

**Refugee Review Tribunal  
AUSTRALIA**

**RRT RESEARCH RESPONSE**

**Research Response Number:** NGA34908  
**Country:** Nigeria  
**Date:** 9 June 2009

Keywords: Nigeria – Homosexuality – *Sex Gender Marriage Prohibition Bill* – Violence – Police – “juju” – Area Boys – Jide Macaulay / House of Rainbow

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**Questions**

1. [Has the Same Sex Marriage Prohibition Act 2006 \(referred to in earlier research reports as a bill\) now passed into law?](#)
2. [Are there any recent incidents \(since 2007\) of killings or physical harm against gays by individuals or groups?](#)
3. [Are there any recent incidents of killings or physical harm against gays by police, or police inaction?](#)
4. [Do you know anything about “juju”?](#)
5. [Do you have information on the “Area Boys” and their activities in Lagos?](#)
6. [Do you have information on a church run by Jide Macaulay and what happened to it and its members?](#)

**RESPONSE**

Previous RRT Research Responses provide recent in-depth information on homosexuality in Nigeria:

- Question 3 of *Research Response NGA34366* dated 6 February 2009 provides information on the treatment of homosexuals in Nigeria. The information provided has been organised under the following seven headings: Legal Situation, Societal Attitudes, Violence, Anglican Church, HIV/AIDS, LGBT Support Groups and Changing Attitude Nigeria (CAN);
- Question 1 of *Research Response NGA32705* dated 5 December 2007 provides information on the treatment of homosexuals by their family in Nigeria. Question 2 provides information on the treatment of homosexuals by the Anglican Church in Nigeria. Question 3 provides information on the treatment of homosexuals by the police in Nigeria;

- Question 1 of *Research Response NGA30400* dated 3 August 2006 provides information on the legality of homosexuality in Nigeria. The information provided has been organised under the following three headings: Legal Situation, Shari'a Law and *Same Sex Marriage (Prohibition) Act 2006*. Question 2 provides information on homosexuality in Nigeria. The information provided has been organised under the following four headings: General, Anglican Church, Yoruba and Gay Organisations;
- *Research Response NGA16816* dated 11 June 2004 provides information on the treatment of homosexuals in Nigeria. The information provided has been organised under the following seven headings: Legal Situation, Shari'a Law, Anglican Church, Alliance Rights Nigeria, AIDS, UN Resolution and 1993-2002.

**1. Has the Same Sex Marriage Prohibition Act 2006 (referred to in earlier research reports as a bill) now passed into law?**

Question 3 of *Research Response NGA34366* dated 6 February 2009 provides background information on the *Same Gender Marriage Prohibition Bill 2008*. Sources report that the *Same Sex Marriage Prohibition Bill 2008* has not been passed into law to date.

Amnesty International provides the following information on the contents of the bill:

The bill defines "Same Gender Marriage" as "the coming together of persons of the same sex with the purpose of leaving [living] together as husband and wife or for other purposes of same sexual relationship." Under the bill, any person who "entered into a same gender marriage contract" would be subject to up to three years imprisonment. ...The clause extends the definition of "Same Gender Marriage" to "other purposes of same sexual relationships" and could lead to arbitrary arrests on the basis of allegations about sexual orientation, rumours of sexual behaviour or objection to gender presentation.

...Article 4 (2) (a) of the draft bill provides for the sentencing of any person who "witnesses, abet and aids the solemnization of a same gender marriage" with five years' imprisonment and/or a possible fine of N2,000 [US\$14]. Any priest, cleric or other religious actor found to have aided or abetted such a union would be subject under this new law to a prison term.

...Under article 4(2) of the draft bill 'Any persons or group of persons' who witness such a marriage could be sentenced to a fine of N50,000 [US\$340]. The high penalties for anyone convicted of witnessing, aiding or abetting a marriage, could likely result in the targeting of lesbian, gay, bisexual, same-sex practicing and transgender organizations and events (Amnesty International 2009, 'Nigeria: 'Same Gender Marriage (Prohibition) Bill 2008' violates Constitution – A memorandum to be included in the House of Representatives public hearing on 11 March 2009', 6 March, AFR 44/007/2009

<http://www.amnesty.org/en/library/asset/AFR44/007/2009/en/1c317e71-56e6-4399-9936-0f668fa73057/afr440072009en.pdf> – Accessed 3 June 2009 – Attachment 1).

Global Rights and Human Rights Watch provide the following information on the contents of the bill:

"Same gender marriage" is defined for the purpose of this bill as the "coming together of persons of the same sex with the purpose of leaving [sic] together as husband and wife or for other purposes of same sexual relationship." This is significantly broader than the definition of marriage as a formalized, ceremonialized union under the Marriage Act, Islamic law and customary law. This bill does not focus on prohibiting the attempt to formalize a marriage before legal or religious authorities. Cohabitation does not require any formal act: it seems

that the intent of the law-maker is in fact to criminalize cohabitation between individuals of the same sex for whatever purpose.

This definition is itself dangerous because it leaves the door open to misinterpretation and human rights violations: who can prove whether two individuals of the same sex are living together as partners or for sharing the household costs? Who can prove that a “same sexual relationship” was in fact intended? Nigerian federal law already punishes consensual homosexual conduct, under article 214 of the criminal code, with up to 14 years’ imprisonment. ...The evident intent of this definition of same gender marriage in the new bill is to extend the already existing penalties for homosexual conduct with additional punishment. It offers a way for police and criminal-justice officials to arrest and persecute individuals based on their real or perceived sexual orientation and gender identity, in cases where there is insufficient evidence to prosecute them under the existing law on homosexual conduct. The likelihood of people being jailed on the basis of rumor, suspicion, or prejudice would vastly increase.

Section 4 of the bill establishes a criminal penalty of three years for individuals who contract a same sex marriage, and a greater one of five years for “any persons or group of persons that witnesses, abet[s] and aids the solemnization of a same gender marriage contract.” The latter punishment is actually greater than the punishment for those who enter into such a “same gender marriage.” Given that the bill actually defines “marriage” in terms of cohabitation or any “intimate relationship,” this provision could punish anyone who gives any assistance whatsoever to a supposed “same gender” couple – anyone who rents them an apartment, advises them on their rights, or simply approves of their relationship. This suggests that the real intent of the bill is to criminalize the activities of anyone, including a human rights defender, who advocates for equal rights for all individuals or communities, including lesbian, gay, bisexual, and transgender people. As with the previous bill, these provisions are meant to stifle the work of rights activists and civil society.

The bill specifically voids any “marriage contract entered between persons of same gender by virtue a certificate [sic] issued by a foreign country.” Again, this provision is redundant, because no such certificate would be valid in Nigeria at present in any case. However, the bill’s language could conceivably impose criminal penalties on anyone, whether Nigerian or a foreign national, who has entered such a “contract” in another country or simply cohabited with a person of the same sex there – an unprecedentedly sweeping restriction of rights (‘Human Rights Organizations Response to Nigeria ‘Same Gender’ Bill at National Assembly Hearing’ 2009, Human Rights Watch website, 11 March <http://www.hrw.org/en/news/2009/03/11/human-rights-organizations-respond-nigeria-same-gender-bill-national-assembly-hearin> – Accessed 3 June 2009 – Attachment 2).

An article dated 7 March 2009 in *UK Gay News* reports that the bill is currently with the Nigerian Joint Committee on Human Rights, Justice and Women’s Affairs and that a public hearing will be held on 11 March 2009:

The Bill was passed into the lower chamber of the National Assembly at its second reading and currently sits on the laps of the Joint Committee on Human rights, Justice and Women’s Affair.

...The public hearing on the same-gender marriage prohibition bill is now scheduled to be held on Monday (March 11).

The bill will receive lots of discussion, after which it may – or may not – be passed by the lower chamber.

If passed, the bill we go through the same process at the upper chamber before it is passed to the President for assent ('Gay Rights Activists Prepare for Nigerian Anti-Gay Bill Hearing' 2009, *UK Gay News*, 7 March <http://www.ukgaynews.org.uk/Archive/09/Mar/0701.htm> – Accessed 3 June 2009 – Attachment 3).

Mr Patrick O, Leader of the Lagos Group of CAN provides the following information on the public hearing held in Abuja on *The Same Gender Marriage (Prohibition) Bill 2008*:

The hearing took place in Hearing Room 3 of the National Assembly. 30 coalition members representing the LGBTI communities in Nigeria were present in the about 1000 capacity hall.

After the National anthem, opening prayers and introduction of guests at the high table, the welcome address was read by the Chairperson of the Committee on Women's Affairs – Hon. Binta Masi.

Goodwill messages were presented by the National Human Rights Commission, the minister FMWA & SD, the Minister of Justice and the Attorney General of the Federation.

