”. Children are thought to be of more value in ritual killings than older people, as children are considered younger and more fertile.¹⁰¹

The practice of bringing the corpses of people thought to have been killed by deities or spirits back to the shrine has also confused the popular press and, in turn, made the true incidence of ritual murder difficult to ascertain.¹⁰² Some people also believe that “**deaths**

⁹⁵ The Canadian IRB Research Directorate consulted a professor at the African Studies and Research Centre at Cornell University (USA), as reprinted in UK Home Office 2010, *Country of Origin information Report – Nigeria*, July, <http://rds.homeoffice.gov.uk/rds/pdfs10/nigeria-150710.doc> - Accessed 20 October 2010, Attachment 46, para. 20.08

⁹⁶ Consultation conducted by the Canadian Immigration Review Board Research Directorate with the director of the Constitutional Rights Project NGO, reprinted in UK Home Office 2010, *Country of Origin information Report – Nigeria*, July, <http://rds.homeoffice.gov.uk/rds/pdfs10/nigeria-150710.doc> - Accessed 20 October 2010, Attachment 46, para. 20.05

⁹⁷ UK Home Office, 2010 *Country of Origin Information Report – Nigeria*, January, <http://rds.homeoffice.gov.uk/rds/pdfs10/nigeria-180110.doc> - Accessed 20 October 2010, Attachment 45, para. 20.20

⁹⁸ UK Home Office 2010, *Country of Origin information Report – Nigeria*, July, s10.01 <http://rds.homeoffice.gov.uk/rds/pdfs10/nigeria-150710.doc> - Accessed 20 October 2010, Attachment 46

⁹⁹ see for instance, Umahi, H. 2008, ‘T A Orji not member, says man who exposed Okija shrine’, 14 March, <http://nm.onlinenigeria.com/templates/?a=11693#> - Accessed 7 October 2010, Attachment 48, “the [shrine] run by some men and their children”.

¹⁰⁰ see for example, ‘African Leaders are Involved in Ritualistic Human Sacrifice’, 2004, *Africans in America*, <http://africansinamericainc.org/a/p/pr/pr013.html> - Accessed 7 October 2010, Attachment 1

¹⁰¹ UK Home Office, 2010 *Country of Origin Information Report – Nigeria*, January, <http://rds.homeoffice.gov.uk/rds/pdfs10/nigeria-180110.doc> - Accessed 20 October 2010, Attachment 45, para. 20.11

¹⁰² Ellis, L. 2008, ‘The Okija Shrine: Death and life in Nigerian Politics’, *Journal of African History*, Vol. 49, pg 456, Cambridge University Press, Attachment 16 “if one of the [visitors] to a shrine subsequently died, he would be regarded as having been punished by the shrine deity and his family would be obliged to bring the corpse to the shrine... to placate the anger of the deities”.

attributed to the shrine were caused by human agency, in the form of rituals designed to kill a victim by mystical means or through to use of poisons.”¹⁰³

In his 2005 article, ‘*Ritual Killing and Pseudo Science in Nigeria*’, Nigerian commentator Leo Igwe asserts,

ritual killing is a common practice in Nigeria. Every year, hundreds of Nigerians lose their lives to ritual murders [sic], also known as head-hunters. These head hunters [sic] go in search of human parts – head, breast, tongue, sexual organs – at the behest of witchdoctors, juju priests and traditional medicine men who require them for some sacrifices or for the preparation of assorted magical portions [sic]. Recently, there have been several reported cases of individuals who were kidnapped, killed or had their bodies mutilated by ritualists in Nigeria ...

Igwe concludes, “driven by ignorance, poverty, desperation, gullibility and irrationalism, Nigerians murder fellow Nigerians for rituals.”¹⁰⁴

Igwe lists the following instances of ritual murder and mutilation in other parts of the country:

- Calabar: two men plucked the eyes of a young lady, Adlyne Eze for money-making ritual.
- Ifo, Ogun state: a business man inflicted the same harm on his younger sister.
- Ibadan: the police in December arrested a taxi driver, Abbas, who used his 14-month old baby for rituals. Abbas killed his child in order to produce a human head, which was one of the materials listed for him by a local witchdoctor for a money-making ritual.
- Onitsha, Anambra State: two young men - Tobeckwu Okorie and Peter Obasi - seized a boy, Monday Emenike, and cut off his sexual organ with the intention of delivering it to a man, who allegedly offered to pay a sum of 1.5 million naira (11,000 dollars) for it.
- Kaduna: a man... was arrested after he exhumed the corpse of a 9 - year old boy, plucked his eyes and cut off his lips which he intended to use for charms.
- Warri, Delta State: a woman was caught in a bush in Warri, Delta State decapitating a four-year old boy for ritual purposes.

