

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

Research Response Number: NGA35684
Country: Nigeria
Date: 12 November 2009

Keywords: Nigeria – November 2008 Jos Riots

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Questions

1. Deleted.
2. [Were there riots in Jos in November 2008?](#)
3. [Can you confirm the election date, and whether Timothy Buba won the election in November 2008?](#)
4. [Have you any material regarding the other aspects of the cause of the riots?](#)
5. [Is it correct that Nigerian Police do not help those whose birth and household registrations are located outside their area of operation.](#)

RESPONSE

1. Deleted.
2. **Were there riots in Jos as described at the time?**

Human Rights Watch (HRW) reports that there were two days of inter-communal violence in Jos on 28-29 November 2008:

The two days of inter-communal violence on November 28-29, 2008, followed a disputed local government election in Jos North on November 27. The violence pitted predominantly Christian indigenes from the Berom, Afizere, and Anaguta ethnic groups, who largely supported the Christian candidate from the ruling People's Democratic Party (PDP), against Muslim "non-indigenes" primarily from the Hausa-Fulani ethnic group, who largely backed the Muslim candidate from the opposition All Nigeria People's Party (ANPP) (Human Rights Watch 2009, *Arbitrary Killings by Security Forces – Submission to the Investigative Bodies on the November 28-29, 2008 Violence in Jos, Plateau State, Nigeria*, July, p.3 – Attachment 1).

HRW provides the following information on the Jos violence:

But in the early morning hours of Friday, November 28, following allegations that the governing PDP had rigged the election results, groups of young men from Muslim and Christian communities came together to both defend their neighborhoods from attack, and to attack the homes, businesses, and religious establishments of the opposing side. These mobs were armed with machetes, knives, petrol bombs, rocks, sticks, and in some cases firearms, including locally made hunting rifles and pistols. The vast majority of both perpetrators and victims were young men, although some 50 women and children were also killed. The violence was primarily concentrated in the neighborhoods of Ali Kazaure, Tudun Wada, Nasarawa, Rikkos, Dutse Uku, Congo Russia, Congo Junction, Angwan Keke, Bulbulla, and Angwan Rogo.

Witnesses described to Human Rights Watch how mobs of Muslim youth beat, burned, or bludgeoned to death Christians, in some cases specifically targeting pastors and church officials. One witness from the Yoruba ethnic group said five of his relatives who had come to Jos to attend the wedding of his daughter were among 12 Christians burned alive by a mob of Muslims. Other witnesses described how hundreds of Muslim youth besieged and burned churches and homes belonging to Christian families. Church officials reported that seven Christian pastors and church leaders were killed in the violence and that 46 churches were burned. Local community leaders told Human Rights Watch that Muslim mobs burned 133 houses in a predominately Christian area of the Ali Kazaure neighborhood.

Muslim victims and witnesses likewise described how mobs of Christians set ablaze or destroyed 22 mosques, 15 Islamic schools, and hundreds of Hausa-Fulani businesses and homes. On the morning of November 28, five children attending the Al Bayan Islamic boarding school were killed in or near their dormitory by a mob of Christians. Muslim women speaking to Human Rights Watch at a camp for residents displaced by the violence described how Christian youth in Tudun Wada burned their homes and killed their neighbors and family members. The widespread destruction of Hausa-Fulani businesses – including used car lots, gas stations, and the Katako market, which housed several thousand largely Hausa-Fulani traders – resulted in devastating economic loss.

...On the morning of November 28, as the mob violence intensified, witnesses complained of the absence of police in many of the worst-affected area.

...By noon on November 28, the Nigerian army was called in to restore order, and army units from neighboring states began to be deployed on the streets of Jos. Despite the allegations of arbitrary killings by military personnel, witnesses interviewed by Human Rights Watch generally credited the military with having quelled the violence and restored peace, and in some cases with intervening to save the lives of both Muslims and Christians. Plateau State Governor Jonah Jang issued a public statement on November 28 announcing a dusk-to-dawn curfew and warning citizens that security forces were under orders to return “fire-for-fire.” The following day, November 29, the governor imposed a 24-hour curfew in the worst-affected neighborhoods and issued a “shoot-on-sight” order to security personnel. James Mannok, the director of press and public affairs at Plateau State’s Government House, confirmed to Human Rights Watch that the governor’s shoot-on-sight order applied to anyone breaking the curfew.