The moderator introduced all the major stakeholders in the hall and our organization – Changing Attitude Nigeria was recognised along with other LGBT and non-LGBT organizations.

The honourable speaker declared the event open. There was a heavy presence of the Anglican Church, most of them dressed in T-shirts with inscriptions like – gay marriage is unnatural, gay lifestyle is sin in the eyes of God, etc.

They first called 10 organizations that had submitted their statements and wanted to present against the bill. Those who spoke against the bill included:

1. Queer Alliance
2. Changing Attitude Nigeria
3. Lawyers alert
4. The Independent Project
5. House of Rainbow – Metropolitan Community Church
6. Concerned Nigerians Abroad
7. CYPRAD [Centre for Youth Policy Research and Advocacy]
8. Boaboa
9. Coalition for the defence of human rights
10. Increase
11. Global Rights

We all presented and spoke well, addressing the facts. It was observed that there was no Muslim representation in the hearing. The representative of the honourable minister – Ojo Maduekwe, denied the accusation that the minister said that LGBT people do not exist in Nigeria. He said the minister only said that there is no organised LGBT movement and no strong desire for same sex marriages in Nigeria.

Those who spoke for the bill to be passed included:

1. Daughters of Sarah
2. Church of Nigeria-Anglican Communion
3. Catholic Archdiocese of Abuja
4. Fellowship of Christian Patriots.

Some individuals that were not representing any organization also spoke for or against the bill. The Honourable House members also spoke on their personal views which was strictly

personal and of course most of them were very antagonistic and spoke with hatred of LGBT people. Two Honourable members were however a bit friendly and said that efforts should be made to determine if LGBT orientation is by choice. If it is not by choice, then people cannot be punished for what is not their fault.

There was a heavy controversy between me and the Church of Nigeria (Anglican Communion) when I mentioned how Archbishop Akinola and the bishops of the Church of Nigeria (Anglican Communion) have committed themselves to the process of listening to LGBT people in the Lambeth Conference 1998 Resolution 1.10. Being committed to listen to LGBT people and coming to the hearing to support the bill is not honest. The representative of the Church of Nigeria (Anglican Communion) took offence and denied that (O, Patrick 2009, 'Report on the Hearing on the Same Gender Marriage (Prohibition) Bill 2008 in Abuja, Nigeria', Changing Attitude website, 12 March <http://www.changingattitude.org.uk/news/newsitem.asp?id=413> – Accessed 3 June 2009 – Attachment 4).

Comments made by a number of human rights and Christian groups at the public hearing follow, as well as comments made by religious and other groups following the hearing.

- Amnesty International:

The passing of this Bill would be in violation of Nigeria's obligations under the Constitution, as well as the ICCPR [International Covenant on Civil and Political Rights] and African Charter. It could have the following impact on human rights in Nigeria:

- The imprisonment of individuals solely for their actual or imputed sexual orientation or gender identity or on the basis of assumptions or allegations about their consensual sexual conduct. Amnesty International would consider anyone imprisoned under this law to be a prisoner of conscience. The punishment of anyone witnessing a same gender marriage, which endangers the human rights of all Nigerians.
- The incitement of hatred and violence against anyone suspected of being lesbian, gay, bisexual, same-sex practicing or transgender and the encouragement of homophobic and transphobic individuals or groups to target individuals, their organizations and events.
- Restriction of essential freedoms as well as the activities of human rights defenders and members of civil society. Without the protection of fundamental freedoms, activists will be unable to form organizations or to campaign for the human rights of lesbian, gay, bisexual, same-sex practicing and transgender people. Public or private meetings could become dangerous.
- Further criminalizing of an already criminalized sector of society will not help with Nigeria's efforts to prevent HIV transmission. It will drive people already suffering stigma for their consensual sexual conduct between adults still further underground. This bill will not only making it more difficult for outreach and education efforts to reach them, but could potentially criminalize civil society groups engaged in that vital work. (Amnesty International 2009, 'Nigeria: 'Same Gender Marriage (Prohibition) Bill 2008' violates Constitution – A memorandum to be included in the House of Representatives public hearing on 11 March 2009', 6 March, AFR 44/007/2009 <http://www.amnesty.org/en/library/asset/AFR44/007/2009/en/1c317e71-56e6-4399-9936-0f668fa73057/afr440072009en.pdf> – Accessed 3 June 2009 – Attachment 1).

- Global Rights and Human Rights Watch:

Marriage between persons of the same gender is not now legal in Nigeria, and there is no possibility of its recognition without specific state affirmation. Hence the bill is neither necessary nor proportionate to its purpose. Imposing criminal penalties on this particular form

of marital relationship is redundant. It can only be construed as an effort to further stigmatize relationships between persons of the same gender – and to provide additional grounds for official harassment, arrests, and prosecutions of anyone even suspected of such a relationship.

...This bill, like its predecessor, would gravely restrict the basic rights of Nigerians. It will place a significant segment of the Nigerian community at increased risk of coercion, blackmail, police investigation, arrest, and prosecution.

...Moreover, the bill would have a serious, negative impact on public health. As you are no doubt aware, laws criminalizing adult, consensual sexual conduct – including the colonial-era “sodomy” law already in place in Nigeria – hinder HIV and AIDS prevention and treatment efforts. The Same Gender Marriage (Prohibition) Bill will compound these adverse effects HIV and AIDS prevention and treatment in Nigeria by further stigmatizing lesbians, gay men, bisexual and transgender people, and men who have sex with men. It will increase their vulnerability and reduce their access to effective HIV and AIDS education and treatment (‘Human Rights Organizations Response to Nigeria ‘Same Gender’ Bill at National Assembly Hearing’ 2009, Human Rights Watch website, 11 March

<http://www.hrw.org/en/news/2009/03/11/human-rights-organizations-respond-nigeria-same-gender-bill-national-assembly-hearin> – Accessed 3 June 2009 – Attachment 2).

- Changing Attitude Nigeria (CAN):

The Bill targets a non-existent threat. There has been no proposal that same sex marriages should be made legal in Nigeria. Changing Attitude Nigeria may wish that such a Bill legalising same sex marriage should be added to the statute book but we are realistic. A Bill could not be introduced until the present penal code against homosexuality has been repealed. Our ultimate goal is the repeal of Article 214 of the Penal Code and specifically Section 215, 217 and 352.

Very few Nigerian LGBT activists are free to speak out in a country which already has repressive anti-gay legislation on the statute book. The new Bill will increase the pressure on LGBT people in Nigeria and push them further into secrecy and a clandestine pattern of life. What the Bill will not do is reduce the number of lesbian, gay, bisexual and transgender people in Nigeria. It will increase prejudice against them and heighten the risk of violence and arrest (Coward, Colin 2009, ‘Group leaders from Changing Attitude Nigeria present statement on Same Gender Marriage (Prohibition) Bill 2008 at public hearing in Abuja’, Changing Attitude website, 11 March <http://www.changingattitude.org.uk/news/newsitem.asp?id=412> – Accessed 3 June 2009 – Attachment 5).

- House of Rainbow Metropolitan Community Church Nigeria:

The Same Gender Marriage (Prohibition) Bill 2008, which was introduced by the Nigerian National Assembly on 15th of January, 2009, will have an extreme impact on the work and services we provide to include sexual minorities in our communities. We are aware of the Nigeria constitution “Penal Code” which makes Homosexuality illegal under federal law, however, because of widespread taboos against homosexuality, very few persons were openly homosexual and have often been ostracised, rejected and victimised by religious communities, workplace discrimination on these grounds and the society at large.

...We believe that the Same Gender Marriage (Prohibition) Bill will disastrously endorse a climate of homophobia and escalating hate crime against gay and lesbian Nigerian citizens, making them among the most vulnerable in the world to human rights violations, rape, blackmail, injustice, severe abuse and extortion with no recourse to justice (‘Statement of House Of Rainbow Metropolitan Community Church Nigeria’ 2009, House of Rainbow MCC



Blog, 11 March <http://houseofrainbowmcc.blogspot.com/2009/03/house-of-rainbow-metropolitan-community.html> – Accessed 9 June 2009 – Attachment 6).

- An article dated 12 March 2009 in *The Daily Trust* reports on comments made by Christian groups at the public hearing:

However, an overwhelming number of people at the public hearing, especially religious bodies, supported the enactment of the bill.

The Christian Association of Nigeria (CAN) in its presentation said it “strongly supports this bill and wants the members of the National Assembly to ensure that it is passed. Every country has its laws; there is nothing like a universal law and you see weird ways of life affecting our people negatively. Christians and Muslims are strongly against homosexuality.”

On its part, the Church of Nigeria (Anglican Communion) said “same sex marriage is out to foist on the world a false sense of the family which will bring disastrous consequences to mankind.”