The situation is exacerbated by a combination of salacious press coverage, few arrests and a perception that police and the courts have been co-opted by the wealthy murderers.¹⁰⁵

¹⁰³ Ellis, L. 2008, ‘The Okija Shrine: Death and life in Nigerian Politics’, *Journal of African History*, Vol. 49, pg 456, Cambridge University Press, Attachment 16

¹⁰⁴ Igwe, R. 2006, ‘Ritual Killing and Pseudoscience in Nigeria’, 18 November, *Earthward.org*, <http://www.earthward.org/faq.shtml> - Accessed 19 October 2010 Attachment 27 - Accessed 21 October 2010

¹⁰⁵ UK Home Office 2010, *Country of Origin information Report – Nigeria*, July, <http://rds.homeoffice.gov.uk/rds/pdfs10/nigeria-150710.doc> - Accessed 20 October 2010, Attachment 46, para. 20.12

According to published reports, there have been a few ... cases where arrests have been made... **But mostly the idea of ritual murder sits there and people fear it.**¹⁰⁶

The link between modern day criminal organisations, traditional religious practice, and the use of human body parts in ritual observance is complex. Traditional medicine and belief in the spirit world and its influence in the Nigerian daily life is evidenced in all levels of the social strata. Politicians have been accused of conducting rituals at shrines in order to appease the spirits, or request favours and assistance from them.¹⁰⁷ The reasons occult and spiritual powers are credible sources of fortune or misfortune in Nigeria is associated with the “moral vacuum in Nigeria’s formal political arena”. This vacuum has been filled with traditional hierarchies of authority¹⁰⁸ which politicians access to build and secure their political and physical power base. The “historical tendency of Nigerian politicians to develop links with local centres of political influence by association with shrines and other indigenous religious institutions’ [has become] ‘even more acute’ since the end of the military regime.”¹⁰⁹

In his article ‘State decline and the Return of Occult Powers’, Johannes Harnischfeger argues that “secular institutions like the police or law courts, which lack the backing of spiritual powers, are ill-suited to deal with occult forms of evil. So the fear of uncontrolled invisible forces, which has been rising in many parts of Africa since the 1980s or 1990s has contributed to the delegitimisation of state institutions based on Western law.”¹¹⁰

Incidents in Anambra State

The most recent, significantly reported incident possibly involving ritual murder in Anambra State occurred in 2004 at the Ogwugwo shrine in Okija, Ihiala local government area. In August that year,

[Seventy] bodies and hundreds of decomposing parts [were found,] openly displayed in the satanic shrine at Okija. Police also found registers containing the names of the customers who patronised the shrine.” The Governor of Anambra State at the time, Chris Ngige admitted to performing rituals at the shrine, “in order to get political position and power.” Sources do not clearly describe how the bodies came to be at the shrine.

It is unclear from media reporting how the bodies came to be at the shrine, and whether the people were murdered elsewhere and brought to the shrine, or whether the priests murdered the victims at the shrine as a ritual practice. However, it is likely that the bodies

¹⁰⁶UK Home Office 2010, *Country of Origin information Report – Nigeria*, July, <http://rds.homeoffice.gov.uk/rds/pdfs10/nigeria-150710.doc> - Accessed 20 October 2010, Attachment 46, para. 20.12

¹⁰⁷ See for instance, Umahi, H. 2008, ‘T A Orji not member, says man who exposed Okija shrine’, 14 March, <http://nm.onlinenigeria.com/templates/?a=11693#> - Accessed 7 October 2010, Attachment 48, “the [shrine at Okija] belongs to a particular families engaged in fetish practices... where someone will go to find salvation or help but they are using diabolical means to kill rich people and confiscate their property.”