While most of the inter-communal violence documented by Human Rights Watch took place on November 28, the vast majority of the alleged killings by the police and military were carried out on November 29, the same day the governor issued the shoot-on-sight order. Human Rights Watch documented 118 cases of alleged arbitrary killings by security personnel that took place on that day alone (Human Rights Watch 2009, *Arbitrary Killings by*

Security Forces – Submission to the Investigative Bodies on the November 28-29, 2008 Violence in Jos, Plateau State, Nigeria, July, pp.4-6 &8-9 – Attachment 1).

According to HRW, the final death toll from the violence is still unclear:

The final death toll from the November 28-29 violence is still unclear. Muslim authorities in Jos have registered 632 dead, including several hundred victims buried in three mass burials on November 30 and December 1. Christian authorities have documented 129 deaths. The Plateau State commissioner for information and communications put the initial death toll at 200. Meanwhile, the Yoruba community leader in Plateau State told Human Rights Watch that at least 180 members of the Yoruba ethnic group – both Muslims and Christians – lost their lives in the violence (Human Rights Watch 2009, *Arbitrary Killings by Security Forces – Submission to the Investigative Bodies on the November 28-29, 2008 Violence in Jos, Plateau State, Nigeria, July, pp.-7 – Attachment 1*).

The Daily Trust reports that the committee set up by the House of Representatives to investigate the Jos violence submitted its 21 page report to the House on 19 March 2009. The following extracts from the report provide information on the effects of the crisis:

a. Destruction of lives and Property:

The Committee could not ascertain the claiming of actual number of lives lost during the crisis due to the conflicting reports of stakeholders on the matter and considering that the dead had already been buried.

However, while the Police put the figure of the dead at approximately 200, the Department of State Security mentioned 634 bodies based on claims by the JNI [Jama'tul Nasril Islam], JUTH [Jos University Teaching Hospital] records, and the State Search and Rescue team.

The Defence Intelligence Agency (DIA) on the other hand put the figure of the dead at about 440. Hundreds of people were also hospitalised as a result of the crisis while between 8,000 and 10,000 people were internally displaced. According to the reports by the Department of State Service (DSS), 14 schools/educational institutions were destroyed in addition over 600 cars, 27 fire trucks and 50 petrol tankers were burnt, while over 800 residential houses, 200 lockup shops scattered around the town and 5 markets were destroyed.

b. Socio-cultural effects:

The crisis has no doubt led to mutual mistrust among community members and neighbours. The use of underage children in the perpetration of violence in crisis situations unquestionably traumatises them and engenders in them the spirit of violence and disregard for lives and property. Considering that tomorrow belongs to the children of today, this attitude is a great disservice to the future of the nation.

c. Security Challenges:

The Jos crisis has exposed the apparent deficiencies of our security agencies both in terms of routine alertness, equipment and deployment in cases of emergency.

Not only was the initial deployment of security agencies grossly inadequate, the speed of deployment in the face of crisis was rather sluggish. This has been partly blamed on the hierarchy and delays in notification on the part of the State Government. Furthermore rampant allegations of the use of uniforms of security agencies by persons believed to be mercenaries has created mistrust in the minds of the public ('Nigeria: How Jos Crisis Erupted,

By Reps Committee' 2009, *Daily Trust*, 24 March, allAfrica.com website <http://allafrica.com/> – Accessed 9 November 2009 – Attachment 2).

3. Can you confirm the election date, and whether Timothy Buba won the election in November 2008?

The election was held on 27 November 2008. On 28 November 2008, Timothy Buba of the PDP was declared the winner of Jos North local government area (Ajunwa, Charles 2008, 'Nigeria: Plateau LG Poll – a Tragic Venture', *Daily Trust*, 2 December, allAfrica.com website <http://allafrica.com/> – Accessed 9 November 2009 – Attachment 3).