It added that “same sex marriage apart from being ungodly, it is unscriptural, unnatural, unprofitable, unhealthy, un-cultural, un-African and un-Nigerian. It is a perversion, a deviation and an aberration that is capable of engendering moral and social holocaust in this country. Outlawing it is to ensure the continued existence of this nation.”

Fellowship of Christian Patriots (FCP) for its part said “God in his infinite wisdom, made sex enjoyable in order to encourage indulgence in it, for the purpose of procreation and not merely for hedonistic pleasure.”

It added that bill was just like anti-suicide legislations: “Nobody accuses society of infringing the human rights of citizens when it outlaws suicide, which it does to protect the society from self-destroying itself” (Hallah, Tashikalmah 2009, ‘Nigeria: Homosexuals Storm National Assembly’, *Daily Trust*, 12 March, allAfrica.com website <http://allafrica.com/> – Accessed 2 June 2009 – Attachment 7).

- Uche of CAN provides the following information on comments made by Christian groups at the public hearing:

On Wednesday, while we were outside waiting to be allowed to enter, some interesting things began to happen. Buses began to arrive carrying members of the Church of Nigeria (Anglican Communion) and the Joint Women’s Fellowship together with the Youth Fellowship buses from Jos. They parked right next to us.

The atmosphere became very tense for us lesbian and gay representatives. The church members looked at us with terrible hard faces. They were wearing T-shirts with the slogans saying: IT IS UNAFRICAN, IT IS UNGODLY, IT IS SENSELESS, UNCULTURAL.

...The hearing which was scheduled to start at 10am finally started at 12noon with the introduction of Members of the House and views from different departments who said they will stand by the House on any decision being taken by them.

The first statement was read by Rashidi Williams of the Queer Alliance of those who are against the Bill. He said that lesbian, gay, bisexual and transgender people are created By God and made in his image. The statement was not accepted by the clergymen present.

After which a Bishop said that clearly it was a big lie for any gay person to say that he was created by God. He also said from his statement that being gay was an acquired syndrome from the western world.

Another statement made by a priest from the Catholic Church. He said that being gay was a wired way of life affecting society negatively. He said that people travelled out of the country and brought back different, western views.

A testimony from the fellowship of Christian Patriots was focussed on two view points. From the God perspective, he said homosexuality was a way of excluding God from our lives. From the anthropological perspective he said that it was a way of satisfying our carnal [carnal] desires (Uche 2009, 'Church of Nigeria bussed people in to the Same Gender Marriage Bill hearing', Changing Attitude website, 13 March

<http://www.changingattitude.org.uk/news/newsitem.asp?id=416> – Accessed 3 June 2009 – Attachment 8).

An article dated 15 March 2009 in *Daily Trust* reports that Ustaz Hudu Muhammad, chief Iman of Damaturu Central Mosque “called on Muslim and Christian clerics, as well as “people of goodwill,” to speak against homosexuality. He further called on the National Assembly to enact punitive laws against such act.” The article continues:

Ustaz Hudu Muhammad, has chided members of the House of Representatives Joint Committee on Human Rights, Women Affairs and Justice for giving an opportunity to the openly gay people last Wednesday to justify their “gory act” of seeking for a law that would allow same-sex marriage.

Imam Muhammad, who was visibly angry while delivering his Friday sermon, said rather than giving room to the “gay group” to play with the sensibilities of Nigerians through a voice at the National Assembly, the legislators should have discussed issues that would bring about peace and economic development.

...Imam Hudu said, “It is a shame on the members of the committee and the House in general to give room to such nonsense because no religion or culture in Nigeria permits same-sex marriage... It is crime against humanity and God. There is no basis for any debate on the desirability or otherwise of the bill because same-sex marriage is wrong.”

Imam Hudu said if members of the House of Representative had nothing to discuss, “they should go back to their home-towns and the give opportunity to serious-minded people to go to Abuja,” stressing that “freedom of speech does not mean immorality” (Idris, Hamza 2009, ‘Cleric Chides House Committee for Listening to Homosexuals’, *Daily Trust*, 15 March, allAfrica.com website <http://allafrica.com/> – Accessed 2 June 2009 – Attachment 9).

An article dated 18 March 2009 in *Leadership* reports that the Human Rights Writers Association (HURIWA) “has made a passionate appeal to members of the Federal House of Representatives to quickly pass the bill that will spell out punitive measures against same sex marriage.” The article continues:

The group’s national co-ordinator, Comrade Emmanuel Onwubiko made the plea over the weekend in an exclusive interview with LEADERSHIP.

Describing the bill as a noble one targeted at the preservation, protection and enhancement of our indigenous African cultural value system, Onwubiko said, it was a clear attempt by the House committee on Justice, Human Rights and Women Affairs to protect the nation’s long valued cultural and traditional systems.



...Condemning the act of same sex marriage, the group's boss advised Nigerians not to emulate South Africa that have legalised the act, but should view it as a grave crime against humanity and cultural tradition.

"These are unAfrican deviant practices and ought to be criminalised;

As people who represent the interest of our African people, we are urging that whatever legislative measures that is considered necessary against this fight should be enacted to prohibit these atrocious practice of same sex" (Esebonu, Christiana 2009, 'Nigeria: Huriwa Advocates Speedy Passage of Same-Sex Bill', *Leadership*, 18 March, allAfrica.com website <http://allafrica.com/> – Accessed 2 June 2009 – Attachment 10).

An article dated 28 March 2009 in *The Vanguard* reports that the Presbyterian Church of Nigeria "has expressed full support for the Bill before the National Assembly seeking to prohibit marriage and the solemnization of marriage between persons of same gender." The article continues:

In a communiqué issued at the end of the meeting of its General Assembly Executive Committee (GAEC) held in Uyo, Akwa Ibom State, the church urged the National Assembly to pass the bill with dispatch as homosexuality and same-sex marriage are roundly condemned by the scriptures.

Same-sex marriage, the church stressed, is a negation of the family institution which God created for the purpose of sustaining procreation. The church emphasized that the issue is not a matter of human rights but that of God's will. Besides, "homosexuality is unnatural, unhealthy and shameful and is viewed in African culture as a taboo."

The communiqué, jointly signed by the moderator of the General Assembly, The Rt. Rev. Dr. Ubon Bassey Usung and the principal clerk, The Rev. Ndukwe Nwachukwu Eme ('Church supports anti same-sex marriage bill' 2009, *Vanguard*, 28 March, OnlineNigeria.com website <http://news.onlinenigeria.com/templates/?a=1143&z=12> – Accessed 2 June 2009 – Attachment 11).

An article dated 27 April 2009 in *Daily Trust* reports that the Evangelical Church of West Africa "has condemned the increasing rate of homosexuality and gay practice in" Nigeria and has "called on the national and state assemblies to resist every pressure to legalize practices in the country" (Agbese, Andrew 2009, 'Nigeria: ECWA Church Criticises Homosexuality', *Daily Trust*, 27 April, allAfrica.com website <http://allafrica.com/> – Accessed 2 June 2009 – Attachment 12).

- 2. Are there any recent incidents (since 2007) of killings or physical harm against gays by individuals or groups?**
- 3. Are there any recent incidents of killings or physical harm against gays by police, or police inaction?**

The information provided has been organised into the following three sections:

- [General](#);
- [Changing Attitude Nigeria \(CAN\)](#); and
- [Jide Macauley and the House of Rainbow in Lagos](#).

## **General**

Question 3 of *Research Response NGA34366* dated 6 February 2009 provides information on violence against homosexuals in Nigeria. Relevant extracts have been included below.

According to HRW, “Violence against LGBT people is frequent in Nigeria.” The UK Home Office and Danish Immigration Service met with Nigerian NGO, Civil Liberties Organisation (CLO) and Global Rights during their fact-finding mission to Lagos and Abuja in 2007 and 2008. A spokesman for CLO stated that “violent attacks against homosexuals were not a common occurrence in Nigeria.” However, “the spokesman for Global Rights stated that violence against homosexuals is widespread” in Nigeria (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, Paragraph 5.8 <http://www.nyidanmark.dk/NR/rdonlyres/2F5AF3E1-0D42-431D-9013-B75488053160/0/NigeriafactfindingrapportIFAfinal.pdf> – Accessed 4 February 2009 – Attachment 13; and Human Rights Watch 2009, ‘Bill Would Assault Rights of All, Reinforce Punishment for Homosexual Conduct’, 26 January <http://www.hrw.org/en/news/2009/01/26/nigeria-reject-same-gender-marriage-ban> – Accessed 4 February 2009 – Attachment 14).