¹⁰⁸ Ellis, L. 2008, ‘The Okija Shrine: Death and life in Nigerian Politics’, *Journal of African History*, Vol. 49, pg 446, Cambridge University Press, Attachment 16

¹⁰⁹ Ellis, L. 2008, ‘The Okija Shrine: Death and life in Nigerian Politics’, *Journal of African History*, Vol. 49, pg 446, Cambridge University Press, Attachment 16

¹¹⁰ Harnischfeger, J. 2006, ‘State Decline and the Return of Occult Powers: The case of Prophet Eddy in Nigeria’, *Magic, Ritual and Witchcraft*, Summer, University of Pennsylvania Press, pg 58, Attachment 20.

were brought to the shrine by their families after they had died elsewhere.¹¹¹

An article from *P.M. News* reported in 2004 that one of the arrested priests of the Okija Shrine warned:

police to stop [their] ... raids on the shrines so as not to incur the wrath of the gods. He said the gods were already angry and the sacred grove had been desecrated, adding that [the priests] should be released to go and perform the necessary rituals for appeasement, if not, "all those who desecrated the Okija shrine will die one by one."¹¹²

Materials which discuss reports in Anambra state include:

- Ellis, L. 2008, 'The Okija Shrine: Death and life in Nigerian Politics', *Journal of African History*, Vol. 49, Cambridge University Press;
- Odogwu, E., O. 2007, 'Nigeria: Student Found Dead in Farmland', *Daily Champion Newspaper*, 3 June¹¹³;
- 'Nigeria: Dealing with Murder-for-Ritual Crimes' 2010, *Daily Trust Newspaper*, 21 June¹¹⁴;
- Minchakpu, O. 2004, 'Human Sacrific Redux', *Christianity Today.com*, 12 January¹¹⁵;
- Olaoluwa, F. 2008, 'Okija shrine again!', *OnlineNigeria*, 17 April, <http://nm.onlinenigeria.com/templates/?a=11915> - Accessed 7 October 2010;
- Nnanna, O. 2009, 'Demon Worshippers in Charge', *Vanguard*, 13 July, <http://allafrica.com/stories/200907131433.html> - Accessed 7 October 2010;
- Nnadozie, E. 2008, 'Fresh Killings At Okija Shrine Says Orbed Igwe', *The Vanguard*, 13 September¹¹⁶; and
- Nnadozie, E. 2004, 'Okija: Police clamp down on fetish shrines nationwide – Ayelala, Somorika, other fetish shrines marked down', *BiafraNigeriaWorld*, 9 August¹¹⁷.

¹¹¹ Ellis, L. 2008, 'The Okija Shrine: Death and life in Nigerian Politics', *Journal of African History*, Vol. 49, pg 446, Cambridge University Press, Attachment 16

¹¹² 'Police Delay Raid on New Shrines' 2004, *P.M News*, 10 August, <http://wwrn.org/articles/7755/> - Accessed 7 October 2010, Attachment 39

¹¹³ Odogwu, E., O. 2007, 'Nigeria: Student Found Dead in Farmland', *Daily Champion Newspaper*, 3 June, <http://allafrica.com/stories/200706041041.html> – Accessed 7 October 2010, Attachment 37

¹¹⁴ 'Nigeria: Dealing with Murder-for-Ritual Crimes' 2010, *Daily Trust Newspaper*, 21 June, <http://allafrica.com/stories/201006210356.html#> - Accessed 14 October 2010, Attachment 14

¹¹⁵ Minchakpu, O. 2004, 'Human Sacrific Redux', *Christianity Today.com*, 12 January, <http://www.christianitytoday.com/ct/2004/december/16.22.html> - Accessed 7 October 2010, Attachment 33

¹¹⁶ Nnadozie, E. 2008, 'Fresh Killings At Okija Shrine Says Orbed Igwe', *The Vanguard*, 13 September, http://www.toplawyernews.com/asc/page_1627/ - Accessed 7 October 2010, Attachment 35

¹¹⁷ Nnadozie, E. 2004, 'Okija: Police clamp down on fetish shrines nationwide – Ayelala, Somorika, other fetish shrines marked down', *BiafraNigeriaWorld*, 9 August, <http://news.biafranigeriaworld.com/archive/2004/aug/09/034.html> - Accessed 7 October 2010, Attachment 36

The following reports on *juju* (fetish magic or supernatural/occult powers), cults, secret societies, witchcraft and ritual murders in Nigeria may also be of interest:

- Immigration and Refugee Board of Canada (22 July 2005): ritual murder and human sacrifice (Immigration and Refugee Board of Canada 2005, *NGA100384.E – Nigeria: Prevalence of ritual murder and human sacrifice and reaction by government authorities (March 2000 – July 2005)*, 22 July;
 - UN Special Rapporteur on freedom of religion or belief (October 2005): *juju*, secret societies and cults in Nigeria.
- 6. Can a child born overseas to a Nigerian father and a Chinese mother obtain Nigerian or Chinese citizenship based on the nationality of their parents?**

Nigerian Citizenship

On its face, the Nigerian Constitution recognises children born overseas as Nigerian citizens where at least one parent or grandparent is Nigerian. As the *UK Home Office Report – Nigeria 2010* states:

Chapter 3 of the 1999 Constitution sets out the requirements for Nigerian citizenship. Citizenship can be acquired by birth, descent, registration and naturalisation. There are legal provisions for voluntary and involuntary renunciation of Nigerian citizenship. **Dual nationality is only legally recognised for persons who are Nigerian citizens by descent, and who have acquired citizenship of another country, by descent.**¹¹⁸

Under Article 9 (‘Nationality Legal And Other Measures’), the

Constitution confers citizenship by birth on a person where either or both of his parents or grandparents are Nigerians before or after Nigeria got its independence whether or not the child was given birth to in Nigeria or outside Nigeria.¹¹⁹

Article 25(1) of the Nigerian Constitution permits a person born outside Nigeria to acquire Nigerian citizenship if “one parent is a Nigerian citizen.”

Section 28 permits dual citizenship, but where “a person becomes a Nigerian citizen by registration or naturalisation, such a person cannot acquire the citizenship of another country other than that of his birth.”¹²⁰

It may be of interest that Section 26 of the Nigerian Constitution allows a foreign woman who is married to a Nigerian man to automatically become a Nigerian whereas (however) this automatic citizenship does not apply in the case of a Nigerian woman married to a non-Nigerian man.¹²¹

¹¹⁸ UK Home Office 2010, *Country of Origin information Report – Nigeria*, July, <http://rds.homeoffice.gov.uk/rds/pdfs10/nigeria-150710.doc> - Accessed 20 October 2010, Attachment 46, 32 ‘Citizenship and Nationality’.

¹¹⁹ UK Home Office 2010, *Country of Origin information Report – Nigeria*, July, <http://rds.homeoffice.gov.uk/rds/pdfs10/nigeria-150710.doc> - Accessed 20 October 2010, Attachment 46

¹²⁰ UK Home Office 2010, *Country of Origin information Report – Nigeria*, July, <http://rds.homeoffice.gov.uk/rds/pdfs10/nigeria-150710.doc> - Accessed 20 October 2010, Attachment 46

¹²¹ <http://www.fidh.org/IMG/pdf/BAOBABNigeria41.pdf> - Accessed 9 October 2010

Chinese Citizenship

*Country Advice CHN16405*¹²² provides information on the issue of children born to Chinese nationals outside China; extracts from Question 1 are reproduced below. Some further information on the treatment of returned Chinese citizens is located in *Country Advice CHN36418*.¹²³

The *Nationality Law 1980* (PRC) was promulgated on 10 September 1980, with immediate effect. This provides information on the Chinese citizenship requirements at Articles 3, 5 and 14.

A June 1994 DFAT profile provides the following advice in respect of children of Chinese citizens:

Section 3.3.4.2 stipulates that, **as one parent is a Chinese national who has not settled abroad, the child is entitled to apply for Chinese nationality. However, the child cannot have dual nationality and must renounce any other citizenship held.** Alternately, the information at Article 3.3.4.3 advises that if the child chose to retain her Australian citizenship she would be likely to be granted a long-term resident visa entitling her to the same rights as a Chinese citizen.

*3.3.4.1 [Rights of a child born in Australia to a Chinese mother and an Australian father (with reference to Article 5 of the Nationality Law of the People's Republic of China): Should the child be an Australian citizen by birth, it will not be entitled to hold Chinese nationality. If only the mother's name appears on the birth certificate, then she could apply to the Chinese Embassy for registration of the child as a Chinese national and endorsement of the child into her passport. In this case, the child would enjoy full rights as a Chinese national on return to China. RIA Section, DFAT, 17.1.94]

*3.3.4.2 ... A child travelling to China on a foreign passport could only be registered in China if the foreign citizenship is renounced. In the case of a child travelling on an Australian passport, an application to renounce citizenship would need to be made to the Australian Minister for Immigration and Ethnic Affairs. RIA Section, DFAT, 4.2.94]

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