4. Have you any material regarding the other aspects of the cause of the riots?

HRW reports that policies of the Nigerian government which discriminate against “non-indigenes” are among the root causes of much of the inter-communal violence in Nigeria:

Forty-eight years after gaining independence, Nigeria is still a nation deeply divided along ethnic and religious lines. More than 12,000 people have died in inter-communal clashes since the end of military rule in 1999 alone. Plateau State has been particularly hard-hit by this violence. In September 2001, sectarian violence in Jos claimed as many as 1,000 lives. Three years later, more than 700 people were killed in May 2004 in inter-communal clashes in the town of Yelwa.

Human Rights Watch has found that among the root causes of much of the inter-communal violence in Nigeria are government policies that discriminate against “non-indigenes” – people who cannot trace their ancestry to the original inhabitants of an area – essentially relegating millions of Nigerians to the status of second-class citizens. State and local governments throughout Nigeria have enacted policies that deny those designated as non-indigenes access to some of the most important avenues of socio-economic mobility. Non-indigenes are openly denied the right to compete for state and local government jobs or academic scholarships, while state-run universities subject non-indigenes to discriminatory admissions policies and higher fees. As poverty and unemployment have both become more widespread and severe in Nigeria, competition for scarce opportunities to secure government jobs, education, and political patronage has intensified dramatically. Religious, political, and ethnic disputes often serve as mere proxies for the severe economic pressures that lie beneath the surface.

The two days of inter-communal violence on November 28-29, 2008, followed a disputed local government election in Jos North on November 27.

...At stake in the local government election was not just control of the large sums of public funds disbursed by the federal government, but also control over determining which ethnic groups would be granted indigene status in Jos. Local governments throughout Nigeria have generally had the discretion to determine who the indigenes are in their communities and to issue “certificates of indigeneity” that serve as documentary proof that the bearer is an indigene of the local government area (Human Rights Watch 2009, *Arbitrary Killings by Security Forces – Submission to the Investigative Bodies on the November 28-29, 2008 Violence in Jos, Plateau State, Nigeria*, July, pp.3-4 – Attachment 1).

The Daily Trust reports that the Committee set up by the House of Representatives to investigate the Jos violence submitted its 21 page report to the House on 19 March 2009. The article contains excerpts of this report. According to the Committee, “The Inter-communal crisis of 28 and 29 of November, 2008 was absolutely avoidable and the immediate cause of

the crisis is attributable to the role of the Plateau State Government and the attitude of the Political Parties during the Primaries and during the campaigns. The Committee also noted the role of religious leaders and Plateau State Independent Electoral Commission (PLASIEC) as factors immediately responsible for the Mayhem” (‘Nigeria: How Jos Crisis Erupted, By Reps Committee’ 2009, *Daily Trust*, 24 March, allAfrica.com website <http://allafrica.com/> – Accessed 9 November 2009 – Attachment 2).

The Committee provides the following information on the role of Plateau State PDP in the Jos violence of 28-29 November 2008:

One of the immediate causes of the Jos North Local Government Election crisis could be attributed to alleged attempt by the ruling Party in the State to manipulate the results of the Chairmanship election to its advantage. This could be adduced from the activities of the Party. During the State primaries, the ruling Party and the State Government imposed Timothy Buba as candidate for Chairmanship position despite the allegation that he is from Jos South Local Government Area. This caused disagreement over the choice of the Party’s flag bearer in Jos North as Danladi Pasali’s camp vehemently accused the Party hierarchy and the Government of the State for the imposition of Timothy Buba and threatened a legal action as well as voting en masse against the party at the polls. This initial reaction was said to have been promptly reported to the State Governor on 2nd January, 2008 through intelligence report by the State Security Service.