Reverend Jide Macaulay of the House of Rainbow told Behind the Mask that “the LGBTI community continuously faces rampant homophobia in Nigeria.” Macaulay continues:

“The state of homophobia is devastating. We are having extra special sessions to record the atrocities against LGBT people, and meeting with people to share their stories. These stories include homophobic attacks by strangers and domestic homophobic assaults”, he pointed (Mhlongo, Mongezi 2008, ‘Nigerian media perpetuates homophobia’, Behind the Mask, 2 October <http://www.mask.org.za/article.php?cat=nigeria&id=1964> – Accessed 4 February 2009 – Attachment 15).

An article dated 17 April 2008 on the EDGE Boston website reports that “[e]ven in Africa – a continent not known for its gay-friendly cultures or governments – Nigeria stands out for the virulence of violence against gay men in particular as well as lesbians.” According to Davis Mac-Iyalla, the Director of Changing Attitude Nigeria (CAN), the “real threat of death or serious injury is not from legal actions by the state, but from mob violence and unofficial actions by the police who are a law unto themselves...In that way, there is very little difference between North and South.” The article continues:

Although prosecutions for incidents of anti-gay violence are virtually unheard of, those accused of homosexual acts are frequently taken into custody and held on the basis of nothing more than suspicion. Hersee [of CAN] says this terror campaign has transformed Nigeria into a place where no one--including or especially police--does anything to help victims of anti-gay attacks.

In Lagos, for example, Omotayo Joshua was attacked by a gang saying they were “cleansing” Lagos of homosexuals. He was able to tell his mother why he was attacked before he died of his injuries. But no one has made any effort to find his murderers.

Hersee also cites a 2005 case that occurred in Katsina, a northern Nigerian state that imposes Sharia law. Accused of sex after they were seen leaving public toilets together, the men were jailed for six months. The police said they could not find any witnesses, but the Sharia court repeatedly gave them more time to come up with witnesses.

These men were lucky: They eventually were freed due to lack of evidence, Hersee believes such an incident--one of many such-- “reveals a completely twisted legal system where a flimsily perception of homosexuality leads to the court doing its best to provoke the police into coming up with evidence suitable for conviction and potentially stoning to death.”

Not only do church and state work against gay men and lesbians, but so do blood relations. “A lot of people have been abused and reportedly tortured at the hands of their own families,” Bumgardner observes. “A young man was turned over by his father to his uncle, who imprisoned him on a military compound and tortured him trying to get him to profess heteronormativity.”

A similar attempt at conversion occurred in Port Harcourt, where five lesbians were raped by a gang of boys who said they were “curing” them of homosexuality (Stiffler, Scott 2008, ‘Nigeria: Hotbed of Homophobic Violence’, EDGE Boston website, 17 April <http://www.edgeboston.com/index.php?ch=news&sc=glbt&sc2=news&sc3=&id=73209> – Accessed 4 February 2009 – Attachment 16).

An article dated 11 March 2009 in *BBC News* reports that “Activists say gay people in Nigeria face violence from their families and neighbours every day.” An article dated 12 March 2009 in *365 Gay* reports that “Nigerian gays who regularly face police persecution are coming out to fight a proposed law that would make it a criminal offences to attend a gay event, gather or attend a gay wedding anywhere in the world” (‘Nigeria gay activists speak out’ 2009, *BBC News*, 11 March <http://news.bbc.co.uk/2/hi/africa/7937700.stm> – Accessed 3 June 2009 – Attachment 17; and ‘Nigeria gays come out of shadows to fight anti-gay law’ 2009, *365 Gay*, 12 March <http://www.365gay.com/news/nigeria-gays-come-out-of-shadows-to-fight-anti-gay-law/> – Accessed 2 June 2009 – Attachment 18).

### **Changing Attitude Nigeria (CAN)**

Please see Question 2 of *Research Response NGO30400* dated 3 August 2006 for background information on CAN.

An article posted on the EDGE Boston website on 17 April 2008 provides background information on Davis Mac-Iyalla, the Director of CAN:

In 2003, Mac-Iyalla was serving as headmaster of an Anglican school. After the death of Bishop Ugedo, he was fired by church authorities who had learned of his homosexuality.

Mac-Iyalla then founded Changing Attitude Nigeria, which, Hersee notes, “existed originally to challenge Anglican Church of Nigeria by initiating a listening process that had been agreed to at the last Anglican Lambeth Conference, and to demonstrate to those who claim that there are no gay people in Africa that there are and always have been, as well as challenging their perceptions of gay people from misreading the Bible.”

Archbishop Akinola effectively blocked Changing Attitude Nigeria’s goal of fostering understanding and acceptance. On the church’s website, he accused Ma-Iyalla of various criminal activities, such as defrauding a dying bishop and obtaining church documents by deception.

Unemployable and receiving death threats, Mac-Iyalla was smuggled out of the country to Togo, where he now lives (Stiffler, Scott 2008, ‘Nigeria: Hotbed of Homophobic Violence’, EDGE Boston website, 17 April

<http://www.edgeboston.com/index.php?ch=news&sc=glbt&sc2=news&sc3=&id=73209> – Accessed 4 February 2009 – Attachment 16).

Changing Attitude reports that on 22 March 2008 Mac-Iyalla received a text message threatening his life: “Davis Mac-Iyalla you refused to repent and leave homosexuality and now we will wipe you out and your homo friends out now. If Nigeria is too small for you to hid. Togo will be easier to get you. Prepare your soul to go to hell because we are coming to send you there.” Reverend Colin Coward, Director of Changing Attitude England also received a text message on 24 March 2009: “evil homosexual promoter, we gave your nigerian homosexual representative and his followers long time to repent but he underrated us. now we are going and nothing will stop us. we are not mere boosters we mean every words but keep encouraging them to pollute our country with abomination and immorality . come and save them if you can”. Mac-Iyalla and Reverend Coward both received further text messages. The text messages followed an attack on the co-leader of Changing Attitude in Port Harcourt. On 30 March 2008 Mac-Iyalla was attacked in Lome, Togo:

Davis Mac-Iyalla was attacked on Sunday morning, 30 March 2008, near the post office in Lome. He had travelled there on the back of a motorbike, and doesn't know if he had been followed from his flat. There were many witnesses to what happened. Two men and a woman in a car drove up. One of the men got out, approached Davis and called him brother in English. He asked Davis for his passport and Davis said he didn't have one. He then asked Davis who is his contact in Abuja and Davis said he didn't have a contact. He then asked if Davis could give them the documents and Davis said What documents?

At that moment the man produced a knife and slashed Davis's hand, and then a syringe with which the man tried to inject Davis. Davis managed to defend himself and knock the syringe away. The man ran back to the car and the three drove off. Davis retrieved the syringe, took it to the police station and reported the attack. The police analysis of the contents of the syringe is awaited. Davis then went to the hospital where his hand was dressed. He was given a strong sedative and went the house of lesbian friends to recover in safety.

He remained incommunicado until Saturday 5 April 2008, fearing for his safety and his life. Both Davis and the Port Harcourt leader report that unknown men seeking them have been witnessed at their respective homes (Coward, Colin 2008, 'Nigerians threaten English and Nigerian Directors of Changing Attitude', Changing Attitude website, 10 April <http://www.changingattitude.org.uk/news/newsitem.asp?id=352> – Accessed 4 February 2009 – Attachment 19).

An article dated 31 July 2008 in *BBC News* reports that in 2005 Mac-Iyalla founded the Nigerian branch of Changing Attitude, “an Anglican pressure group that campaigns for the full inclusion of lesbian, gay, bisexual and transgender people in the life of the church.” According to Mac-Iyalla the success of Changing Attitude “offended the leaders of the Nigerian church” who issued a statement denying that he was a practising Anglican. Mac-Iyalla states that “People began to send me death threats by e-mail, by text messages, and it got so serious I had to flee Nigeria to Togo.” He received a handwritten death threat and then in March he was physically attacked and stabbed in his forearm with a syringe. On arrival in the UK for the Church of England's General Synod meeting Mac-Iyalla, along with the Director of Changing Attitude, England received further death threats. Mac-Iyalla applied for asylum in the UK and it was granted (Landau, Christopher 2008, 'Gay Nigerian tells of death threats', *BBC News*, 31 July <http://news.bbc.co.uk/2/hi/africa/7535533.stm> – Accessed 4 February 2009 – Attachment 20).

*UK Gay News* reports that on 20 March 2008 one of the leaders of CAN in Port Harcourt was violently attacked at the funeral ceremony of Mac-Iyalla's sister. The victim was slapped, punched, kicked and spat on while those beating him shouted "You notorious homosexual, you think can run away from us for your notorious group to cause more abomination in our land?" The victim believes that "Those who attacked me were well informed about us so I suspect an insider or one of the leaders of our Anglican church have hands in this attack":

Speaking from Devizes in Wiltshire, England, Colin Coward, the director of Changing Attitude called on the Church of Nigeria to denounce the attack.

"The attack on one of the CAN leaders in Port Harcourt is a terrifying indictment of the attitude of the Church of Nigeria to LGBT people.

"Violence against LGBT people has been encouraged by Archbishop Peter Akinola and the leaders of the Church of Nigeria. They have attacked the presence of LGBT in church and society, and supported a bill which would reinforce prejudice against LGBT people.

...In a statement, Changing Attitude Nigeria said: "The thugs who attacked the Port Harcourt leader told him: 'We will not rest until we silence you and any who join you to pollute the land with the abominable act of homosexuality. You are perverts who go around corrupting and inducting young people into our evil society. We will kill you and it will be a favour to the country. Nigeria will not contain you or any other person that practises homosexuality' ('Gay Nigeria Christian Leader Narrowly Escapes Death in Brutal Attack' 2008, *UK Gay News*, 21 March <http://www.ukgaynews.org.uk/Archive/08/Mar/2101.htm> – Accessed 4 February 2009 – Attachment 21).

*Pink News* reports that on 4 December 2008 Stephen Wariebi Hobobo was granted asylum in the UK. Stephen went into hiding following his assault on 20 March 2008 while attending the funeral of Mac-Iyalla's sister in Port Harcourt. He arrived in the UK in April 2008 and applied for asylum in May 2008. *Pink News* reports that "[i]n granting asylum because of their sexuality to Davis and Stephen, the UK Government accepts that Nigeria is now too dangerous as a country for any LGBT person who is actively and publicly visible." The article continues:

Stephen's invisibility was compromised in 2007 when the CAN group in Port Harcourt developed a relationship with an orphanage as part of their group ministry and pastoral work. On Sunday 17 June 2007, 48 lesbians and gay men held a party for the children of the Orphanage Home, Borokiri, Port Harcourt, Rivers State. A report of the party was posted on the Changing Attitude web site on 19 June 2007 which included a picture of Stephen. We posted the report and pictures of the Port Harcourt orphanage event on the web site and named people because we wanted to prove that lesbian and gay Christians in Nigeria are not only concerned with their own campaign but are actively demonstrating Christian witness to others.

...Changing Attitude has tried to maintain a fine balance between protecting lesbian and gay group members in Nigeria and providing information to the public to demonstrate the reality of lesbian and gay activity and experience. Davis Mac-Iyalla has been the public face for LGBT members of Changing Attitude Nigeria. Our inability to name individuals and publish pictures of Changing Attitude activity in Nigeria enables those opposed to us to claim that none of these things happen in reality. It is a difficult to raise the profile of LGBT people and protect them from attack at the same time ('Second Changing Attitude Nigeria leader granted asylum in UK' 2008, *Pink News*, 8 December



<http://www.pinknews.co.uk/aroundtheworld/2008/12/second-changing-attitude-nigeria-leader-granted-asylum-in-uk/> – Accessed 4 February 2009 – Attachment 22).

Changing Attitude reports that three gay Nigerians were attacked in June 2008 in Lagos. According to Changing Attitude, “This is the third such attack reported to us in two months. Many more go unreported.” The article continues:

The attack happened in an area called Alabarago, a commercial and suburban part of Lagos, just over two weeks ago. Three men, all in their twenties, went out late in the evening to buy drinking water. Area boys (the name for thugs in Nigeria) attacked them and started beating them. The area boys then took them to the Baale (chairman of the local street community). He handed the men over to the police, telling the police the three were homosexuals and that they behave like women. The three have lived in the area for some time and are well-known locally. They were not involved in any form of sexual activity.

The police then arrested them for being homosexual. At the police station they were put in a cell and held in custody for almost two weeks. They were not taken to court but each of them was eventually made to pay bail of N10,000 (approximately £50).

One of them, whom the Revd Colin Coward and the Revd Stephen Coles met in Togo in May 2007 at the CAN leader’s meeting, is now looking for another room in a new area because it is no longer safe for them to walk around that area again. He works as a teacher in a nursery school and almost lost his job as a result of the arrest because he was unable to go to work. Fortunately for him, the school is owned by an understanding gay man.

Our correspondent says each of them still bears signs of the attack and they have been advised to take pictures as evidence. He comments “if we knew things were really like this we would have been taking pictures a long time ago to keep records, but gay people are just ashamed to talk about it.”

The attack on the three men two weeks ago follows the violent attacks before and after Easter, first on the CAN leader in Port Harcourt and then on Davis Mac-Iyalla, Director of CAN, living in exile in Togo. The reaction of the conservatives in the Communion was to disbelieve the attacks and accuse Changing Attitude of inventing the stories. Changing Attitude leaders and trustees in London have now met both men and witnessed their evidence at first hand (Coward, Colin 2008, ‘Three gay CAN members attacked and arrested in Lagos’, Changing Attitude website, 23 June <http://www.changingattitude.org.uk/news/newsitem.asp?id=361> – Accessed 3 June 2009 – Attachment 23).

Changing Attitude provides information on Charles, a member of CAN in Port Harcourt who was detained by police, lost his job and apartment and was interrogated by his family because of his sexuality:

In a message sent to the CA Nigeria egroup, Charles reported a party that had been held in Port Harcourt at the end of November. As a result of a tip off from a gay man who had been pensioned off by the police, the party was invaded by security operatives. An unspecified number of gay men present at the party were arrested and detained. Charles learnt about the party and arrest from one of them having been out of town on official business.

He was at work on 2 December when six security personnel went arrived and requested an interview with him. He was summoned to the manager’s office, arrested and taken in for questioning. He was told that one of the men detained at the party had named him as a gay man living in Port Harcourt. Those arrested had been tortured to force them to reveal the names of every gay person known to them and with whom they had had sex.



He was next taken to his house where the police searched his apartment and confiscated his Laptop, cell phones and iPod in their search for evidence against him. He had recently formatted his laptop and deleted all emails and photos that might have shown him to be a gay man. He was returned to the police station and held in detention for two days. His family members were eventually notified. They organised a lawyer who negotiated for Charles to be released on bail for the sum of \$700, which will never be returned.

The police accused the gay men arrested at the party of being cult members. Charles was shocked that the Nigerian police equate being gay lifestyle as something that is about fetishism and the occult. When he returned home he was interrogated by members of his family. They are unaware of his sexual orientation and he continued to deny that he is gay to avoid raising further tensions. He felt painfully humiliated.

He returned to work to find a letter of suspension waiting at the front desk. He was later dismissed from work on the 29 December on the grounds that he had brought “disgrace” to the establishment.

To add to this catalogue of events resulting from his arrest, Charles’ landlord has given him notice to vacate his house on or before January 30. His pleas fell on deaf ears (Coward, Colin 2009, ‘Police arrest more Nigerian gay men’, Changing Attitude website, 17 January <http://www.changingattitude.org.uk/news/newsitem.asp?id=398> – Accessed 4 February 2009 – Attachment 24).

### **Jide Macauley and the House of Rainbow in Lagos**

Please also see [Question 6](#) of this response for information on Jide Macauley and the Metropolitan Community Churches’ (MCC) House of Rainbow in Lagos.

Anene Ejikeme, Assistant Professor of African History at Trinity University interviewed a number of people from the MCC’s House of Rainbow who had been attacked:

#### **What did you learn about the problems faced by members of the church?**

At the church, I interviewed a number of people who had been attacked. The attacks could be verbal or physical. In addition, many people had been kicked out of their homes by parents, although not all. I recall one church member who said his mother was very supportive of him, but most of the stories were not like that. I remember the story of one violent attack quite vividly. A young man at the church explained that he had been attacked at a university. The assault was so brutal he had to be hospitalized. He was just visiting the university. He didn’t know anyone and had just arrived in town. A group of boys yelled homophobic epithets at him. He didn’t know how they identified him, but they beat him up and took all his money. They just left him there, on the street. Fortunately, a young woman saw him, took him hospital and gave him some money so he could return home.

The government itself is very homophobic and has tried to pass laws to criminalize homosexuality. There are no national statistics on the subject. So the attacks that I know about are those that make it into the media. Rev. Jide raises money for the legal defense of people who have been sent to jail for such things as impersonating a woman, for conducting a same-sex marriage or other such charges. Of course, he’s not the only person working in this area. There are others. There are no clear records in Nigeria of assaults on homosexuals. Whatever is known is recorded by individuals and groups. It is not at all systematic. It’s difficult to get good statistics on anything in Nigeria, not just anti-homosexual attacks (‘Interview with Professor Anene Ejikeme on Homosexuality in Nigeria’ 2009, House of Rainbow MCC Blog,

30 January <http://houseofrainbowmcc.blogspot.com/search?updated-min=2009-01-01T00%3A00%3A00-08%3A00&updated-max=2010-01-01T00%3A00%3A00-08%3A00&max-results=33> – Accessed 9 June 2009 – Attachment 25).