Closely related to the above disagreement and intra-party squabbles, was the disquiet over the choice of PDP Chairmanship running mate in Jos North Local Government Area. The Muslim PDP members expressed disaffection over plans to nominate one Isha, a Christian as running mate to Timothy Buba, another Christian for the PDP ticket. They threatened to leave the Party for the opposition in the event of the Party actualising the plans. The failure of the PDP to positively respond to these intra party protests laid the foundation for the resultant crisis. Consequently, an intelligence Report was said to have been sent to the Governor on 5 February, 2008 specifically advising the Governor that:

“In view of the foregoing, it is envisaged that should the PDP insist on fielding Christians as Chairmanship and Vice Chairmanship Candidates in the LGA, the Voting Pattern would assume an ethno-religious dimension with high potentials for attendant communal violence during and after the election”

It is obvious that if this early warning was heeded, it would have averted the crisis considering the ethno-religious sentiments peculiar to Jos North Local Government Area over the years. PDP’s decision to field a Berom flag bearer and a Vice from Anaguta both of whom are Christians in Jos North Local Government Area had introduced an ethno-religious dimension to the political atmosphere in the Local Government Area. There was also resentment expressed by the Afizere over alleged marginalisation in considering their people for the Chairmanship and vice Chairmanship positions in spite of being the largest indigenous ethnic group in Jos North LGA. Following these threats the State Security Service provided to the State Governor the understated reports:

- (i) A report dated 22nd October, 2008 on “THREAT ANALYSIS FOR THE MONTH OF NOVEMBER, 2008 – PLATEAU STATE”
- (ii) A Report dated 16th November, 2008 on the “SECURITY APPRAISAL OF THE FORTHCOMING LOCAL GOVERNMENT ELECTION.”
- (iii) A report dated 19th November, 2008 stating the “SECURITY IMPLICATIONS OF ANNOUNCING THE RESULTS OF THE ELECTION ON A FRIDAY.”

Failure of the State Government to heed these intelligence reports, indeed, in the opinion of the Committee, is one of the major causes of the crises of 28 and 29 November, 2008 ('Nigeria: How Jos Crisis Erupted, By Reps Committee' 2009, *Daily Trust*, 24 March, allAfrica.com website <http://allafrica.com/> – Accessed 9 November 2009 – Attachment 2).

The Committee provides the following information on the role of religious and community leaders in the Jos violence of 28-29 November 2008:

There was high unease in Jos North LGA due to security threats emanating from the resolve by the Hausa/Fulani Muslim Community to seize political leadership, amidst stiff opposition from the indigenous tribes. Members of the Hausa/Fulani community were being sensitised in Mosques to vote for the Muslim ANPP Chairmanship Candidate and threatened to vigorously resist any attempt of manipulation by the ruling party in the state. These preaching by the Muslims were all communicated to the Governor by the State Security Service vide:

- (i) A Report dated 8th November, 2008 titled "JOS NORTH LGA MUSLIMS URGED TO RESIST MARGINALISATION" and
- (ii) A report of 18th November, 2008 titled "INCITING SERMON OF IDRIS MAILCHAFI ON ELECTIONS THREATENS PEACE AND RELIGIOUS HARMONY IN THE STATE"
- (iii) The Report of 25th November, 2008 before the election date titled "COUNCIL OF ULAMAS MET WITH MUSLIM YOUTHS IN JOS NORTH LGA AHEAD OF LGA ELECTION"

From available records, the State Security Service also made available several reports on all suspected political thugs and flash-points before the election date to the Commissioner of Police, Plateau State Command, for necessary action. In this regard meetings of stakeholders were summoned by both the State Governor and the Commissioner of Police in which discussions centered on peaceful elections in the State ('Nigeria: How Jos Crisis Erupted, By Reps Committee' 2009, *Daily Trust*, 24 March, allAfrica.com website <http://allafrica.com/> – Accessed 9 November 2009 – Attachment 2).

The Committee provides the following information on the role of opposing political parties in the Jos violence of 28-29 November 2008:

The Committee noted several references to the alleged campaign styles of the ANPP which encourage violence and subsequently the attack on the campaign office of the PDP on Yan-Gado, Bauchi Road-suspected to be by persons loyal to ANPP on 17th November, 2008 few minutes after a Federal Legislator representing the constituency departed the ANPP office in the area as part of his inspection tour on constituency projects. This violent campaign style of the ANPP was manifested during the electioneering campaign tour of Jos by General Muhammdu Buhari, the Party's Presidential candidate in which the ANPP Youths menacingly brandished cutlasses sending signals intent on violence.