#### 4. Do you know anything about “juju”?

Sources report that *juju* is magic, witchcraft or occult powers.

A report dated August 2006 by the Norwegian Country of Origin Information Centre provides the following information on *juju*:

Asylum applications presented by Nigerians regularly contain claims that the applicant fears persecution from persons or groups threatening to use occult powers, or *juju*. This is the common term in Nigerian English for all religious practices with some sort of basis in traditional African animist religion. Such practices are common among the substantial minority of Nigerians who are neither Christians nor Muslims, but they also influence the religious life and outlook of many Christian and Muslim Nigerians, whose religious practice must be categorised as syncretistic. Even more importantly, many Christian and Muslim Nigerians who themselves will not get involved in rites and rituals associated with traditional religion, may still regard occult forces as very real influences to be reckoned with in their lives. Thus the fear of being a victim of other people's (attempted) manipulation of supernatural forces is very widespread. As Pastor Dayo Olutayo put it, «many are suspicious that people are after them, and think they don't succeed because of other people's evil intentions». Pastor Olutayo also stressed that it is not unusual that people blame other people's use of witchcraft as an excuse for not dealing with their own problems.

Interestingly, people often fear relatives and others who are close to them more than strangers, as the anthropologist Peter Geschiere has pointed out:

*Even in modern contexts – for instance, in the big cities – witchcraft is supposed to arise, first of all, from the intimacy of the family and the home. This is why it is both such a dangerous and unavoidable threat. In many respects, witchcraft is the dark side of kinship: it is the frightening realization that there is jealousy and therefore aggression within the family, where there should be only trust and solidarity.* (Geschiere 1997:11)

*Nearly everywhere in Africa, it is inconceivable, still today, to formally refuse maintaining family ties: the family remains the cornerstone of social life, and one cannot live without its intimacy. Yet it is precisely this intimacy that harbors deadly dangers since it is the very breeding ground of witchcraft.* (Geschiere 1997:212) (Skogseth, Geir 2006, *Report Fact-finding trip to Nigeria (Abuja, Lagos and Benin City) 12-26 March 2006*, August, Norwegian Country of Origin Information Centre website, p.18 – Attachment 26).

Leo Igwe, head of the Skeptics Society in Nigeria, “a scientific and educational organization of scholars, scientists, historians, magicians, professors and teachers, and anyone curious about controversial ideas, extraordinary claims, revolutionary ideas, and the promotion of science” reports on ritual killing in Nigeria. According to Igwe, “belief in ghosts, juju, charms, and witchcraft is prevalent and widespread” in Nigeria:

Generally, ritual killing is a common practice in Nigeria. Every year, hundreds of Nigerians lose their lives to ritual murderers, also known as headhunters.

These head hunters 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 potions.

...The question is: why do Nigerians still engage in such bloody, brutal, and barbaric acts and atrocities even in the twenty-first century? For me, there are three reasons:

1. **Religion:** Nigeria is a deeply religious society. Most Nigerians believe in the existence of supernatural beings and that these transcendental entities can be influenced through ritual acts and sacrifices. Rituals constitute part of the people's traditional religious practice and observance. Nigerians engage in ritual acts to appease the gods, seek supernatural favours, or to ward off misfortune. Many do so out of fear of unpleasant spiritual consequences if they default. So religion, theism, supernaturalism, and occultism are at the root of ritual killing in Nigeria.
2. **Superstition:** Nigeria is a society where most beliefs are still informed by unreason, dogmas, myth making, and magical thinking. In Nigeria, belief in ghosts, juju, charms, and witchcraft is prevalent and widespread. Nigerians believe that magical potions prepared with human heads, breasts, tongues, eyes, and sexual organs can enhance one's political and financial fortunes; that juju, charms and amulets can protect individuals against business failures, sickness and diseases, accidents, and spiritual attacks. In fact, ritual-making is perceived as an act of spiritual fortification.
3. **Poverty:** Most often, Nigerians engage ritual killing for money-making purposes. Among Nigerians, there is a popular belief in a special kind of ritual, performed with human blood or body parts that can bring money or wealth, even though such a belief lacks any basis in reason, science or common sense.

For example, there has never been a single proven instance of any Nigerian who became rich through a moneymaking ritual.

And still the belief in "ritual wealth" or "blood money" remains strong among the people and features prominently in the nation's media and film industry. Most times, what we hear are stories and speculations founded on ignorance and hearsay. For instance, Nigerians who enrich themselves through dubious and questionable means, like the scammers who swindle foreigners, are said to have indulged in money-making rituals using the blood or body parts of their parents, wives, children, or other close relations.

So driven by ignorance, poverty, desperation, gullibility, and irrationalism, Nigerians murder fellow Nigerians for rituals. But ritual killing is not a practice limited to Nigeria. Ritual sacrifices also occur in other parts of sub-Saharan Africa, like in Ghana, the Democratic Republic of Congo, Liberia, Uganda, etc (Igwe, Leo 2004, 'Ritual Killing and Pseudoscience in Nigeria', *Skeptical Briefs*, June, Committee for Skeptical Inquiry website

<http://www.csicop.org/sb/2004-06/nigeria.html> – Accessed 3 June 2009 – Attachment 27).

In the 2002 book entitled *African Theology*, Rev. Dr. Aidan G. Msafiri, a Priest in the Catholic Diocese of Moshi, Tanzania reports that in West African societies, "particularly in Nigeria, *juju* is the most common word used to denote witchcraft." According to Bakole wa Ilunga, the Archbishop of Kananga, Zaire, "men, women and children fall victim to evil forces unleashed against them by members of their own family who have but one purpose: to harm or even kill others. When we see how obsessed some individuals are by this will to destroy, we may well think ourselves to be in the presence of Satan. Nor may we forget that the very fear of witchcraft paralyses many or prevents their full development and their enthusiasm for numerous understandings" (Msafiri, Rev. Dr. Aidan G. 2002, 'The Church as a Family Model: Its Strengths And Weaknesses', *African Theology Today*, University of Chicago Press, Chicago, International Federation of Catholic Universities website, p.10

[http://www.fiuc.org/esap/MWANZ/MWANZ8/General/church\\_family.pdf](http://www.fiuc.org/esap/MWANZ/MWANZ8/General/church_family.pdf) – Accessed 3 June 2009 – Attachment 28).

A September 2000 newsletter of the Rational Examination Association of Lincoln Land, “a non-profit educational and scientific organization...dedicated to the development of rational thinking and the application of the scientific method toward claims of the paranormal and fringe-science phenomena” provides information on *juju*:

West Africa is the birthplace for the belief known as Voudon. This corner of the world is also a bastion for a system of fetish-based magic known as Ju-Ju. These belief systems are both heavily ensconced in sympathetic magic. Webster’s dictionary defines sympathetic magic as, “magic based on the belief that one thing or event can affect another at a distance as a consequence of a sympathetic connection between them.” Sympathetic magic is the attempt by a practitioner to control, or momentarily override, the forces of nature to achieve certain desired ends. Theoretically, such a practitioner possesses a piece of clothing, hair, nail clippings, or other personal objects for the target, to help influence their actions. Since there is an alleged invisible connection between the personal items and the person, the practitioner can use them to cast a powerful hex or spell on the target.

The Ju-Ju or Voudon practitioner attempts to bend the universe to his will. However, what most believers in sympathetic magic don’t realize is that there is really a complete absence of any special powers on the practitioner’s part. The magic men have one advantage only: the psychological fear of the believer. There is no empirical evidence for the existence, or the efficacy, of magical powers by any individual. Sadly, millions in West Africa have strong beliefs in the strength of sympathetic magic, which requires belief in a universe of unproven mysterious forces. As a result of this societal belief in the power of magic, the nations of Ghana, Nigeria, Togo, and Benin have a large population of magical practitioners. West Africa is a haven for them because many Africans have kept alive an ancient world view that still sees the universe as a place populated by ghosts and capricious spirits of every stripe. These Old Age beliefs hold many in the Cradle of Civilization bound by the chains of irrationality. Magical thinking has always had an adverse impact on pre-industrial societies faced with modernization and magical beliefs continue to have pernicious results on the African continent (Petraitis, Richard 2000, ‘Ju-Ju’s Fetish Slaves’, *The REALL News*, Vol. 8, No. 9, September, Rational Examination Association of Lincoln Land website, p.1 <http://www.reall.org/newsletter/v08/n09/reall-news-v08-n09.pdf> – Accessed 3 June 2009 – Attachment 29).

## **5. Do you have information on the “Area Boys” and their activities in Lagos?**

An article dated 12 June 2007 in *This Day* provides extensive information on the Area Boys and their activities in Lagos:

For the past two decades, the about 13 million residents of Nigeria’s biggest city have run the gauntlet of several thousand delinquent youths who roam the streets extorting money from anybody that catches their attention. Before now, their places of abode were Oshodi, Mushin and Ojuelegba, but today they are everywhere in the city, including Ikoyi, Victoria Island and Lekki which are exclusively reserved for the rich.

Known as Area Boys, Agberos or Alayes, they sprang up in the early 1980s. If you stay in Lagos, then you are probably quite familiar with the word Area Boys. As known as street urchins in other parts of the world, “Area Boys” have become a part of our environment and society. With no specific job description or role. Their activities range from extorting money from commercial bus drivers, illegal creating car parks in public places, harassment and

extortion of money from motorists and pedestrians, campaign agents for politicians, sole proprietorship of the black markets used to sell fuel during scarcities and just about any other odd job one might think of. Recently, they have robbery into their portfolio.

Many a Nigerian has had a bad experience with these Area Boys, and for some, it is been one experience too many. They have been made to part with money and precious items, while thanking God that their lives remained intact. In addition, area boys sometimes double as thieves and armed robbers during the night. Sometimes they carry out “Okada” robbery, dispossessing innocent pedestrians of their bags, phones and belongings, zooming off on their bikes before the victim has a chance to put himself together. These days, they operate even in traffic and vandalising vehicles, all to intimidate their victims to part with money and cell phones.

...Area Boys are now rampant all over the city. Their favourite hangouts are bus stops, major highways and markets. In broad daylight, they levy tolls on bus drivers, demand bribes from market women wanting to set up stalls for the day, patrol potential car-parking spaces and demand illegal fees from shoppers. They even threaten ordinary passer-bys, demanding “donations”.

A study by the Nigerian office of the United Nations (UN) on Drugs and Crime blamed their emergence on the “complex dynamics of socio-economic deprivation” that confronts young people in cities. While other Nigerian cities have their own hoodlums, there is nothing as brazen or ubiquitous as the Area Boys of Lagos. “The coercive and persuasive requests, petty crimes and sometimes-violent offences by the Area Boys to acquire resources, generally cash in the urban main business and crowded areas, has disturbed the civil society and defied the civic authority,” the 2002 UN report said.

For the Area Boys, the business of extortion is booming and unhindered even by the law enforcement agents. As a result of this, a lot of youth, especially artisans have abandoned their trade of mechanic, carpentry, electrician, driving, painting, farming tailoring amongst others to join the gangsterism of Area Boys. And because, to them the business is booming and unhindered, their number keep swelling daily with more youths from neighbouring states joining (Iriekpen, Davidson 2007, ‘Nigeria: Help! Area Boys Have Over-Run Lagos’, *This Day*, 12 June, allAfrica.com website <http://allafrica.com/> – Accessed 3 June 2009 – Attachment 30).

An article dated 17 November 2008 in *The Daily Independent* also provides extensive information on the Area Boys and their activities in Lagos:

There is no doubt that the Lagos State government is determined to transform the state into a world-class beauty. The ongoing beautification of the landscapes and aggressive renovation/construction of roads and bridges are pointers to this.

One thing that might however rubbish the efforts of the government and subtract significantly from the accolades that are supposed to trickle in is the conspicuous presence of social miscreants otherwise referred to as touts or ‘area boys’ at the bus stops with fearful aggression written all over them. No bus stop in the state is free. From the small ones in the interior roads to the big ones on the major roads and expressways, the touts are everywhere. And perhaps because of the air of festivity blowing now, in the past two weeks, there seems to be an upsurge of touting with corresponding aggressions.

Bus stops around Oshodi, particularly the one after the headquarters of the LASTMA [Lagos State Traffic Management Authority] along Anthony Oke Road, are arguably the worst. Trailing closely are the ones at Ojota along Ikorodu Road and then followed by few others on



Mile 2 -Badagry and Apapa-Oshodi Express roads. At Oshodi, the fear of this bus stop after the LASTMA office is the beginning of wisdom. Because of the touts, who normally line up on the road, many a passenger dare not disembark anyhow because of the security risks they pose.

Reeking of alcohol and wraps of Indian hemp dangling on their lips, they unleash terror not only on the commercial motorists, but also on innocent passengers. Tales of pick-pocketing are very common at the park, just as private motorists, who are unfortunate to have their vehicles develop faults there, have also had unpalatable tales to tell, as they were either 'levied' before they could leave or robbed outright by the touts. The situation is similar in most of other bus stops.

...Apart from stealing and robbery, the touts are a dreadful lot when it comes to violence. They generously employ dangerous weapons, such as knives, cutlasses, and broken bottles, among others, when they go on the offensive. In fact, they relish violence because it is through violent acts that some of them have the opportunity of having a say at the bus stop where they are operating like the lords of the manor. For instance, currently in Agege and Meiran and their environs, the touts appear to be on what can be described as 'show of force', as they make life difficult for tricycle operators. The touts, according to reports, are attempting to take over motor parks forcefully so that they can have the right to tax the tricycle operators. Unable to bear their activities and trying to avoid the potential bloodshed that might ensue, the Chairman of the Tricycle Operators Association in the area, Joseph Odusanya, dispatched a 'save our soul message' to Governor Babatunde Fashola and the State Police Command.

"I am using this forum to call government and police attention to the nefarious activities of some touts, who claim to be factional union in some of our parks where they threaten to assault and maim our members...We are law-abiding citizens, we don't want violence and chaos, that is why I am crying out for government and police to come to our aid," the letter read in part.

Curiously, at some of the bus stops where these touts operate, policemen are also there looking the other way. Because of them (touts), it is commonplace to see commercial drivers jump at offers to pick military personnel who they put on the front seat to deter the hoodlums from harassing them.

Lagos is known to have at some points gone after the so-called 'area boys', but the steam of the battle easily eased off, leading to their resurgence within a short period. During the Brigadier-General Buba Marwa administration, there were constant raids until the touts went underground. The administration of Bola Tinubu also made several attempts to curb the visibility and menace of touts in the state, as many of them were arrested and taken to rehabilitation centres. Observers believe that more than ever before, now is the time to deepen the battle, as the government moves to intensify its drive towards making the state a mega city (Ebimomi, Victor 2008, 'Nigeria: Touts Still On Rampage in Lagos', *Daily Independent*, 17 November, allAfrica.com website <http://allafrica.com/> – Accessed 3 June 2009 – Attachment 31).

International Crisis Group (ICG) reports that the vagrant youths in Nigeria including the Area Boys in Lagos "are the ready pool from which politicians recruit thugs to fight their opponents." ICG continues:

Widespread illiteracy and poverty make the lower socioeconomic classes readily available to be drafted into odd jobs, including acts of political violence. A majority of the foot soldiers of electoral violence are drawn from the teen and adolescent age groups. Large numbers of these



vagrant, mostly jobless and potentially violent youths are found in Lagos where they are known as “area boys”, but similarly large numbers are also in such cities as Warri (where they are also known as “area boys”), Port Harcourt in Rivers State (“ofio boys”); Ile-Ife in Osun State (“omoita renegades”); Calabar in Cross River (“agaba boys”) and Kano in Kano State (“Yandaba”). These youths, some of whom work in urban transport, are the ready pool from which politicians recruit thugs to fight their opponents (International Crisis Group 2007, *Nigeria’s Elections: Avoiding a Political Crisis*, 28 March, p.11 – Attachment 32).

**6. Do you have information on a church run by Jide Macaulay and what happened to it and its members?**

Question 3 of *Research Response NGA34366* dated 6 February 2009 provides information on Jide Macaulay and the MCC’s House of Rainbow in Lagos. Relevant extracts have been included below.

The House of Rainbow MCC Blog provides information on the House of Rainbow in Lagos:

**1. Why the need for another church in Lagos Nigeria?**

Within religious circles there exists great tension over the issue of including homosexuals. For persons who are Lesbians, Gays, Bisexuals, and Transgender, there are too few or perhaps no places that wholly affirm these individuals who are Christians, self-affirming, and homosexuals. It is our calling to provide a corrective and a viable alternative. We desire to be a place of extravagant welcome for all persons – especially persons seeking a community built on honesty, openness, and equity. We believe the call that we have received comes from God and is both specific and radical. We seek to reach persons on the margins of society and make the table of the Lord accessible to all.

**2. What is your denominational affiliation?**

We are affiliated with the denomination of the Universal Fellowship of the Metropolitan Community Churches, founded on the 6th October 1968, in Los Angeles United States of America, founded by Rev Elder Troy D. Perry; the mission is currently under the leadership of Rev Elder Nancy L. Wilson as Moderator. We are a denomination working for unity and justice in both church and society.

**3. What is Radical Inclusivity?**

Radical inclusivity is the belief that all persons are welcome at the table. Inclusivity challenges major fundamental, deep-seated beliefs, doctrines and theologies at the centre of society which characterize people on the edge as enemies of God and routinely mistreats, oppresses and excludes people from the community of faith and its institutions.