The AC's [Action Congress]actions too, call for concern especially considering the report by the State Security Service on 26th November, 2008, of specific plans by some thugs to mobilise youths to foment crisis in the event that the election did not favour the AC Party ('Nigeria: How Jos Crisis Erupted, By Reps Committee' 2009, *Daily Trust*, 24 March, allAfrica.com website <http://allafrica.com/> – Accessed 9 November 2009 – Attachment 2).

The Committee provides the following information on the role of PLASIEC in the Jos violence of 28-29 November 2008:

The crisis which took an ethno-religious dimension was primarily ignited by palpable apprehension by some ANPP Youths/Supporters in Jos North LGA that the PDP, in concert

with the State Independent Electoral Commission (SIEC) was on the verge of manipulating the results of the chairmanship election for the Local Government in its favour. The crisis emanated from Kabong collation centre when ANPP realised that its lead over PDP had narrowed down with only few remaining wards yet to be collated. Allegations of attempts by PLASIEC returning officer to fraudulently change the Councillorship election result for Tudun Wada ward, believed to have been won by Action Congress (AC), in favour of the PDP further confirmed the fears of the opposing Parties. This action by the returning officer angered the AC and ANPP Youths resulting in restiveness.

The initial screening out of about 31 opposition candidates including those of the ANPP by the State Independent Electoral Commission.

The sudden change of the collation center from the traditional Jos North Local Government Council headquarters (with predominantly Hausa/Fulani Muslim population), to Kabong, a village in the hinterlands (with predominantly indigene Christian population) by PLASIEC incensed the opposition parties and made them suspicious of the PDP motives in the elections.

Also the failure of PLASIEC to display the voters register at least two weeks before the elections as required by the electoral guidelines removed all traces of transparency from the intentions of the commission. This prepared a fertile ground which was readily exploited by the ANPP and their religious sympathisers to cause the crisis during the collation of the Jos North elections results ('Nigeria: How Jos Crisis Erupted, By Reps Committee' 2009, *Daily Trust*, 24 March, allAfrica.com website <http://allafrica.com/> – Accessed 9 November 2009 – Attachment 2).

5. Is it correct that Nigerian Police do not help those whose birth and household registrations are located outside their area of operation.

No information was found amongst the sources consulted on the Nigerian Police only helping those whose birth and household registrations are located in their area of operation.

This may refer the issue of indigeneity. HRW 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 can trace their ethnic and genealogical roots back to the community of people 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.

The concept of “indigeneity”—the idea that there is a meaningful distinction to be made between “host” and “settler” communities—is not entirely an artificial construct. Nigeria is a nation of more than 130 million people, but many Nigerians belong to ethnic communities so small that they fear being absorbed into the larger populations around them and losing control of their identity as a community. The distinction between indigenes and non-indigenes may help to guarantee Nigeria’s more than 250 ethnic groups the power to preserve their unique identities – their culture, traditions and traditional institutions of governance—by maintaining some cultural distance between themselves and other Nigerians.

This rationale, however, has been twisted beyond recognition by state and local policies, often unsupported by any law or other form of legal justification, that marginalize and exclude non-indigenes in ways that have nothing to do with the preservation of cultural identity and autonomy. As a matter of government policy, many states refuse to employ non-indigenes in their state civil services, and most if not all of Nigeria’s thirty-six states deny them the right to compete for academic scholarships. State universities generally discriminate against non-

indigenes in their admissions policies and charge higher fees to non-indigene students who do manage to secure admission. Non-indigenes must also contend with a range of less formal discriminatory practices, such as barriers to political participation and discrimination in the provision of basic services and infrastructure to their communities, that government does nothing to stop or even discourage. All of these practices have been made more harmful—and become more controversial—by increasing levels of chronic poverty throughout Nigeria.

Taken as a whole, these discriminatory policies and practices effectively relegate many non-indigenes to the status of second-class citizens, a disadvantage they can only escape by moving to whatever part of Nigeria they supposedly belong in (Human Rights Watch 2006, *“They Do Not Own This Place” – Government Discrimination Against “Non-Indigenes” in Nigeria*, April, Vol. 18, No. 3(A), p.1 – Attachment 4).