**4. What will the worship experience look like at House Of Rainbow, Metropolitan Community Church Lagos Nigeria?**

Our worship style is celebrative and contemplative – free and open to the Spirit. We will seek to provide a rich blend of a variety of traditions – Pentecostal, Baptist, Apostolic, Methodist – just to name a few. We seek to provide an experience that values ritual, tradition, and yet one that is open to a God who is still speaking. We will also provide a space for persons to examine the deeper meaning of our traditions and faith expressions. Whether it is through our powerful praise and worship, the performing arts, or through social ministry that is grounded in love, we will seek to be a balanced people who embody the transforming and liberating love of Jesus Christ.

## 5. How do I become a member?

Membership is open to all. We now hold weekly bible studies, regular Membership Foundation Class and other programmes. Please contact us at [houseofrainbow@hotmail.com](mailto:houseofrainbow@hotmail.com) to receive information regarding time and location ('Why Do We Need Another Church In Nigeria?' 2008, House of Rainbow MCC Blog, 24 April <http://houseofrainbowmcc.blogspot.com/search?updated-min=2008-01-01T00%3A00%3A00-08%3A00&updated-max=2009-01-01T00%3A00%3A00-08%3A00&max-results=10> – Accessed 9 June 2009 – Attachment 33).

Anene Ejikeme, Assistant Professor of African History at Trinity University provides the following information on Jide Macauley and the House of Rainbow in Lagos:

### **Tell us about the Reverend and what he did in this town?**

The reverend comes from a very well known and distinguished family. They are known as nationalist and religious leaders—a bit like saying the name “Bush” in America. Rev. Jide’s own father is a minister. Reverend Jide was married, had children and was living the life of a minister in London. Then it came out that he had had a relationship with a man. He was publicly outed, kicked out of his church, his marriage dissolved and he became depressed and suicidal. His relationship with his father is very complicated. All of this happened in London. This is someone, you have to understand, who grew up not just in the church but as a child of a minister. It was devastating.

One day, he was invited to an inclusive church, I believe, by South African friends. Here was an entirely different church – his own church had rejected him and here was a church that welcomed him...and welcomed everybody. Eventually, he was accepted into this church. They accepted his ordination and recognized him as a pastor. He joined that church for some time and then decided to return to Nigeria to open a church, believing that he could be of service to many people, knowing there must be many people like him (i.e., homosexuals,) undoubtedly, who had no one to minister to them. So he went to Nigeria and started a church: The Church of Rainbow, which was affiliated with the Metropolitan Community Churches (MCC). The Church of Rainbow was based in Lagos, the largest city in Nigeria.

### **Tell us about the Church itself.**

The church services were held once every two weeks in a space they rented from a local hotel. They didn’t have the money to buy or construct a building of their own, which was a function of their limited resources. They simply couldn’t afford to meet every week because they couldn’t afford to rent the hall that often. I was able to speak with the workers at the hotel. That was quite interesting. It was clear that they did not approve of this kind of church. But they were paying customers and the hotel welcomed the income. The staff was very unhelpful whenever there was a problem. Reverend Jide and some of his close associates were afraid they would soon be losing that space. Indeed this was not the first space they rented or that they had lost, either because of cost or bigotry. It is part of the harassment; you pay your money and are still unwelcome. At the same time, I understand the position of the hotel. Clearly, the presence of the church service, with the 60 or so people who look a bit different, exposes the hotel to attack as well.

When I was visited, there was only one other woman and the rest of the congregants were men. They came from far and wide. Most people came from Lagos but some people came from farther afield in Nigeria. What I found was the atmosphere was very joyous. I spoke to several of the church members afterward. Once every two weeks, was for all of them, a major

event on their calendars. There were no heterosexual men at this service, but the sole woman was straight. When I asked her why she chose to attend this church, she told me that she had been to several others but that this was the church where she felt happiest. At this particular church, the talk was all about love. In other churches she visited and even joined, the pastors were all talking about hell ('Interview with Professor Anene Ejikeme on Homosexuality in Nigeria' 2009, House of Rainbow MCC Blog, 30 January

<http://houseofrainbowmcc.blogspot.com/search?updated-min=2009-01-01T00%3A00%3A00-08%3A00&updated-max=2010-01-01T00%3A00%3A00-08%3A00&max-results=33> – Accessed 9 June 2009 – Attachment 25).

An article posted on the EDGE Boston website on 17 April 2008 reports on the MCC's House of Rainbow in Lagos. The MCC is "a Protestant denomination that was founded to be gay friendly":

MCC works mostly in the capital, the sprawling city of Lagos. Its House of Rainbow is a community of very young gay men, for whom MCC offers a spiritual home and a safe space to be themselves "in a country where just to exist is a criminal act and punishable in some very extreme ways." House of Rainbow also serves as a hiding place where LGBT Nigerians receive counseling and support from others who are gay.

...MCC has sent people there just to eyewitness the experience and provide some financial support for the community (Stiffler, Scott 2008, 'Nigeria: Hotbed of Homophobic Violence', EDGE Boston website, 17 April

<http://www.edgeboston.com/index.php?ch=news&sc=glbt&sc2=news&sc3=&id=73209> – Accessed 4 February 2009 – Attachment 16).

According to the House of Rainbow MCC Nigeria, "Violence against LGBT people is frequent in Nigeria." The House of Rainbow MCC Nigeria provides the following information on the treatment of members of their congregation:

Since May 2008, several national newspapers published articles criticizing our organization, many of the articles included names, addresses, and photographs of members of the congregation and the pastor. Police harassment and threats forced the church to shut down and the pastor to retreat for safety. Some members of the congregation lost their jobs and were evicted from their homes and had to go into hiding, and several of them continue to be under threat of physical harm and harassment on the ground of their sexual orientation ('Statement of House Of Rainbow Metropolitan Community Church Nigeria' 2009, House of Rainbow MCC Blog, 11 March <http://houseofrainbowmcc.blogspot.com/2009/03/house-of-rainbow-metropolitan-community.html> – Accessed 9 June 2009 – Attachment 6).

HRW reports that in "September 2008, several national newspapers published articles criticizing a Christian church in Lagos that ministers to LGBT people: the articles included names, addresses, and photographs of members of the congregation and the church's pastor. Police harassment and threats forced the church to shut down and the pastor to flee the country. Some members of the congregation lost their jobs and homes and had to go into hiding, and several of them continue to be under threat of physical harm and harassment." The US Department of State reports that on 12 September 2008, "local newspapers *Nation*, *Vanguard*, *PM News* and the *Sunday Sun* published photos, names, and addresses of members of the House of Rainbow Metropolitan Community Church, a lesbian, gay, bisexual, and transgendered-friendly church in Lagos. Following publication, persons started harassing the 12 members. One woman was attacked by 11 men, while others were threatened, stoned, and beaten. No investigation was initiated by year's end" (Human Rights Watch 2009, 'Bill Would Assault Rights of All, Reinforce Punishment for Homosexual Conduct', 26 January

<http://www.hrw.org/en/news/2009/01/26/nigeria-reject-same-gender-marriage-ban> – Accessed 4 February 2009 – Attachment 14; and US Department of State 2009, *2008 Human Rights Report: Nigeria*, 25 February, Section 5 ‘Other Societal Abuses and Discrimination’ – Attachment 34).

Professor Anene Ejikeme reports that Jide Macauley has fled Nigeria and lives in the UK and the House of Rainbow is not meeting regularly:

### **What happened to the church ultimately?**

They are not meeting regularly right now. Rev. Jide had to flee because they were outed in the newspapers. Once that happened, several individuals from the congregation were attacked and they had to stop meeting. Reverend Jide is one person who had spoken out publicly against a law proposed to criminalize homosexuality and other issues concerning gays in Nigeria. He is now in the UK and maintains a very active presence on the Internet (‘Interview with Professor Anene Ejikeme on Homosexuality in Nigeria’ 2009, House of Rainbow MCC Blog, 30 January <http://houseofrainbowmcc.blogspot.com/search?updated-min=2009-01-01T00%3A00%3A00-08%3A00&updated-max=2010-01-01T00%3A00%3A00-08%3A00&max-results=33> – Accessed 9 June 2009 – Attachment 25).

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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/>

BBC News <http://news.bbc.co.uk/>

IRIN News <http://www.irinnews.org/>

#### **Topic Specific Sites – Homosexuality**

365 Gay <http://www.365gay.com/>

The Advocate <http://www.advocate.com/>

Asylum Law (Sexual Minorities & HIV Status) <http://www.asylumlaw.org/>

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*UK Gay News* <http://ukgaynews.org.uk/>

### **Search Engines**

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

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FACTIVA (news database)

BACIS (DIAC Country Information database)

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