“Certificates of Indigeneity” are issued by local governments and serve as documentary proof that the bearer is an indigene in that area:

Local governments throughout Nigeria issue “certificates of indigeneity” to people who are indigenes of their jurisdictions. These certificates serve as documentary proof that the bearer is an indigene of the area of the local government that issues them. Possession of such a certificate is in fact the only way for a Nigerian to prove that he or she is an indigene of his or her community, and a Nigerian who does not have an indigeneity certificate will be treated as a non-indigene in his or her formal interactions with all levels of government (Human Rights Watch 2006, *“They Do Not Own This Place” – Government Discrimination Against “Non-Indigenes” in Nigeria*, April, Vol. 18, No. 3(A), p.20 – Attachment 4).

The state and local governments of Plateau State consider the Afizere, Anaguta and Berom to be indigenes in Jos. No information was found amongst the sources consulted that Nigerian Police only help the indigenes in their area of operation. Given that non-indigenes are subject to “discrimination in the provision of basic services” and “many states refuse to employ non-indigenes in their state civil services” there may be issues with non-indigenes accessing police protection (Human Rights Watch 2006, *“They Do Not Own This Place” – Government Discrimination Against “Non-Indigenes” in Nigeria*, April, Vol. 18, No. 3(A), p.20 – Attachment 4).

The US Department of State provides the following information on the Nigerian Police Force which might be of interest:

The Nigeria Police Force (NPF) is responsible for law enforcement. Internal security is the duty of the SSS [State Security Service], which reports to the president through the national security advisor. Due to the inefficacy of the police, who were often unable to control societal violence, the government continued to rely on the army in some cases. Each NPF state unit was commanded by an assistant inspector general. The constitution prohibits state- and local-level governments from organizing their own police forces. The NPF committed human rights abuses and generally operated with impunity in the apprehension, illegal detention, and sometimes execution of criminal suspects. The SSS also was responsible for a variety of human rights abuses, particularly in limiting freedom of speech and press.

Corruption was rampant, most often at highway checkpoints.

...Although citizens could report incidents of police corruption to the NHRC, this agency was not empowered to act in response to such complaints (US Department 2009, *2008 Human Rights Report: Nigeria*, 25 February, Section 1d – Attachment 5).

List of Sources Consulted

Internet Sources:

Government Information & Reports

Danish Immigration Service <http://www.nyidanmark.dk/>

Immigration and Refugee Board of Canada <http://www.irb-cisr.gc.ca/>

UK Home Office <http://www.homeoffice.gov.uk/>

US Department of State <http://www.state.gov/>

United Nations (UN)

UN Refugee Agency – Refworld <http://www.unhcr.org/cgi-bin/texis/vtx/rsd>

Non-Government Organisations

Amnesty International <http://www.amnesty.org/>

Freedom House <http://www.freedomhouse.org/>

Human Rights Watch <http://www.hrw.org/>

International Crisis Group <http://www.crisisgroup.org/>

International News & Politics

allAfrica.com <http://allafrica.com/>

Search Engines

Google <http://www.google.com.au/>

Databases:

FACTIVA (news database)

BACIS (DIAC Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

ISYS (RRT Research & Information database, including Amnesty International, Human Rights Watch, US Department of State Reports)

RRT Library Catalogue

List of Attachments

1. Human Rights Watch 2009, *Arbitrary Killings by Security Forces – Submission to the Investigative Bodies on the November 28-29, 2008 Violence in Jos, Plateau State, Nigeria*, July.
2. ‘Nigeria: How Jos Crisis Erupted, By Reps Committee’ 2009, *Daily Trust*, 24 March, allAfrica.com website <http://allafrica.com/> – Accessed 9 November 2009.
3. Ajunwa, Charles 2008, ‘Nigeria: Plateau LG Poll – a Tragic Venture’, *Daily Trust*, 2 December, allAfrica.com website <http://allafrica.com/> – Accessed 9 November 2009.
4. Human Rights Watch 2006, “*They Do Not Own This Place*” – *Government Discrimination Against “Non-Indigenes” in Nigeria*, April, Vol. 18, No. 3(A).
5. US Department 2009, *2008 Human Rights Report: Nigeria*, 25 February.